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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. Question of the human rights of all persons subjected
to any form of detention or imprisonment 1/

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, which was adopted by the General Assembly in resolution 3452 (XXX) on 9 December 1975,

Recalling that by resolution 3453 (XXX) of 9 December 1975 the General Assembly had requested the Commission on Human Rights to study the formulation of a body of principles for the protection of all persons under any form of detention or punishment,

1. Requests the Secretary-General to transmit to all Governments the revised body of principles as contained in paragraph 109 of E/CN.4/1296 for the protection of all persons under any form of detention and imprisonment, to solicit their comments and to report to the General Assembly at its thirty-fifth session, so that the General Assembly can consider their adoption;

2. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to request Mrs. Questiaux to continue the study on the implication for human rights of states of siege and emergency.

II. Draft convention on torture and other cruel, inhuman or
degrading treatment or punishment 2/

The Economic and Social Council,

Recalling General Assembly resolution 32/62 of 8 December 1977 by which the Commission on Human Rights was requested to draw up a draft convention on torture and other cruel, inhuman or degrading treatment, or punishment, and General Assembly resolution 33/178 of 20 December 1978 by which the Commission was requested, at its thirty-fifth session, to give high priority to the question of drafting such a convention,

Considering that it was not found possible to complete the work on the convention during the thirty-fifth session of the Commission,

1/ See chap. XXIV, sect. A, resolution 17 (XXXV), and chap. VIII.

2/ See chap. XXIV, sect. A, resolution 18 (XXXV), and chap. VIII.

Taking note of the Commission on Human Rights resolution 18 (XXXV),

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-sixth session of the Commission on Human Rights to complete the work on a draft convention against torture;

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-sixth session all relevant materials relating to the draft convention.

III. Further promotion and encouragement of human rights and fundamental freedoms 3/

The Economic and Social Council,

Recognizing the responsibilities of the Commission on Human Rights under the Charter of the United Nations,

In conformity with General Assembly resolutions 32/130 of 16 December 1977, and 33/104 and 33/105 of 16 December 1978,

Recalling the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in furthering promoting international co-operation for respect for and observance of human rights and fundamental freedoms, as required by the Charter,

Noting the increase in the workload of the Division of Human Rights as a result, inter alia, of the entry into force of the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid,

1. Notes that, in conformity with the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant international instruments, in fulfilling its tasks as laid down in Council resolution 5 (I) of 16 February 1946, and as amended by resolution 9 (II) of 21 June 1946, the Commission on Human Rights should take into account the concepts contained in General Assembly resolution 32/130 of 16 December 1977;

2. Reaffirms that the Commission on Human Rights will be guided by the standards in the field of human rights as laid down in the various international instruments in that field;

3. Decides, further, to add the following provisions to the terms of reference of the Commission as contained in the Council's resolution 5 (I) of 16 February 1946 as amended by resolution 9 (II) of 21 June 1946:

"The Commission shall assist the Economic and Social Council in the co-ordination of activities concerning human rights in the United Nations system";

3/ See chap. XXIV, sect. A, resolution 22 (XXXV), and chap. IX.

4. Authorizes:

(a) an increase in the membership of the Commission on Human Rights to 43 members, while maintaining equitable geographic distribution in its membership; ^{4/}

(b) regular meetings of the Commission for six weeks each year, with an additional week for meetings of working groups;

5. Notes that in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business, including for the purpose of the drafting of human rights instruments;

6. Requests the Commission on Human Rights to prepare suggestions on the possibility of convening meetings of the Bureau of the Commission in intersessional periods in exceptional circumstances;

7. (a) Requests, in order to enable the Commission on Human Rights to carry out the study asked for in General Assembly resolution 33/54 of 14 December 1978, those specialized agencies and other organs and bodies within and related to the United Nations system which are, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms, to provide the Secretary-General with a short survey of their human rights activities and programmes;

(b) Further requests the Secretary-General to compile for the Commission on Human Rights at its thirty-seventh session an analytical presentation of the material submitted pursuant to paragraph (a) above;

(c) Notes that the Commission on Human Rights, at its thirty-seventh session, may wish to set up a sessional working group to study the material compiled and to make proposals if it deems it appropriate for the co-ordination of specific human rights activities and programmes within the United Nations system.

8. Requests the Secretary-General, in the light of the increases in the workload of the Division of Human Rights, to examine the question of the staffing and other resources of the human rights sector of the Secretariat with the view that it should always be at a level that allows it to discharge its duties efficiently;

9. Emphasizes the value of the programme of advisory services in the field of human rights and reaffirms that this programme should be maintained and developed;

10. Requests the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities, with a view to consolidating its effectiveness and resources, to examine its programme of work so as to identify specific areas for its concentrated attention and to make recommendations thereon to the Commission on Human Rights;

11. Decides that the annual session of the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities may be extended to four weeks;

^{4/} The principles of equitable geographic distribution indicate that the 11 additional seats should be distributed as follows: African States - 3, Asian States - 3, Latin American States - 2, Western European and other States - 2, Eastern European States - 1.

12. Expresses its appreciation to the Secretary-General for his efforts to continue rendering the good offices as envisaged in the Charter of the United Nations in the field of human rights;

13. Notes General Assembly resolution 33/105 of 16 December 1978 which requested the Commission to take into account, in continuing its work on the overall analysis, the views expressed on the various proposals, including a post of United Nations High Commissioner for Human Rights and that the Commission could not reach an agreement on the latter;

14. Requests the Commission on Human Rights to continue its work on the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and the examination of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms;

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

IV. Yearbook on Human Rights 5/

The Economic and Social Council,

Recalling its resolution 1793 (LIV) of 18 May 1973,

Having noted General Assembly resolution 33/171 of 20 December 1978,

Considering that the Yearbook on Human Rights is an important means of disseminating information on developments at the national and international level concerning the promotion and protection of human rights,

Bearing in mind that States which have become parties to such international instruments as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, submit reports on an established basis in accordance with the requirements of those instruments,

Mindful that the system of periodic reports established under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965 continues to provide a useful source of information on human rights developments in States which are not participating in reporting procedures established under the relevant international instruments,

Considering that the Yearbook on Human Rights should be conceived to reflect human rights developments in a maximum number of States,

1. Decides that henceforth the part of the Yearbook on Human Rights devoted to national developments shall consist of extracts from reports made by States under such instruments as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, or the International Convention on the Elimination of All Forms of Racial Discrimination, and from the periodic reports submitted by States under the reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965;

5/ See chap. XXIV, sect. A, resolution 26 (XXXV), and chap. IX.

2. Decides that States will no longer be invited to submit separate contributions either directly or through correspondents for inclusion in the Yearbook; however, individual States wishing to provide a contribution intended specifically for the Yearbook shall be free to do so;

3. Further decides that, beginning as soon as possible the Yearbook be issued annually in accordance with the guidelines annexed to the present resolution;

4. Recommends that an appropriate date be adopted for the issuance of the Yearbook and that the same date be adhered to thereafter.

ANNEX

GUIDELINES FOR THE CONTENTS AND FORMAT OF THE YEARBOOK ON HUMAN RIGHTS

INTRODUCTION - The introduction would refer to the legislative authority for the publication and would give a brief description of the organization and contents of the Yearbook. It would also give the sources of information, including a list of States from which reports had been received, during the period covered.

PART ONE: "National developments"

Part one would consist of material reflecting legislative, administrative, judicial and other national measures and court decisions. The material would be selected from government reports submitted under the international human rights instruments, periodic reports submitted by States under the reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1975, or contributions submitted by States intended specifically for the Yearbook. The material would be arranged under country headings with subheadings by subject and would include information on Trust and Non-Self-Governing Territories. Appropriate documentary references would be given in footnotes.

PART TWO: "Activities of the supervisory bodies"

Part two would consist of two separate sections:

Section A to reflect the practice of the supervisory bodies concerning the examination of government reports, and, as appropriate, reports from specialized agencies, and other tasks entrusted to those bodies under the relevant international instruments. This section would consist of extracts of the reports of supervisory bodies to the respective parent organs, with appropriate documentary references given in footnotes.

Section B to include relevant decisions, general recommendations, general comments and observations adopted by the supervisory bodies in connexion with their examination of reports submitted by Governments and the specialized agencies concerned, and other tasks entrusted to those bodies under the international instruments. The relevant decisions and resolutions of the parent bodies (i.e. General Assembly, Economic and Social Council, Commission on Human Rights) could also be included.

PART THREE: "International developments"

Part three would consist of other international developments and activities in the field of human rights in the United Nations system drawn up along the lines of part III of the Yearbook on Human Rights for 1973-1974, 6/ but excluding activities that would be covered in part two. Part three would also include extracts from important documents adopted by the relevant organs of the United Nations system or submitted in accordance with decisions of such organs selected with a view to enhancing their wider dissemination, and statements of policy or principle by the Secretary-General on questions of human rights.

ANNEXES - Selected material could be included as annexes such as: (a) texts of general guidelines adopted in connexion with various reporting procedures; (b) status of the ratifications and accessions and reservations to international human rights instruments; (c) list of documents of the United Nations system of interest within the field of human rights.

INDEX - A subject index to be included.

B. Draft decisions

1. 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 7/

The Economic and Social Council, noting Commission on Human Rights resolution 4 (XXXV), invites the Secretary-General, in co-operation with UNESCO and other competent specialized agencies, to follow up the study undertaken in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) with a study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and to make this study available for consideration by the Commission on Human Rights at its thirty-seventh session.

2. 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 8/

The Economic and Social Council, noting Commission on Human Rights resolution 5 (XXXV), requests the Secretary-General to organize in 1980, within the framework of the advisory services programme, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

6/ United Nations publication, Sales No. E.76.XIV.1.

7/ See chap. XXIV, sect. A, resolution 4 (XXXV), and chap. VI.

8/ See chap. XXIV, sect. A, resolution 5 (XXXV), and chap. VI.

3. Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 9/

The Economic and Social Council, noting Commission on Human Rights resolution 8 (XXXV), authorizes the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group of five of its members to meet for not more than three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme to implement the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination.

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 of the Commission on Human Rights in its resolution 11 (XXXV), in response to General Assembly resolution 33/175 of 20 December 1978, to authorize the Chairman of the Commission to appoint Mr. Abdoulaye Diéye as Special Rapporteur on the situation of human rights in Chile and to appoint as experts in their individual capacity, Mr. Felix Ermacora and Mr. Waleed M. Sadi, to study the question of the fate of missing and disappeared persons in Chile. The Council requests the Secretary-General to render to the Special Rapporteur and the experts appointed to study the question of the fate of missing and disappeared persons all the assistance which they might require in their work and requests the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of Commission resolution 11 (XXXV).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 11/

The Economic and Social Council, noting Commission on Human Rights resolution 12 (XXXV),

- (1) recommends that:
 - (a) the appropriate United Nations bodies, acting in consultation with the competent specialized agencies and particularly the International Labour Organisation should take the initiative of preparing an international convention on the rights of migrant workers;
 - (b) special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers which is in force in South Africa;
 - (c) Fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

9/ See chap. XXIV, sect. A, resolution 8 (XXXV), and chap. XV.

10/ See chap. XXIV, sect. A, resolution 11 (XXXV), and chap. III.

11/ See chap. XXIV, sect. A, resolution 12 (XXXV), and chap. IV.

- (d) on the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations, should publish an investigation into the lot of black children in South Africa.
- (2) requests the General Assembly:
- (a) to urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would censure the policy of apartheid, and provide information concerning specific new measures which their respective countries or national institutions had taken or were planning to take to combat apartheid;
- (b) to ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities;
- (c) to arrange for the organization at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, in which the Ad Hoc Group of Experts of the Commission on Human Rights would be invited to participate;
- (d) to arrange for a study to be made of the South African Government's legitimacy in view of its policy of apartheid and in particular its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact.

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 12/

The Economic and Social Council approves the decision of the Commission on Human Rights in its resolution 12 (XXXV) to renew the mandate of the Ad Hoc Working Group of Experts.

7. The situation of human rights in Equatorial Guinea 13/

The Economic and Social Council, noting Commission on Human Rights resolution 15 (XXXV), appeals to the Government of Equatorial Guinea to extend its co-operation to the Commission on Human Rights in connexion with the implementation of that resolution and approves the recommendation of the Commission that the material before the Commission on that matter under Council resolution 1503 (XLVIII) should no longer be restricted.

12/ See chap. XXIV, sect. A, resolution 12 (XXXV), and chap. IV.

13/ See chap. XXIV, sect. A, resolution 15 (XXXV), and chap. X, and footnote 29.

8. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live 14/

The Economic and Social Council, noting Commission on Human Rights resolution 16 (XXXV), decides that the study prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Baroness Elles, on the question of international legal protection of the human rights of individuals who are not citizens of the country in which they live, should be printed and given the widest possible dissemination.

9. Question of a convention on the rights of the child 15/

The Economic and Social Council noting resolution 19 (XXXV) of the Commission on Human Rights, brings to the notice of the General Assembly at its thirty-fourth session Commission resolution 19 (XXXV) and chapter XI of the Report of the Commission on Human Rights on its thirty-fifth session (E/1979/36).

10. National institutions for the promotion and protection of human rights 16/

The Economic and Social Council, noting Commission on Human Rights resolution 24 (XXXV), recommends to the General Assembly:

- (a) to put on the agenda for its thirty-sixth session the sub-item "National institutions for the promotion and protection of human rights",
- (b) to recommend to Member States that they associate representatives of their national institutions with the contents of the debate on the above sub-item.

11. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 17/

The Economic and Social Council, noting Commission on Human Rights decision 3 (XXXV) decides that the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. A. Cristescu on the historical and current development of the right to self-determination, and the report of the Special Rapporteur of the Sub-Commission, Mr. H. Gros Espiell on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, should be printed and given the widest possible distribution, including in Arabic.

14/ See chap. XXIV, sect. A, resolution 16 (XXXV), and chap. XIX.

15/ See chap. XXIV, sect. A, resolution 19 (XXXV), and chap. XI.

16/ See chap. XXIV, sect. A, resolution 24 (XXXV), and chap. IX.

17/ See chap. XXIV, sect. B, decision 3 (XXXV), and chap. VII.

12. 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 ^{18/}

The Economic and Social Council approves the decision of the Commission on Human Rights in its decision 13 (XXXV) to set up a working group composed of five of its members to meet for one week prior to its thirty-sixth 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-second session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations which the Commission has decided to keep under review.

13. Report of the Commission on Human Rights

The Economic and Social Council takes note of the report of the Commission on Human Rights on its thirty-fifth session.

^{18/} See chap. XXIV, sect. B, decision 13 (XXXV), 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 1480th to 1489th meetings, held from 14 to 21 February 1979.

2. By its resolution 1A (XXXIV) the Commission had decided to place this item on the provisional agenda of its thirty-fifth session as a matter of high priority. For its consideration of the question the Commission had before it the following documentation:

- (a) A report by the Secretary-General (E/CN.4/1308) submitted pursuant to the provisions of paragraph 14 of resolution 1A (XXXIV) on the measures taken to bring the resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity;
- (b) A note by the Secretary-General (E/CN.4/1309) submitted in pursuance of the provisions of resolution 1A (XXXIV), paragraph 15;
- (c) A note by the Secretary-General (E/CN.4/1307) submitted pursuant to the provisions of paragraph 10 of resolution 1A (XXXIV);

the following General Assembly documents: A/33/13, A/33/35 and Corr.1, A/33/181, A/33/286, A/33/287 and Corr.1, A/33/311, A/33/354, A/33/356, A/33/369 and A/33/385.

3. The Commission had also before it written statements submitted by the Women's International Democratic Federation (E/CN.4/NGO/238) and the World Peace Council (E/CN.4/NGO/241).

4. Finally the Commission had before it a letter dated 9 February 1979 from the Minister for Foreign Affairs ad interim of the Republic of Egypt to the Chairman of the Commission (E/CN.4/1339).

5. At the request of the permanent missions of Iraq and the Syrian Arab Republic, the following documents were made available to the Commission:
E/CN.4/L.1424 and Add.1 and 2.

6. At the Commission's 1480th meeting the Permanent Representative of Pakistan proposed that the Commission immediately send a telegram to the Government of Israel expressing deep and grave concern about the systematic torture of Palestinian detainees, and the policies of repression and collective punishment pursued by the Israeli occupation forces against the Palestinians in the Arab occupied territories, and calling on the Israeli Government to cease forthwith these practices, which were in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (Fourth Geneva Convention). (For the text of the telegram see chapter XXIV, sect. B, decision 2 (XXXV)).

7. Following a procedural discussion the Commission decided by 16 votes to 9, with 2 abstentions to waive the provision of rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council that proposals shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members. The Commission then decided to send the telegram by 19 votes to 3, with 8 abstentions. At the request of the representative of Iraq the vote was taken by roll-call. The voting was as follows:

In favour: Brazil, Bulgaria, Burundi, Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Canada, United States of America.

Abstaining: Austria, Colombia, France, Germany, Federal Republic of, Ivory Coast, Portugal, Sweden, Uruguay.

Benin and Panama were absent.

8. On the item as a whole, the Commission heard statements by the observers for Algeria (1486th meeting), Argentina (1486th meeting), Ethiopia (1487th meeting), the German Democratic Republic (1482nd and 1484th meetings), Israel (1481st and 1483rd meetings), Jordan (1486th and 1487th meetings), the Libyan Arab Jamahiriya (1486th meeting), Somalia (1487th meeting) and the representative of the Palestine Liberation Organization (1482nd and 1486th meetings).

9. The Commission also heard statements by the following non-governmental organizations in consultative status: the World Federation of Trade Unions (category I) (1488th meeting), and the International Indian Treaty Council (category II) (1481st meeting).

10. Most of the speakers praised the report (A/33/356) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and commended the Special Committee's members for the manner in which they had carried out their mandate despite Israel's continuing refusal to co-operate.

11. Most speakers expressed grave concern at the continuing deterioration of the situation in the occupied Arab territories, including Jerusalem, since the Commission's last session. Several among them stressed that the fundamental violation of human rights lay in the very fact of occupation, and referred to the conclusions reached by the Special Committee in its report.

12. Mention was made in that connexion of the evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and the denial of their right to return, the confiscation and expropriation of Arab property in the occupied territories, collective punishment, mass arrests, administrative detention, the ill-treatment of civilians and detainees, the pillaging of archaeological and cultural property, interference with religious freedoms and practices as well as family rights and customs, and continuous interference with and obstruction of educational and scholastic activities.

13. Many speakers drew a parallel between zionism and apartheid and expressed the view that such racist régimes should be excluded from the international community. A parallel was also drawn between Nazi policies against the Jews and Israeli brutalities against the people of Palestine. The representative of the United States objected to the zionism-racism parallel being drawn; such statements did a disservice not only to the Commission but to the cause of human rights everywhere.

14. Several speakers paid particular attention to allegations of systematic torture of Arab detainees by Israeli authorities as reflected recently by the world press and the latest above-mentioned report (A/33/356) of the Special Committee. One speaker pointed out that the case of government-sanctioned systematic torture had not been established.

15. Deep concern was expressed by many delegations about the Israeli military Government's continued practice of mass demolition, blowing up and sealing of Arab houses.

16. Several speakers expressed the view that 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 constituted a gross violation of international law and of the provisions of the United Nations Charter, and stressed that peace could not be attained without Israeli withdrawal from all the occupied territories.

17. Most delegations supported the right of the Palestinian people to self-determination and to the exercise of their inalienable rights, including return to their homeland, independence and national sovereignty, but different opinions were expressed as to the means to be employed in securing enjoyment of those rights. One delegation stressed the need to respect, in that process, the territorial integrity of the State of Israel.

18. The applicability of the Geneva Convention to the occupied territories was reaffirmed. Several speakers also deplored the fact that Israel did not recognize that the Geneva Conventions of 1949 applied to the occupied territories.

19. Attention was drawn to certain grave breaches of the Fourth Geneva Convention, and in particular article 33 thereof, as evidenced by the sentences which military courts in the occupied territories passed on parents for offences committed by their minor children.

20. Several speakers referred to the current negotiations at Camp David with a view to a settlement of the Middle East problem. Some expressed the opinion that these bilateral efforts at negotiation were doomed to failure. Disapproval was expressed of any partial and fragmented approach to peace which would disregard the rights of the Palestinian people to self-determination, as proclaimed by General Assembly resolutions 3376 (XXX), 32/5, 32/14, 32/20, 32/40, 32/42, 32/90, 32/91, 32/122, 32/161, 32/171 and 33/113.

21. A number of delegations condemned the policy of separate deals, pointing out that only a comprehensive peace settlement in the Middle East would lead to the elimination of gross and mass violations of human rights in that area.

22. The representative of the United States of America stated that peace in the Middle East and the human rights situation could not be separated and that the success of the Camp David negotiations and the establishment of a just peace in the Middle East would resolve the human rights problem.

23. The Egyptian representative affirmed that the two Camp David agreements constituted a framework and a basis for the global settlement of the Middle East conflict, a settlement the sole purpose of which was the liberation of all the occupied Arab territories and the enjoyment by the Palestinian people of all their inalienable rights. The agreements were operational agreements to give effect to Security Council resolution 242 (1977). He confirmed that Egypt remained faithful to the commitments which it had undertaken in order to enable the Palestinian people to enjoy all their rights.

24. The representative of the Palestine Liberation Organization said that the Camp David agreements constituted a serious infringement of the Palestinian people's right to self-determination, which had been reaffirmed in various relevant resolutions of the United Nations General Assembly. The Camp David agreements, as bilateral agreements between Egypt and Israel, could not concern

the Palestinian people, and any agreement between those two parties relating to the Palestine problem was considered by the Palestine Liberation Organization to be null and void.

25. The representative of the Syrian Arab Republic said that the Camp David agreements were a conspiracy against the Arab nation and a gross violation of the inalienable right of the Palestinian people to return to their homeland, and to self-determination and independence, rights which had been recognized by the United Nations since 1948. The Arab people would nullify the effects of the conspiracy incarnated at Camp David between the United States of America, Israel and Egypt. The Ninth Baghdad Arab Summit Conference and the historic Syrian-Iraqi joint charter were the only answer to the Camp David conspiracy. He reaffirmed that the Palestine Liberation Organization was the sole representative of the people of Palestine both inside and outside occupied Palestine. In conclusion, he drew a clear distinction between zionism and judaism, the first being a colonialist movement and the second a religion.

26. The observer for Israel rejected the accusations levelled against zionism, and rejected their anti-semitic character. He deplored the fact that the Commission had agreed at its 1480th meeting to send a telegram without considering evidence or hearing Israel's side of the matter. He questioned the credibility of the sources for allegations of systematic torture of Arab detainees, and expressed doubts regarding the establishment and composition of the Special Committee, and deplored its lack of objectivity. He expressed the view that the Fourth Geneva Convention did not prohibit demolition of houses; he also maintained that Israeli settlements would not constitute an obstacle to peace, and that the final borders between Israel and its neighbours would be determined as a result of the negotiating process.

27. A draft resolution was submitted by Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Senegal, the Syrian Arab Republic and Yugoslavia (E/CN.4/L.1421, draft resolutions A and B). The draft resolution was introduced by the representative of India at the 1486th meeting; Burundi and Uganda joined as sponsors. Four representatives (Australia, France, Federal Republic of Germany and Uruguay) objected to the wording of draft resolution A and in particular to the phrase "war crimes and an affront against humanity", or made reservations.

28. Draft resolutions A and B contained in document E/CN.4/L.1421 were put to the vote at the 1489th meeting on 21 February 1979.

29. At the request of the representative of Iraq, a vote by roll-call was taken on draft resolution A. The draft resolution was adopted by 20 votes to 2, with 9 abstentions. The voting was as follows:

In favour: Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, the United States of America.

Abstaining: Australia, Austria, Brazil, France, Germany, Federal Republic of, Ivory Coast, Portugal, Sweden, Uruguay.

30. Draft resolution B was adopted without a vote.

31. For the texts of the resolutions, see chapter XXIV, section A, resolutions 1 A and B (XXXV).

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

32. The Commission considered agenda item 5 at its 1497th to 1500th, 1506th and 1508th meetings held from 27 February to 6 March 1979.

33. In its resolution 12 (XXXIV) of 6 March 1978, the Commission had decided to consider at its thirty-fifth session, as a matter of high priority, the question of the violation of human rights in Chile, and extended the mandate of the Ad Hoc Working Group established by Commission resolution 8 (XXXI) of 27 February 1975 to inquire into the situation of human rights in Chile. It requested the Group 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. In the same resolution the Commission requested 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.

34. 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, was composed as follows: 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).

35. The Ad Hoc Working Group submitted its report to the General Assembly at its thirty-third session in document A/33/331. The General Assembly adopted resolution 33/175 of 20 December 1978 which, inter alia, invited the Commission to appoint, in consultation with the Chairman of the Group, from among members of the Group as presently constituted, a Special Rapporteur on the situation of human rights in Chile, and also invited the Commission to consider at its thirty-fifth session the most effective ways of clarifying the whereabouts and fate of missing persons in Chile. It also urged the Chilean authorities to co-operate with the Special Rapporteur and requested the Commission on Human Rights to submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a progress report on action taken in compliance with the resolution. Finally, in resolution 33/174 of 20 December 1978, the General Assembly decided to establish a voluntary United Nations Trust Fund for Chile. The General Assembly also adopted resolution 33/176 of 20 December 1978 entitled "Importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile".

36. The Commission had before it the following documents:

(a) The report of the Ad Hoc Working Group to the General Assembly at its thirty-third session (A/33/331);

(b) The report of the Ad Hoc Working Group to the Commission on Human Rights at its thirty-fifth session (E/CN.4/1310);

(c) A written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in category I consultative status (E/CN.4/NGO/235);

(d) A written statement submitted by the Women's International Democratic Federation, a non-governmental organization in category I (E/CN.4/NGO/239);

(e) A written statement submitted by the International Commission of Jurists, a non-governmental organization in category II consultative status (E/CN.4/NGO/248).

37. The Commission heard statements by the observers for Czechoslovakia (1499th meeting), Hungary (1499th meeting), German Democratic Republic (1500th meeting), Mongolia (1500th meeting) and Chile (1506th meeting).

38. The representative of the Palestine Liberation Organization and the representatives of the following non-governmental organizations in consultative status made statements: Afro-Asian People's Solidarity Organization, Christian Democratic World Union, International Commission of Jurists, International Confederation of Free Trade Unions, International Indian Treaty Council, Women's International League for Peace and Freedom, World Federation of Trade Unions, World Peace Council.

39. At the 1497th meeting the Chairman-Rapporteur of the Ad Hoc Working Group, Mr. Ghulam Ali Allana, introduced the Group's report contained in document E/CN.4/1310. Following the conclusion of the debate he drew attention to the fact that the large majority of representatives supported the Group's report; he called for the collaboration of all countries, particularly the Government of Chile, in the work of the Special Rapporteur, the Trust Fund and such persons as might be appointed to investigate the fate of missing persons.

40. Most of the speakers expressed appreciation to the Ad Hoc Working Group for its valuable work and commended the objectivity of its reports. Some speakers expressed surprise at the dissolution of the Group, and one speaker proposed that its mandate should be renewed. Others said that the work of the Ad Hoc Group, and the visit it had made to Chile to investigate violations of human rights in that country, constituted important precedents for the future activities of the Commission.

41. Some speakers expressed appreciation of the co-operation of the Government of Chile in allowing the Group to carry out the investigation, while other representatives stressed the fact that it likewise constituted a precedent for future investigations of gross violations of human rights in other countries. Others maintained that the investigation was exceptional and could therefore not serve as a precedent for all future cases. One representative asked that all investigations concerning Chile should be terminated.

42. Several speakers expressed approval of the report prepared by the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Antonio Cassese, entitled "Study of the impact of foreign economic aid and assistance on respect for human rights in Chile" (E/CN.4/Sub.2/412) and drew the Commission's attention to the adverse effects of foreign economic assistance on human rights.

43. Several speakers said during the discussion that the United States Government and particularly its agencies, and other Western Governments as well as multinational corporations, should bear responsibility for the situation that existed in Chile, as they had contributed to the planning of the coup d'état that toppled the previous democratically elected Government and brought the military régime to power. Several speakers also said that since September 1973 Chile, previously known for its democratic traditions, had been in a state of lawlessness, violence and arbitrariness.

44. Many representatives expressed concern over the continued violations of fundamental human rights in Chile. Some considered that the situation had not improved to any significant extent despite the work of the United Nations

and the entire international community, and that violations of human rights not only continued to form part of the policy of the Government of Chile, but were even more serious than the Group had been able to show. Others said that there had been some improvement over previous years but that the situation was still serious. Most speakers felt that the vigilance of the international community concerning the human rights situation in Chile should be maintained.

45. Several speakers expressed concern at the continuation of states of exception - such as state of siege and state of emergency - the increase in the number of arrests and detentions in recent months, the existence of cases of torture, persecution and intimidation, and the powers exercised by security organizations, which seemed greater than those conferred by law. Reference was also made to the fact that the Chilean courts gave the individual no protection against such violations of human rights.

46. Many representatives expressed indignation at the lack of explanation by the Government of Chile concerning missing persons and at the inadequacy of the investigations made. They mentioned in particular the recent discoveries of bodies, some of which had been identified as belonging to persons previously arrested by military personnel and officially listed as detainees. Some speakers said that the crimes which had been committed should not go unpunished and that the amnesty decreed by the Government seemed to protect those who had been responsible for the disappearances. Other speakers requested that measures should be worked out whereby the international community would be able to co-operate with the Government of Chile in the investigation of those cases.

47. Several representatives expressed concern at the lack of political rights in Chile, and particularly at the failure of the institutional plan to provide for restitution of such rights in the near future. Some also expressed concern at the refusal of the Government to allow exiled citizens wishing to return to enter the country.

48. Some representatives said that the provisions adopted by the Government in the field of trade unions, together with the restrictions on the right of association and assembly and the economic and social situation of certain sectors of the population, including rural workers and indigenous communities, showed that the economic, social and cultural rights of the people of Chile were still being violated, and that this justified the international community's continuing to concern itself with the general situation of human rights in Chile.

49. The Observer for Chile said that during 1978, the period covered by the Group's report to the Commission, there had been no recorded cases in Chile of death for political reasons, death sentences, disappearances, expulsions from the territory, deprivations of nationality or arrests without cause or trial. The report of the Ad Hoc Group recognized the freedom of the press in Chile; and the desire of many exiles to return to Chile gave the lie to the terror to which the population was said to be subjected. He deplored the fact that, as the draft submitted showed, Chile was the object of discriminatory treatment which violated the legal equality of States, and he regretted the fact that the General Assembly had rejected an amendment to draft resolution 33/176 which would have considered the possibility of creating ad hoc working groups or other similar investigative bodies in those cases in which consistent patterns of gross violations of human rights had been recognized. He drew attention to the large number of persons who would be dealing exclusively with Chile under the terms of the draft under discussion, and under General Assembly resolution 33/174 which set up a Trust Fund, and

said that Chile did not accept any ad hoc procedure but would lend its collaboration, in accordance with its international commitments, to any procedure applied in a general manner.

50. Some representatives explained that they considered the disappearance of persons to be a violation of human rights which also affected other countries, and that it should therefore be considered separately from the resolution on Chile, in a broader context. Others explained their abstention on the Trust Fund by saying that they considered that the Fund should be more general in scope. One representative made a reservation with respect to the appointment of two experts to consider the fate of missing persons in Chile because he considered that it was not in keeping with the principle of equitable geographical distribution.

51. At the 1506th meeting on 5 March 1979 the representative of Sweden submitted a draft resolution (E/CN.4/L.1437), to which he made two oral amendments. A statement 19/ of the administrative and financial implications of the draft resolution (E/CN.4/L.1451) was brought to the attention of the Commission.

52. At the 1508th meeting on 6 March 1979 the draft resolution was put to the vote and several representatives explained their votes beforehand. At the request of the representative of Australia, paragraph 6 (b) of the draft was put to a separate vote. The paragraph was adopted by 19 votes to 4, with 8 abstentions.

53. At the request of the representative of Colombia, paragraphs 9 and 10 were also voted on separately. They were adopted by 19 votes to 2, with 11 abstentions.

54. Draft resolution E/CN.4/L.1437 as a whole was adopted by 24 votes to 2, with 6 abstentions. (For the text of the resolution see chap. XXIV, sect. A., resolution 11 (XXXV).)

55. Statements in explanation of vote were made by the representatives of Brazil, Federal Republic of Germany, France, Portugal, Senegal and Uganda.

56. At the 1524th meeting the Chairman announced that, pursuant to paragraph 6 (a) and (b) of the resolution, he had appointed Mr. Abdoul Dièye as Special Rapporteur on the situation of human rights in Chile, and Mr. Félix Ermacora and Mr. Waleed M. Sadi as experts to study the question of the fate of missing and disappeared persons in Chile.

19/ 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

57. The Commission considered agenda item 6 together with items 7, 16 and 20 (see chaps. V, XIII and XV), at its 1491st, 1493rd to 1498th, 1504th, 1506th and 1508th meetings, held between 22 February and 6 March 1979.

58. The Commission heard statements by the observers for the German Democratic Republic (1493rd meeting) and Argentina (1496th meeting). It also heard statements by the representatives of the United Nations Educational, Scientific and Cultural Organization (1493rd meeting) and of the Palestine Liberation Organization (1496th meeting).

59. At its 1494th meeting, the Commission heard a statement by Mr. Leslie O. Harriman, Chairman of the Special Committee against Apartheid.

60. The Commission also heard statements at its 1493rd meeting by the representatives of the following non-governmental organizations in consultative status: International Confederation of Free Trade Unions, International Indian Treaty Council, Women's International Democratic Federation, World Federation of Trade Unions and the Afro-Asian People's Solidarity Organization (1496th meeting).

61. In its resolution 5 (XXXIV) of 22 February 1978 the Commission requested 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 were drawn to the attention of the General Assembly and the Security Council. By its resolution 8 (XXXIV) of 22 February 1978 the Commission designated the Ad Hoc Working Group of Experts to represent it at the World Conference to Combat Racism and Racial Discrimination held in Geneva from 14 to 25 August 1978. Moreover, in its decision 2 (XXXIV) the Commission recalled its previous resolutions concerning the holding of a symposium on the economic and cultural exploitation of the blacks in South Africa and Namibia and on prison conditions in South African gaols and decided that it should be represented by the Ad Hoc Working Group of Experts at that symposium in Maseru, Lesotho in July 1978. For its part, the Economic and Social Council by its decision 1978/28 of 5 May 1978 requested the Group to continue to study allegations regarding infringements of trade union rights in the Republic of South Africa, and to report thereon to the Commission and to the Economic and Social Council at such time as it might consider appropriate. Finally, in its resolution 6 (XXXIII) the Commission requested the Group to submit a progress report to the thirty-fourth session, and to submit a report on its findings to the thirty-fifth session.

62. For its discussion of the agenda item the Commission accordingly had before it the report (E/CN.4/1311) of the Ad Hoc Working Group of Experts prepared in accordance with the resolutions and decisions mentioned above.

63. The Commission also received a written statement submitted by the World Peace Council, a non-governmental organization in consultative status (E/CN.4/NGO/243).

64. At the 1491st meeting of the Commission, the Chairman of the Ad Hoc Working Group of Experts, Mr. Kéba M'Baye, introduced the report of the Group (E/CN.4/1311) and drew particular attention to the outbreak of racist terrorism among the white population in South Africa, to the number of deaths in prison and

disappearances of persons and to the ill-treatment of women and children. It was the view of the Working Group that the South African authorities and the illegal régime of Salisbury were determined to pursue their criminal policies in South Africa, Namibia and Zimbabwe.

65. In his statement to the Commission, Mr. Harriman, Chairman of the Special Committee against Apartheid, expressed his appreciation to the Ad Hoc Working Group of Experts for their comprehensive report which once more denounced the crimes committed in southern Africa by the racist régimes and stressed the pressing need to put an end to the horror and inhumanity of apartheid. He suggested that the Group should participate in the forthcoming international seminar on children under apartheid and the activities of multinational corporations in South Africa which was to be organized by the Special Committee.

66. Many speakers praised the report of the Ad Hoc Working Group and paid tribute to the members of the Group. They stated that the report provided further examples of oppressive and inhuman methods used by the white régimes of southern Africa against the black population, and noted that South Africa continued to enact laws and take measures which constituted further violations of human rights, so that the situation as it evolved held little hope for millions of people in South Africa, Namibia and Zimbabwe.

67. Many representatives voiced strong condemnation of the massive and flagrant violations of human rights in South Africa, Namibia and Zimbabwe. They expressed concern about the numerous cases of deaths occurring in detention, the torture and harsh treatment of detainees, and the killing of women and children. It was pointed out that South Africa's collective negation of human values persisted in an institutionalized form in which the white minority was intent on perpetuating its abhorrent doctrine of enforced segregation with a view to establishing a so-called independent homeland. Such practices were an attempt to destroy the black people's cultural identity and unity and to confine them within a puppet state, thus denying them their right to self-determination.

68. A large number of speakers condemned the illegal occupation of Namibia by the racist régime of Pretoria. They alleged that South Africa intended to hand over power in that territory to elements favourable to its policy of bantustanization and maintained that South Africa's aim to perpetuate its control over Namibia constituted a violation of United Nations resolutions and decisions. Deploring the repression and executions being carried out against members of the South West African People's Organization (SWAPO), the legitimate representative of the Namibian people, they appealed for support for SWAPO until genuine independence had been achieved. Some speakers referred to the efforts of the Security Council and the Secretary-General to bring about a speedy solution of the Namibian problem.

69. Some representatives condemned the so-called internal settlement proposed by the Salisbury régime, expressed support for majority rule in Zimbabwe, and stated that any settlement relating to the future of the territory must be worked out with the full participation of the Patriotic Front and in accordance with the true aspirations of the people of Zimbabwe.

70. Several speakers stated that their countries had never recognized the racist régimes of South Africa and Zimbabwe and that they were giving active support to the national liberation movements struggling for independence.

71. Several representatives noted with regret South Africa's refusal to apply the principles and purposes of the United Nations Charter. They stated that the repeated appeals and expressions of indignation by the international community

had failed to produce effective results. South Africa had chosen confrontation rather than compromise, and it was time to take concrete and meaningful measures to eradicate the evils of apartheid and racial discrimination in southern Africa. It was stressed that apartheid was a crime against humanity and represented a threat to international peace.

72. Several speakers stated that no solution could be envisaged until the Western countries and their transnational corporations ceased to co-operate with the racist régimes, and that without the political will of those countries, a peaceful transfer of power to the majority was impossible. According to the same speakers, the racist régimes would not have survived without the economic and military support granted by the Western countries and Israel.

73. Some speakers drew attention to the similarities between the situation in South Africa, Namibia and Zimbabwe, and that in occupied Palestine where the suffering peoples of those regions had been compelled to take up arms against their racist régimes. Other speakers referred to peaceful efforts to change the situation.

74. Some speakers stated that the Commission was faced with an extremely serious situation of human rights which required the efforts of all men of good will and tolerance to seek a peaceful solution which would meet the interests of the black population and protect them against suffering. In this connexion they welcomed the negotiation efforts of the Western countries and expressed objection to violent measures and meaningless bloodshed between blacks and whites.

75. Several representatives drew the attention of the Commission to the problem of refugees. A large part of the population was obliged to seek refuge in neighbouring countries because of the atrocities perpetrated daily by the security forces against the civilian population. The front-line African States were subjected to acts of aggression and attack by the illegal Salisbury régime. The speakers appealed for special assistance to those States such as Mozambique, Botswana and Zambia which were obliged to divert resources to defence against attacks from Salisbury, and for assistance for the refugees.

76. A large number of speakers referred to and endorsed the Programme of Action of the World Conference to Combat Racism and Racial Discrimination held in Geneva from 14 to 25 August 1978 and the recommendations of the United Nations Symposium on the Exploitation of the Blacks in South Africa and Namibia and on Prison Conditions in the South African Jails held in Maseru (Lesotho) in July 1978.

77. At the 1504th meeting on 2 March 1979 the representative of Senegal introduced a draft resolution (E/CN.4/L.1432/Rev.1) sponsored by Burundi, Egypt, India, Ivory Coast, Morocco, Nigeria, Senegal, Syrian Arab Republic and Yugoslavia.

78. At the 1506th meeting the representative of Nigeria introduced an amendment to the draft resolution, which was subsequently included in draft resolution E/CN.4/L.1432/Rev.2

79. At the 1506th and 1508th meetings on 5 and 6 March 1979, the representative of the Secretary-General made a statement 20/ concerning the administrative and financial implications of the draft resolution (E/CN.4/L.1439).

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

80. At the 1508th meeting the representative of Senegal requested a roll-call vote on draft resolution E/CN.4/L.1432/Rev.2. The draft resolution was adopted by 23 votes to 3, with 6 absentions. The voting was as follows:

In favour: Benin, Brazil, Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: France; Germany, Federal Republic of; United States of America

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

81. At the 1508th meeting the representative of the Syrian Arab Republic introduced a draft resolution (E/CN.4/L.1449), which he subsequently amended orally, expressing the Commission's profound appreciation to the Government of Iran, which had severed all relations with the racist régime of South Africa and had, in particular, stopped all oil supplies to that régime, thereby contributing substantially to the struggle against apartheid and racism, and commending all Governments which had done likewise. The draft resolution as orally amended was adopted by 24 votes to 1, with 7 abstentions in a roll-call vote requested by the sponsor. The voting was as follows:

In favour: Benin, Brazil, Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: United States of America

Abstaining: Australia; Austria; Canada; France; Germany, Federal Republic of; Portugal; Sweden.

82. Explanations of vote, after the voting, were made at the 1508th meeting by the representatives of Iran, Peru, Sweden and United States of America.

83. For the text of the resolutions, see chapter XXIV, section A, resolutions 12(XXXV) and 13(XXXV).

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

84. The Commission considered agenda item 7 together with items 6, 16 and 20 (see chaps. V, XIII and XV), at its 1491st and 1493rd to 1498th meetings, held from 22 to 27 February 1979, and at its 1504th and 1506th meetings on 2 and 5 March 1979.

85. The Commission had before it a working paper (E/CN.4/Sub.2/415) prepared by Mr. Ahmed M. Khalifa, Special Rapporteur, pursuant to Commission resolution 7 (XXXIII) of 4 March 1977 and resolution 1 (XXX) of 26 August 1977 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; the paper contained a provisional general list of banks, firms and other organizations which give assistance to the colonial and racist régimes of southern Africa. The Commission also had before it a written statement by the Inter-Parliamentary Union (E/CN.4/NGO/233).

86. The Commission heard statements by the observers of the German Democratic Republic (1493rd meeting) and Czechoslovakia (1494th meeting), and the representative of the Palestine Liberation Organization (1496th meeting).

87. At its 1494th meeting, the Commission heard a statement by Mr. Leslie O. Harriman, Chairman of the Special Committee against Apartheid. He stated, inter alia, that the Western powers bore a direct responsibility for the escalation of the crimes of the apartheid régime because their attitude had convinced that régime that it need fear no retribution.

88. Statements were also made at the 1493rd meeting by the representatives of the Women's International Democratic Federation, World Federation of Trade Unions and International Confederation of Free Trade Unions, non-governmental organizations in category I consultative status, and the International Indian Treaty Council, a non-governmental organization in category II consultative status.

89. In introducing his working paper, Mr. Khalifa stated that it had been prepared in the light of the principal conclusion drawn in his previous report (E/CN.4/Sub.2/383/Rev.1), namely, that increasing assistance given to colonial and racist régimes in southern Africa led to further deterioration of conditions and repression of the non-white population of the area. He appealed to the States still providing such assistance to live up to their own denunciations of apartheid. He also requested guidelines from the Commission with regard to the words "identifying" and "representatives of States" used in Commission resolution 7 (XXXIII). As far as the latter term was concerned he suggested that Government officials committing crimes and atrocities should be included in the list, and should not be permitted to invoke orders from their superiors as an excuse. He further asked whether the list should include the Governments of States which were behind the acts of repression, or merely the organizations and institutions concerned. He stressed that the working paper did not aim to establish legal procedures but to inform international public opinion and exercise moral pressure on those giving assistance. He also appealed to States, United Nations bodies and non-governmental organizations to help him in the continuation of the work on the paper by providing substantive information.

90. Many speakers thanked the Special Rapporteur and congratulated him on carrying out a delicate task in an impressive manner and urged him to continue his work.

91. A number of participants in the debate stressed the fact that the world would have been much closer to the total eradication of apartheid had it not been for the disregard of United Nations resolutions and decisions on the part of some States and the assistance they had afforded to the racist régimes. Foreign investments attracted to southern Africa for reasons of profit had steadily increased. Such growth in economic aid only intensified the exploitation of the black majority. The racist régimes were helped from outside to produce new armaments, especially in the nuclear field where collaboration was most dangerous. The strict enforcement of the mandatory arms embargo against South Africa, instituted by the Security Council, was urged.

92. Certain Western powers, and Japan and Israel, were mentioned in connexion with continuing assistance to the racist and colonial régimes, and some speakers strongly condemned the increasingly close relations between the racist régimes and Israel. The negative role of transnational corporations was also stressed.

93. A forceful appeal was made to those States advocating human rights to translate their words into action by applying sanctions against the racist régimes. Such measures should include termination of economic assistance and in particular a stop to oil supplies, cessation of military support especially in the nuclear field and the breaking of diplomatic and other relations. Since colonial and racist régimes survived only thanks to such aid, its termination would bring about the cessation of their existence and the disappearance of the policy of apartheid.

94. Some representatives stated that their countries had no relations, or only limited relations, with the colonial and racist régimes.

95. The representative of Iran drew the attention of the Commission to the fact that her country had been included in the list contained in E/CN.4/Sub.2/415 before the recent political change which had brought about the termination of any economic or other relation with the régimes in question, and in particular, the decision to cut off Iranian oil supplies to the Government of South Africa and to other racist régimes.

96. Several speakers commended the action of the Iranian Government in severing all relations with the racist régime of South Africa and particularly the important decision to withhold oil from that régime.

97. Another representative emphasized that there was no military or nuclear co-operation between his country and South Africa, but it had trade relations with all countries in the world except Rhodesia. Normal trade between States did not constitute assistance.

98. One speaker did not consider the the word "identifying" should give rise to any difficulty. The list prepared by the Special Rapporteur was to be used at a later stage to identify sources of assistance to the racist régimes and its aim was to alert both national and international public opinion concerning the scope of that assistance.

99. The same representative felt that, with regard to the term "representatives of States", nobody who acted on behalf of an institution or State could disclaim all personal responsibility for his acts. Consequently, the term should encompass all State representatives or civil servants involved in the granting of political, military, economic or other forms of assistance to the racist régimes in southern Africa. The associations, private groupings and other physical or legal entities whose involvement in such assistance was publicly exposed should also be taken into account in that context.

100. One representative pointed out that for the purpose of clarifying questions dealt with in the working paper, the provisions of article IV of the Convention on the Prevention and Punishment of the Crime of Genocide and of article V of the International Convention on the Suppression and Punishment of the Crime of Apartheid, were of prime importance.

101. It was felt by one speaker that legal procedures initiated against persons practising or supporting apartheid must be based on the principles embodied in the International Covenant on Civil and Political Rights, including the right to a fair hearing and the presumption of innocence. The necessity of a fair hearing as required in article 14 of that Covenant was also stressed by another representative.

102. At the 1504th meeting on 2 March 1979 the representative of Nigeria introduced a draft resolution sponsored by Burundi, Egypt, India, Morocco, Nigeria and Pakistan (E/CN.4/L.1433). At the same meeting the representative of the Syrian Arab Republic proposed several oral amendments which were accepted by the sponsors.

103. A statement of the administrative and financial implications of the draft resolution (E/CN.4/L.1440) was submitted to the Commission. 21/

104. At the 1506th meeting on 5 March 1979 the draft resolution, as orally amended, was adopted by 23 votes to 3, with 6 abstentions.

105. For the text of the resolution see chapter XXIV section A resolution 9 (XXXV).

21/ 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

106. The Commission considered agenda item 8, jointly with item 21 (see chap.XVI), at its 1483rd, 1486th, 1488th to 1492nd and 1504th meetings, held from 16 to 22 February and on 2 March 1979.

107. By its 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, decided to keep this item on its agenda as a standing item with high priority.

108. When considering the item the Commission had before it the following documentation:

(a) The report of the Secretary-General (E/CN.4/1334) prepared in accordance with Economic and Social Council decision 229 (LXII) of 13 May 1977;

(b) A report (E/CN.4/1340) submitted by UNESCO in accordance with the same Council decision; and

(c) A note by the Secretary-General (E/CN.4/1271).

109. Statements were made by the observers for Norway (1488th meeting), Jordan (1489th meeting), Argentina (1492nd meeting) and the German Democratic Republic (1492nd meeting). The representative of UNESCO made a statement at the 1486th meeting.

110. The Commission also heard statements by the representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: Women's International Democratic Federation (1488th meeting); International Commission of Jurists (1489th meeting); International Confederation of Free Trade Unions (1492nd meeting); and World Federation of Trade Unions (1492nd meeting).

111. In introducing the item the Director of the Division of Human Rights stated that the link between development and human rights was fundamental; he noted that the study provided an opportunity for the Commission to examine basic issues of the functioning and dynamics of human rights both in international society and at the national level.

112. A large number of speakers expressed satisfaction with the report prepared by the Secretary-General; however, some representatives felt that the report was too ambitious and that it contained some material which was not relevant. Appreciation was also expressed to UNESCO for its submission, and several speakers praised the separate analyses of the right to development written by Mr. Kéba M'Baye and Mr. Héctor Gros Espiell which were annexed to the report of UNESCO. Reference was also made to the conclusions of the Seminar on Development and Human Rights, held at Dakar from 7 to 12 September 1978 which was organized by the International Commission of Jurists and the Senegalese Association for Juridical Studies and Research.

113. Most speakers agreed that development required that man be the subject and not the object of the process, and that the primary aim of development was to satisfy man's spiritual and material needs in a context of respect for human rights.

114. It was generally felt that a development strategy based on political repression and the denial of human rights might contribute to the realization of some economic objectives but could never lead to full and genuine development. The importance of participation in the process as well as in the benefits of development was noted by several speakers.

115. Many speakers endorsed the view that the right to peace is fundamental to the full enjoyment of all human rights, including the right to development, as well as to the establishment of a New International Economic Order. In this connexion, several speakers referred to Commission resolution 5 (XXXII) which states in paragraph 1 that "everyone has the right to live in conditions of international peace and security". The importance of detente, of the cessation of the arms race and the strengthening of international peace and security was emphasized by many speakers, who pointed out that the achievement of disarmament would release many resources for use in development activities.

116. A number of representatives noted that the right to development was enjoyed by the citizens of their States and others mentioned the financial and technical co-operation activities undertaken by their States in conjunction with, and in the interests of, the developing countries. Some representatives expressed the view that the recommendation for a study contained in paragraph 312 of the report (E/CN.4/1334) was an extremely controversial one and would be best taken up at a later date.

117. Several speakers pointed out that the right to development already exists as part of international law, and the opinion was also expressed that the right to development includes components relating to health, food, shelter, work and working conditions, social security, the right to leisure and individual freedoms, and that the right is justified in economic, moral and political terms. It was stated that the foundations of the right to development include the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Human Rights, a variety of declarations and conventions adopted by the United Nations, the constituent acts of the specialized agencies and the declarations and resolutions of the General Assembly, relating to the establishment of a New International Economic Order.

118. Several speakers considered it unnecessary to pose the question whether the right to development attached to individuals or to collectivities, as if it involved a choice between mutually exclusive alternatives. It was stated that the right applied at both levels. However, one representative was of the opinion that the concept of development reflected in General Assembly resolutions referred to the development of States and that if that was what development meant it would not be an individual human right.

119. Most speakers were of the opinion that further study was required to spell out more fully the content and the implications of the right to development, and that more time was needed to study the reports of the Secretary-General and UNESCO.

120. The view was expressed that while the State had a duty to provide for the basic needs of its citizens, the discussion of economic, social and cultural rights could not be limited merely to concern for such basic needs. Indeed the "basic needs" strategy had been used as a convenient excuse for the assertion that the only problem of developing countries was to achieve the minimum necessary for subsistence. The over-all economic and social development of nations must receive due consideration.

121. Many speakers emphasized the need for a New International Economic Order to facilitate the realization of all human rights. The view was expressed however that the New International Economic Order was not a panacea, and that the developing countries themselves were primarily responsible for the implementation of economic, social and cultural rights in their countries, despite the responsibility of the industrialized nations for problems arising from the gap between the rich and the poor countries.

122. Several speakers maintained that the activities of transnational corporations contributed to the exploitation of the developing countries, which should therefore be indemnified for the retardation they had suffered as a result of colonialism and neo-colonialism.

123. During the consideration of the item, speakers frequently referred to the concepts contained in General Assembly resolution 32/130, and in this connexion it was said that the provisions of the resolution, as they stood, must be taken into account in any future United Nations activities, particularly those connected with the establishment of a new international economic order. Several speakers emphasized the need to avoid the creation of a hierarchy of rights, and pointed out that resolution 32/130 constituted a delicately balanced package, so that economic, social and cultural rights must be pursued with a constant awareness of the need to respect civil and political rights and of the interrelationship of those rights. Several speakers asserted that economic and social rights were the basis for enjoyment of other rights. It was said, for example, that without the right to work there was no human dignity, and that countries which accepted a high permanent unemployment rate must ask themselves whether human dignity could exist in such circumstances. It was stated that the socialist system had created the machinery to put an end to the exploitation of man by man, and had guaranteed the equality of all members of society.

124. The continuation of colonialism, neo-colonialism, racism and apartheid, acts of aggression, foreign occupation, threats against national sovereignty and all other forms of discrimination and domination were mentioned as major obstacles to the realization of the right to development. It was said that the struggle against colonialism, foreign domination and imperialism was, above all, a struggle to realize the right to development. Special emphasis was placed on the right to self-determination, including the right of peoples to dispose freely of their wealth and natural resources, as an essential element for the realization of the right to development.

125. Several representatives urged that human rights considerations must be taken fully into account in connexion with development assistance activities. It was pointed out, however, that some countries used human rights criteria as an excuse to preserve the existing patterns of dominance and dependence in world trade. It was said that any attempt to devise generalized criteria in the matter must be made with caution, since the criteria could be used to evade responsibility for the establishment of a New International Economic Order and could distort the concept of co-operation and trade relations.

126. On the question of updating the report of the Special Rapporteur entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress, 22/ it was said that many of the Special Rapporteur's conclusions were somewhat outdated and that work done in many parts of the United Nations system, including work on the right to development, had reduced the need to devote further close attention to the study. However, one delegate was of the opinion that the study remained an outstanding document and should be updated every five years

22/ United Nations publication, Sales No. E.75.XIV.2.

127. It was proposed that the Commission, having stressed the international dimensions of the right to development should supplement the study contained in the Secretary-General's report (E/CN.4/1334) by calling for a new report on the regional and national dimensions of the right to development. The new study would emphasize the obstacles which developing countries faced in seeking to ensure the right to development of all individuals within their jurisdiction. The objectives of such a study would be: to indicate the obligations of States in the development process; to point out both internal obstacles to enjoyment of the right to development (such as populations not being closely enough associated with the preparation and application of development plans) and external obstacles (such as exploitation of the resources of developing countries); to show the implications of continued inequality in the terms of trade; to underline the effects of racial and other forms of discrimination on the exercise of the right to development; and to stress the concept of participation in all its forms.

128. Several representatives emphasized the need to ensure that the promotion of human rights was effectively integrated into the full range of United Nations development activities. In this connexion, it was suggested that the Commission should keep in touch with the activities of the Preparatory Committee for the New International Development Strategy. One delegate proposed that the possibility of representation of the Commission on the Committee should be explored.

129. Two draft resolutions were submitted to the Commission: at the 1504th meeting, on 2 March 1979, the representative of Senegal introduced a draft resolution (E/CN.4/L.1429) sponsored by Burundi, Egypt, Morocco, Senegal and Yugoslavia; he also read out an oral amendment to the last preambular paragraph. At the same meeting the representative of Cuba introduced a draft resolution (E/CN.4/L.1435) sponsored by Burundi, Cuba, India, Iraq, Nigeria, Panama, Peru, Syrian Arab Republic and Yugoslavia.

130. At the 1504th meeting, the Commission adopted without a vote draft resolution E/CN.4/L.1429 as orally amended.

131. At the same meeting, the representative of the Secretary-General made a statement ^{23/} concerning the administrative and financial implications of draft resolution E/CN.4/L.1435

132. At the request of the representative of Canada, a separate vote was taken on operative paragraphs 5 and 7 of draft resolution E/CN.4/L.1435. Paragraph 5 was adopted by 22 votes to 7 with 2 abstentions, and paragraph 7 was adopted by 23 votes to 7 with 1 abstention. The draft resolution as a whole was then adopted by 23 votes to 1 with 7 abstentions.

133. Explanations of vote, after the voting, were made at the 1504th meeting by the representatives of Australia, Austria, Burundi, Canada, Colombia and the Federal Republic of Germany.

134. For the text of the resolutions see chapter XXIV section A, resolutions 4 (XXXV) and 5 (XXXV).

^{23/} A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

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

135. The Commission considered agenda item 9, jointly with item 4 (see chap. II), at its 1480th to 1490th meetings, held from 14 to 21 February 1979.

136. By its resolution 3 (XXXIV) of 14 February 1978 the Commission had decided to continue giving this question priority at its thirty-fifth session. In accordance with resolutions 3 (XXXI) and 4A (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission had before it the reports of the Special Rapporteurs of the Sub-Commission: by Mr. Aureliu Cristescu on the historical and current development of the right to self-determination (E/CN.4/Sub.2/404(vols.I-III) and Add.1) and by Mr. Héctor Gros Espiell on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405, vols. I and II). The Commission also had before it a note by the Secretary-General (E/CN.4/1313) referring to the right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation, and a letter from the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva addressed to the President of the Commission on Human Rights with respect to the right of peoples to self-determination (E/CN.4/1331).

137. The Commission heard statements by the observer for Israel at the 1483rd meeting, by the observers for Algeria, Argentina, Jordan and the Libyan Arab Jamahiriya at the 1486th meeting, and by the observers for Ethiopia and Somalia at the 1487th meeting. The representative of the Palestine Liberation Organization made a statement on the item at the 1487th meeting.

138. The Commission heard statements by the representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: International Indian Treaty Council (1481st meeting) and World Federation of Trade Unions (1488th meeting).

139. The Special Rapporteur of the Sub-Commission for the study on the historical and current development of the right to self-determination, Mr. Aureliu Cristescu, introduced his report and followed the discussion of it in the Commission, as requested by the Sub-Commission resolution 3 (XXXI) and decided by the Commission at its 1479th meeting on 13 February 1979.

140. In his statement Mr. Cristescu said that the condensed version of his report before the Commission had been drawn up in the light, in particular, of suggestions made by members of the Sub-Commission. He drew the attention of the Commission to the conclusions of his study which recommended ways and means of strengthening United Nations action to promote the further development of the right to self-determination in all its forms.

141. During the debate most speakers recognized self-determination as a universal right, necessarily encompassing economic, social and cultural aspects in addition to its political and legal components. It was repeatedly stressed that respect for this right was an essential element of the international system of law and peace.

142. Many speakers felt that the right to self-determination was the most important prerequisite of all other human rights. In the opinion of one representative, however, that view was too sweeping and capable of giving rise to some misunderstanding.

143. Many speakers emphasized that the question of the right to self-determination must be considered in close connexion with the struggle for the elimination of the last vestiges of colonialism, racism, occupation, racial discrimination and apartheid. Regret was expressed over the fact that more than 30 million people still remained under colonial domination, and millions more were being denied their right to self-determination by foreign domination and military occupation. Many representatives deplored the continuous resistance of the Pretoria and Salisbury régimes to national independence in Namibia, to the achievement of genuine majority rule in Zimbabwe, and to the granting of equal rights to the indigenous people of South Africa.

144. Turning to the methods of achieving self-determination and independence, several representatives emphasized the legitimacy of the struggle of peoples under colonial and alien domination by all means at their disposal. Some other representatives believed that the right to self-determination should be translated into practice without the use of force, and were firmly opposed to the institutionalization of violence as a means of achieving that end.

145. The view was expressed that the international community must further condemn the recruitment and deployment of mercenaries, who should be regarded as international outlaws.

146. It was said that foreign occupation of a territory constituted an absolute violation of the right of people to self-determination. It was also considered that the uprooting of the indigenous population from occupied territories, the refusal to allow displaced persons to return to their homes, and the implantation of settlers from abroad for the purpose of changing the demographic structure of occupied territories were unlawful acts expressly defined by international law.

147. Most delegations expressed their grave concern at the persistent denial of the right to self-determination of the Palestinian people by the Israeli authorities. It was stressed in this connexion that political questions would remain unsolved until the basic right to self-determination could be exercised by the people of Palestine in the occupied territories.

148. The Commission heard statements by the representative of the Federal Republic of Germany and the observer for the German Democratic Republic.

149. The question of the fate of the Indian population in the United States was raised by some speakers and it was suggested that the Commission should be enabled to receive more information concerning the progress achieved, if any, in the improvement of the situation of the American Indians in the United States.

150. The representative of the United States of America answered the accusations levelled against his Government with respect to self-determination of the American Indians. He stressed the importance of recent congressional legislation in providing avenues for improvement.

151. The observer for Algeria expressed the position of his Government with respect to the situation in Western Sahara. The representative of Morocco spoke about the situation in the camps of Tindouf and its region.

152. The observers for Somalia and Ethiopia exchanged statements with regard to the Eritrean question.

153. Some speakers expressed the view that the right to self-determination of the people of Viet Nam had been violated as a result of the aggression undertaken by China.

154. In the course of the debate many speakers paid tribute to the research work done by the Special Rapporteurs of the Sub-Commission, Mr. A. Cristescu and Mr. H. Gros Espiell, and commended them for producing comprehensive studies on such highly complex issues. There was a consensus that both reports should be printed and given the widest possible dissemination.

155. Many representatives supported the conclusions and recommendations set out in the Special Rapporteurs' studies, including the view that the principle of self-determination had the character of jus cogens and that the violation of it constituted an international crime entailing international responsibility. At the same time it was pointed out that a certain divergency existed between the positions adopted by the two Special Rapporteurs in their studies with regard to the question of the peremptory character of the right to self-determination.

156. The view was expressed that the study by Mr. A. Cristescu, containing an analysis of the newly emerged concept of the right to development, should be taken into account when the Commission considered agenda item 8.

157. In the opinion of one representative, more detailed consideration was needed in the study by Mr. A. Cristescu of the international legal status of national liberation movements within a United Nations context; another representative said that a more detailed analysis was needed of the question of the beneficiaries of the right to self-determination, especially with regard to some specific cases. Another point which, in the view of one representative, had not been considered in the study was the distinction between the right to self-determination and the methods of application of that right, including the role of the United Nations and of individual States.

158. Some representatives believed that although the study by Mr. Cristescu was very valuable, it was only a starting point for more thorough discussion of the right to self-determination within the United Nations system.

159. In his final observations Mr. Cristescu agreed that his study was only a point of departure for the further discussions in this field, and that it might be considered desirable to update and supplement the study and to co-ordinate it with the study on the right to development recently prepared by the Secretary-General.

160. With regard to the recommendations made by the Sub-Commission in its resolutions 3 (XXXI) and 4A (XXXI) concerning the printing of the reports by the Special Rapporteurs, the Commission, after hearing a statement on the financial implications ^{24/} read by the Deputy Director of the Division of Human Rights, adopted at its 1490th meeting without a vote a decision which was orally proposed by the representative of Iraq and subsequently orally amended by the representative of the Syrian Arab Republic.

161. For the text of the decision, see Chapter XXIV section B, decision 3 (XXXV).

162. Two draft resolutions were submitted to the Commission. At the 1486th meeting the representative of India introduced a draft resolution (E/CN.4/L.1422) sponsored by Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Senegal, Syrian Arab Republic and Yugoslavia, and subsequently also by Burundi and Uganda. At the same meeting the representative of Cuba introduced a draft resolution (E/CN.4/L.1423) sponsored by Burundi, Cuba, Iraq, Syrian Arab Republic and Yugoslavia, and subsequently also by Cyprus and Senegal.

^{24/} A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

163. At the 1489th meeting on 21 February 1979 the representative of Iraq requested roll-call votes on both draft resolutions. The draft resolutions were adopted at the same meeting.

164. Draft resolution E/CN.4/L.1422, as orally revised, was adopted by 23 votes to 3, with 5 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Canada; Germany, Federal Republic of; United States of America.

Abstaining: Australia, Austria, France, Portugal, Sweden.

165. At the request of the representative of Australia, a separate vote was taken by roll-call on operative paragraph 5 of draft resolution E/CN.4/L.1423. The paragraph was adopted by 20 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia; Austria; Canada; France; Germany, Federal Republic of; Portugal; Sweden; United States of America.

Abstaining: Brazil, Ivory Coast, Uruguay.

166. Draft resolution E/CN.4/L.1423 as a whole, as orally revised, was adopted by 23 votes to 4, with 4 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, Burundi, Colombia, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Canada; France; Germany, Federal Republic of; United States of America.

Abstaining: Australia, Austria, Portugal, Sweden.

167. Explanations of vote before the voting were made at the 1489th meeting by the representatives of Colombia, Federal Republic of Germany, Morocco and Uganda, and after the voting by the representatives of Australia, France, India, Iran, Ivory Coast, Pakistan, Peru and Uruguay at the 1490th meeting.

168. For the text of the resolutions see chapter XXIV, section A, resolutions 2 (XXXV) and 3 (XXXV).

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) DRAFT CONVENTION ON 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

169. The Commission considered agenda item 10 at its 1520th to 1522nd meetings, held on 14 March 1979.

170. In introducing the item the Director of the Division of Human Rights stated that item 10 referred to three main areas of activity: standard setting, preparation of studies, and implementation. He pointed out that four draft international instruments were now being considered in this field: a draft convention on torture and other cruel, inhuman or degrading treatment or punishment and a draft body of principles for the protection of all persons under any form of detention or imprisonment were before the Commission, while a draft code of conduct for law enforcement officials and a draft code of medical ethics had been or were being submitted to the General Assembly. He referred to the studies requested in Sub-Commission resolution 5A, D and E (XXXI) and to the review requested in resolution 5B (XXXI). Finally, he recalled that in its resolution 33/173 the General Assembly had requested the Commission to consider the question of disappeared persons with a view to making appropriate recommendations.

171. The Commission heard statements by the observers for the Holy See (1520th meeting), Switzerland (1521st meeting), Argentina (1521st meeting), Denmark (1521st meeting), Greece (1521st meeting) and Ireland (1521st meeting).

172. The Commission also heard statements by the representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: Amnesty International (1521st meeting) and the International Commission of Jurists (1521st meeting).

173. Concerning the question of torture in general, several speakers stressed that allegations of torture and severe maltreatment had been reported in many countries, and that more sophisticated methods of torture were being developed. Most representatives affirmed that it should be made clear that under no circumstances, even in situations of national emergency or state of siege, could abductions, torture and murder be tolerated. It was deplored that the process for the adoption of a draft convention could not have been speeded up.

A. Draft convention on torture and other cruel, inhuman or degrading treatment or punishment

174. On the recommendation of the Commission on Human Rights, contained in paragraph 2 of its resolution 18 (XXXIV) entitled "Draft convention on torture and other cruel, inhuman or degrading treatment or punishment", the Economic and Social Council, by its decision 1978/24, authorized 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, one of the tasks of which was to prepare concrete drafting proposals for the Commission to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from Governments. By its resolution 33/178, adopted on 20 December 1978, the General Assembly welcomed the decision of the Council, took note of the progress made by the Commission in drafting a convention on torture and requested it to give high priority to this question at its thirty-fifth session.

175. At its 1479th meeting the Commission on Human Rights by decision 1 (XXXV) decided that a sessional open-ended working group should be established for the consideration of item 10 (a) of its agenda concerning the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment.

176. For consideration of the subitem the Commission had before it a report prepared by the Secretary-General in accordance with its resolution 18 (XXXIV), paragraph 1, containing a summary of the comments of Member States of the United Nations or members of the specialized agencies on all relevant documents of the thirty-fourth session (E/CN.4/1314 and Add.1-3); and the report of the Working Group (E/CN.4/L.1470).

177. At the 1520th meeting, on 14 March, the Chairman-Rapporteur of the Working Group, Mrs. Nina Sibal (India), introduced the report of the Group (E/CN.4/L.1470).

178. The report of the Group read as follows:

"....

1. On the recommendation of the Commission on Human Rights contained in its resolution 18 (XXXIV), paragraph 2, the Economic and Social Council, by its decision 1978/24, authorized 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. One of the tasks of this working group was to prepare 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.

2. The Pre-sessional Working Group was also concerned with matters relating to "alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

3. At its 1479th meeting the Commission on Human Rights by decision 1 (XXXV) decided that an informal open-ended working group should be established for the consideration of agenda item 10 (a) concerning the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment.

4. At the first meeting of the Pre-sessional Working Group, on 5 February 1979, Mrs. Nina Sibal (India) and Mr. Alioune Sene (Senegal) were elected by acclamation as co-Chairmen-Rapporteurs. Mrs. Sibal continued as Chairman-Rapporteur of the working group established by the Commission on Human Rights at its thirty-fifth session to continue the work of the Pre-sessional Working Group.

5. The Pre-sessional Working Group held three meetings at which it discussed proposals concerning a draft convention on torture and other cruel, inhuman or degrading treatment or punishment. Meetings were held on 5, 6 and 7 February 1979. The Sessional Working Group held four meetings, on 23 and 27 February and 7 and 12 March 1979.

6. The draft report of the Pre-sessional Working Group was issued in document CHR/XXXV/Items 10 and 11/WP.6 and Add.1 of 8 February 1979. The draft report of the Sessional Working Group was issued in document E/CN.4/WG.1/WP.3. At its meeting on 12 March 1979 the Sessional Working Group adopted these reports and authorized the Chairman to amalgamate the three into a single report for presentation to the Commission. The present report is the result of that amalgamation.

7. The working group was open to all members of the Commission on Human Rights, the composition of which for 1979 was as follows: Australia; Austria; Benin; Brazil; Bulgaria; Burundi; Canada; Colombia; Cuba; Cyprus; Egypt; France; Germany, Federal Republic of; India; Iran; Iraq; Ivory Coast; Morocco; Nigeria; Pakistan; Panama; Peru; Poland; Portugal; Senegal; Sweden; Syrian Arab Republic; Uganda; Union of Soviet Socialist Republics; United States of America; Uruguay; Yugoslavia.

8. The following States were represented at the working group as observers: Belgium, Denmark, Finland, German Democratic Republic, Greece, Ireland, Italy, Jordan, Netherlands, Norway, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and Yemen.

9. The United Nations High Commissioner for Refugees was represented at the working group.

10. Amnesty International and the International Commission of Jurists were represented at the working group.

11. As the Commission requested in its resolution 18 (XXXIV) the working group had before it the report of the Secretary-General requested in paragraph 1 of the same resolution, summarizing the observations received from Governments (E/CN.4/1314 and Add.1 and 2), as well as relevant documents from its thirty-fourth session.

12. The point of departure for the working group's discussions was the "Draft International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" which had been submitted by Sweden to the thirty-fourth session of the Commission on Human Rights (E/CN.4/1285).

13. At its meeting on 23 February 1979 the group accepted as the basis for its work a working paper submitted by the delegation of Sweden which contained a revised draft and accompanying comments based on the views submitted by certain Governments and summarized in document E/CN.4/1314, and on informal consultations. The numbering of articles in the present report is that of the revised Swedish draft. The numbers of the corresponding provisions of the original Swedish draft (E/CN.4/1285) are indicated in parentheses.

14. At its meeting on 5 February 1979 the Working Group discussed the possibility of consultations whereby interested participants could continue their discussions on the draft convention outside the Working Group.

Article 1 (Article 1 of the original draft)

15. Article 1 of the draft convention (E/CN.4/1285) was as follows:

"1. For the purpose of the present Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment."

16. During the course of the Pre-Sessional Working Group's discussions, three revised versions of article 1 were considered: the Chairman's summary of the Group's discussions; a proposal of the delegation of Sweden and that of the International Commission of Jurists. Various other proposals and suggestions were made orally. The version proposed by the delegation of Sweden was as follows:

- "1. For the purpose of the present Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by or at the instigation or with the consent or the acquiescence of a public official or other person acting in an official capacity for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he has committed or is suspected of having committed, intimidating or coercing him or other persons, or for any reason based on discrimination of any kind. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.
- "2. This article is without prejudice to any international instrument or national legislation which does or may establish wider prohibitions."

The version proposed by the International Commission of Jurists and orally amended was as follows:

- "1. The present Convention applies only to torture inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.
- "2. For the purposes of this Convention, torture means any act by which a person intentionally inflicts severe pain or suffering, whether physical or mental, on another person for such purposes as obtaining from the person tortured or a third person information or a confession; punishing the person tortured for an act he has committed or is suspected of having committed; or intimidating or coercing the person tortured or a third person; or for any reason based on discrimination of any kind. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
- "3. This article is without prejudice to any international instrument or national legislation which does or may establish prohibitions of wide application or definition."

17. Some representatives pointed out that the draft convention was the first attempt at the international level to define torture. They considered that the application of the Convention, and the definition of torture in article 1 should not be restricted to "public officials". It was proposed that the Convention should be made applicable to all individuals under the jurisdiction of a contracting State. It was said that such an approach was preferable because of the possible incidence of acts of torture committed by those other than public officials. By contrast, the view was expressed that such acts should be covered by existing or future national law, and that international action was primarily designed to cover situations where national action was otherwise least likely.

18. It was generally agreed that the definition of acts committed by public officials should be expanded to cover acts committed by, or at the instigation of, or with the consent or acquiescence of a public official or any other person acting in an official capacity.

19. There was considerable discussion as to whether the article should specify the purposes for which acts of torture might be perpetrated. Some representatives suggested that it would be unduly restrictive to specify any purposes at all; others indicated that the list of purposes was not an exhaustive one. Several proposals were made for extending this list, and general agreement was reached to include as torture such acts as inflict severe pain and suffering for any reason based on discrimination of any kind.

20. It was also agreed that coercion should be included amongst the purposes listed in order to broaden their scope.

21. The view was expressed by some representatives that the reference in the original Swedish draft (E/CN.4/1285) to the Standard Minimum Rules for the Treatment of Prisoners should have been retained in the revised draft. Alternatively the limitation clause relating to "pain or suffering arising only from, inherent in or incidental to lawful sanctions" should have been deleted as too broadly worded. A number of other speakers proposed the deletion of the reference to the Standard Minimum Rules. It was stated that the Rules were limited in scope in that they dealt only with punishment relating to matters of prison discipline, and that they lacked legally enforceable status in international law. One representative also pointed out that the Standard Minimum Rules did not cover treatment during the period preceding actual trial and sentencing after which the detained person was designated a "prisoner". Several representatives stated that it was desirable to refer to "existing international standards" or to use some other formulation in order to ensure that certain existing or future "lawful sanctions" did not frustrate the spirit of the Convention. However, it was widely agreed that, in the absence of specific existing international standards, it was not advisable to refer to universally acceptable principles.

22. Many representatives considered that paragraph 2 of article 1 of the original draft risked unduly restricting the definition of torture and should be deleted. Several representatives were of another opinion but stated that in any case such deletion should not prejudice the broader issue of whether subsequent articles of the Convention should apply only to torture or also to other forms of cruel, inhuman or degrading treatment or punishment.

23. The proposed revision of article 1 contained in CHR/XXXV/Items 10 and 11/WP.4 was designed to satisfy those representatives who sought a broad definition of torture, which covered both public and private individuals, and to clearly restrict the coverage of the Convention to acts of torture falling within the scope of paragraph 1 of the revision. It was suggested by some speakers that the order of paragraphs 1 and 2 of the revision should logically be reversed, but this was said to be unacceptable to other representatives.

24. At the first meeting of the sessional working group article 1 of a revised draft by Sweden was submitted. It was as follows:

"1. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected

of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

"[2. Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.]

"3. This Article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application relating to the subject matter of this Convention."

25. It was stated that the revised draft of article 1 sought to achieve a compromise between the two alternative versions considered previously.

26. One delegation expressed some doubts concerning the term "mental torture" which it considered not precise enough for use in criminal law.

27. As regards the words "or for any reason based on discrimination of any kind" in the revised draft, it was requested that the following statement be included in the group's report:

"The United Kingdom shares the concern to eliminate all forms of torture, including any motivated by discrimination. The United Kingdom is doubtful of the need to isolate this particular motivation and in practical terms the United Kingdom thinks that there will in any case be difficulties in doing so with the necessary degree of precision for a criminal offence."

28. It was agreed that consideration of paragraph 2 of article 1 of the revised Swedish draft, which characterized torture as "an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment" should be postponed.

29. Article 1, paragraphs 1 and 3 of the revised Swedish draft was adopted by consensus.

30. Article 2 of the draft convention (E/CN.4/1285) was as follows:

"1. Each State Party undertakes to ensure that torture or other cruel, inhuman or degrading treatment or punishment does not take place within its jurisdiction. Under no circumstances shall any State Party permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment.

"2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

"3. An order from a superior officer or a public authority may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment."

31. One speaker said that while a State could undertake to adopt measures to prevent torture, it could not undertake to ensure that torture would never occur. Other speakers also questioned whether article 2 (1) was not too broad, or was juridically sound. It was also proposed that the obligations of States in article 2 (1) and article 3 could be consolidated.

32. It was stated that the phrase "within its jurisdiction" might be interpreted too widely so as to cover citizens of one State who were resident within the territory of another State. It was proposed to change the phrase to refer to "any territory under its jurisdiction". It was emphasized that such wording would cover torture inflicted aboard ships or aircraft registered in the State concerned as well as occupied territories.

33. Thereafter, a new text of article 2 (1) was proposed by the representative of Sweden and adopted by the Working Group (see paragraph 36 below).

34. Several representatives considered that references to other forms of cruel, inhuman or degrading treatment or punishment should be deleted from article 2 because of the difficulty of defining in that context what was meant by the phrase. Other speakers reiterated the view reflected in the second sentence of paragraph 22 above.

35. One representative proposed the addition to paragraph 3 of a provision indicating that superior orders may be considered in mitigation of punishment if justice so requires. It was agreed to include the addition in brackets for consideration by the Commission on Human Rights.

36. Article 2, as adopted by the Working Group, is therefore as follows:

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture [However, this may be considered in mitigation of punishment if justice so requires].

A representative indicated that he had some reservations regarding article 2 (3).

37. Article 3 of the draft convention (E/CN.4/1285) was as follows:

Each State Party shall, in accordance with the provisions of the present Convention, take legislative, administrative, judicial and other measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

38. It was agreed to delete article 3 on the basis that its objective had been achieved by the revised article 2 (1).

Article 3 (Article 4 of original draft)

39. The equivalent article in the original draft (E/CN.4/1285) was article 4 which was as follows:

"No State Party may expel or extradite a person to a State where there are reasonable grounds to believe that he may be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment."

Article 3 of the revised draft was as follows:

"No State Party shall expel, return ("refouler") or extradite a person where there are substantial grounds for believing that he would be in danger of being subjected to torture."

40. Questions were raised regarding the compatibility of the proposed article with previous extradition agreements concluded between States Parties and States not parties to the convention on torture. It was felt preferable not to include an exception for such cases in the text of the article lest such a limitation be interpreted as encouraging extradition to countries where the persons concerned would be subjected to torture. It was proposed, rather, that the following remark be included in the report of the Commission;

Some representatives indicated that their States might wish, at the time of signature or ratification of the Convention or accession thereto, to declare that they did not consider themselves bound by Article 3 of the Convention, in so far as that Article might not be compatible with obligations towards States not party to the Convention under extradition treaties concluded before the date of signature of the Convention.

41. It was agreed that the words "to a State" should be added after the word "person" in the revised draft. These words were already present in the French and Russian translations of the draft.

42. The advisability of including the word "return" ("refouler") in the revised draft of article 3 gave rise to considerable discussion. In favour of the proposal it was said that there were strong humanitarian considerations for the inclusion of the word "return" which broadened the protection of the persons concerned. The concept was found also in Article 33 (1) of the 1951 Convention relating to the status of refugees. On the other hand the view was expressed that the 1951 Convention on Refugees was on a quite different subject and, in addition, was not broadly accepted. The question was also raised whether the inclusion of the concept of "return" in Article 3 might not require a State to accept a mass influx of persons when it was not in a position to do so. It was also pointed out that disagreement about the concept of return or refoulement had led to failure in the drafting of the Convention on Territorial Asylum. Consequently, it was proposed either that the term be deleted or that specific provision be made in the Convention for States to attach a reservation to their acceptance of the article.

43. The revised draft of article 3 provided that expulsion, return or extradition should not occur where there are "substantial grounds for believing" that a person would be in danger of being subjected to torture. The original draft had used the words "reasonable grounds to believe" and other alternatives suggested were "substantial evidence indicating" and

"substantial indications". The view was expressed that some of the formulations proposed - such as the word "grounds" - were too vague. The term "evidence" was also criticized as possibly too technical and lending itself to different interpretations in the various legal systems. The view was expressed that such problems were difficult to avoid and that the effective application of the provision would, in any event, depend upon the good faith of those concerned.

44. It was said that the purpose of the provision was to afford the greatest possible protection against torture and that the evidentiary requirement should not be too rigorous and should be kept to a minimum. It was further said that the burden of proof should not fall solely upon the person concerned.

45. It was proposed that the word "where" should be replaced by "as long as" or "when" so as to allow for extradition or expulsion in cases where new developments after a lapse of time had removed the danger of the person concerned being subjected to torture. On the other hand, it was felt that the word "where" was adequate to cover such situations.

46. At the meeting of the working group on 7 March 1979 the representative of the USSR proposed the following text for article 3:

1. No State Party shall expel or extradite a person to another State where substantial evidence indicates that he may be in danger of being subjected to torture.
2. The evidence referred to in the preceding paragraph of this article includes above all situations characterized by flagrant and massive violations of human rights brought about when apartheid, racial discrimination or genocide, the suppression of national liberation movements, aggression or the occupation of foreign territory are made State policy.
3. The provisions of this article shall not be invoked as grounds for refusing to institute proceedings against persons who have committed crimes against peace or mankind, or war crimes as defined in the relevant international instruments.

47. It was said by the author that in paragraph 2 an attempt had been made to develop and illustrate the concept of "substantial evidence" by citing certain types of situations which arose as a result of State policy and which, in his view, were most conducive to torture practices. The situations referred to were based broadly on those mentioned in General Assembly resolution 32/130, although the lists were not identical. It was not possible to make an exhaustive list of relevant situations. The term "colonialism" was not included because it was encompassed in the broader reference to "the suppression of national liberation movements".

48. The view was expressed, on the other hand, that the listing of specific types of situations might be misinterpreted to imply that there were other situations in which torture could be tolerated. It was also said that the main purpose of the article was to ensure a separate evaluation of the case of each individual, and that it was thus not helpful to refer to general situations.

49. It was said by the sponsor that paragraph 3 of the USSR proposal, which took into account comments made by other delegations, aimed at ensuring that the article could not be invoked as a pretext for refusing to institute proceedings against persons who had committed the crimes specified. The

paragraph would secure punishment for such criminals, but did not oblige States to extradite them to countries where they could be in danger of being subjected to torture.

50. A representative proposed that article 3 be deleted. It was agreed that discussion of article 3 should be suspended to allow further consideration and consultation.

Article 10 (Article 5 of the original draft)

51. Article 10 of the revised draft was as follows:

"1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

"2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons."

52. It was proposed that, in paragraph 2, the words "give effect to" should be used in place of "include" in order to make the requirement more substantial. However, the view was expressed that the existing wording was more effective.

53. Article 10 of the revised draft was adopted by consensus without amendment.

Article 11 (Article 6 of the original draft)

54. Article 11 of the revised draft was as follows:

"Each State Party shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture."

55. The issue was raised as to whether the phrase "territory under its jurisdiction" included occupied territories. It was agreed that the phrase had the same meaning as had earlier been agreed upon in connexion with article 2 (1) of the revised draft.

56. The opinion was expressed that there were certain discrepancies between articles 10 and 11 which would require the introduction of drafting changes in those texts.

57. It was agreed that article 11 should be amended to harmonize it with article 10 by referred to "interrogation rules, instructions, methods and practices".

58. Article 11 was then adopted as follows:

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

59. Following the adoption of the rest of the report of the Working Group it was suggested that the Group should make a recommendation to the Commission that the drafting of the convention on torture and other cruel, inhuman or degrading treatment or punishment should be continued by an inter-sessional working group established for the purpose before the thirty-sixth session of the Commission. However, no agreement was reached on the matter."

179. Concerning the report reproduced above, some representatives, referring to paragraphs 22 and 34 of the report, expressed the view that the convention on torture should also deal with other forms of cruel, inhuman or degrading treatment or punishment, not only for legal reasons but also because the mandate from the General Assembly so required. Some other representatives proposed the inclusion of an article in the convention to make it clear that it would apply to all occupied territories.

180. It was generally felt that the work of the Group had been fruitful and that it should be continued. A suggestion for holding another session of the Group before the next session of the Commission was considered, and a proposal for a three-week session was made. Other representatives said that there was a competing need for groups on other important questions. They were not in favour of an intersessional meeting and stressed the sizable financial implications of a three-week session. They stated, however, that they were in favour of setting up a sessional working group. Many representatives supported the suggestion to reduce the proposed three weeks to only one.

181. At the 1521st meeting, the representative of Sweden introduced a draft resolution (E/CN.4/L.1469), of which Denmark became a co-sponsor. The representative of the Secretary-General made a statement concerning financial implications. 25/

182. At the request of the representative of Poland, paragraph 1 of the draft resolution and paragraph 1 of the draft resolution for adoption by the Economic and Social Council were put to separate votes. The former paragraph was adopted by 23 votes to 3 with 6 abstentions and the latter as orally revised was adopted by 23 votes to 3 with 6 abstentions. The draft resolution as a whole was then adopted by 29 votes to none with 3 abstentions.

183. For the text of the resolution see chapter XXIV, section A, resolution 18 (XXXV).

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

B. Body of principles for the protection of all persons under any form of detention or imprisonment

184. Several speakers felt that owing to lack of time, the revised draft body of principles for the protection of all persons under any form of detention or imprisonment could not be discussed properly during the current session. It was proposed that the Economic and Social Council be requested to send the text to all Governments for comments and to the General Assembly for consideration.

185. At the 1521st meeting the representative of the Federal Republic of Germany introduced a draft resolution (E/CN.4/L.1466) sponsored by the following countries: Egypt; Germany, Federal Republic of; Panama; Portugal. The representative of the Secretary-General made a statement concerning financial implications. ^{26/} Draft resolution E/CN.4/L.1466, as orally revised, was adopted without a vote.

186. For the text of the resolution see chapter XXIV, section A, resolution 17 (XXXV).

C. Disappeared persons

187. Some representatives underlined the request made in General Assembly resolution 33/173 that the Commission make appropriate recommendations on disappeared persons, and they strongly affirmed the responsibility of Governments for the safety and protection of their citizens. It was proposed that the Sub-Commission be requested to appoint one or several of its members with a view to collecting available information in this regard.

188. Most representatives expressed grave concern for the question of disappeared persons which was dealt with for the first time as such by the Commission. It was recalled that "reports from various parts of the world", as mentioned in General Assembly resolution 33/173, referred to "enforced or involuntary disappearances of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations, often while such persons are subject to detention or imprisonment, as well as of unlawful actions or widespread violence". Thousands of persons were said to have disappeared in recent years in certain countries. It was stated that most cases of torture or disappearance occurred for political reasons under either military régimes or army juntas seeking security and support by such illegal and inhuman measures.

189. Although the practice had been alleged to occur in certain specific countries, some representatives expressed the hope that such inhuman acts would be stopped by the Governments concerned. Among the causes cited was the unlimited power to arrest, interrogate, imprison and even execute, conferred upon security authorities without accountability. The Governments concerned merely denied all knowledge of what was happening.

^{26/} A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

190. Two draft resolutions on the question of missing and disappeared persons were before the Commission - draft resolution E/CN.4/L.1458/Rev.1, proposed by Australia and Canada; and draft resolution E/CN.4/L.1460, proposed by Australia; Austria; Canada, Germany, Federal Republic of; France; Ireland; Netherlands; Portugal; Sweden; the United Kingdom of Great Britain and Northern Ireland; and of which Belgium; Denmark; Finland; Italy and Norway became co-sponsors. An amendment (E/CN.4/L.1472) to draft resolution E/CN.4/L.1460 was submitted by Algeria, Argentina, Iraq, Panama, Syrian Arab Republic and Yugoslavia.

191. Following unfruitful attempts to reach a compromise on the proposals before the Commission, it was decided at the 1522nd meeting to refer these proposals to the thirty-sixth session of the Commission, because of lack of time.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING: (a) 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; (b) IMPORTANCE OF NATIONAL INSTITUTIONS IN THE FIELD OF HUMAN RIGHTS

A. 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.

192. The Commission considered item 11 (a) at its 1479th and 1522nd meetings held on 13 February and 14 March 1979. The Commission had before it the reports of the Secretary-General submitted in accordance with Commission resolution 26 (XXXIV) (E/CN.4/1318 and Add.1 to 3, E/CN.4/1319 and E/CN.4/1320) as well as the documents and draft resolutions on the item which had been before the thirty-fourth session of the Commission.

193. In accordance with Commission resolution 26 (XXXIV) as endorsed by Council decision 1978/20 an open-ended working group met prior to the session, from 5 to 9 February 1979, to continue considering the matters mentioned in Commission decision 4 (XXXIII) as well as those referred to the Commission by General Assembly resolution 32/130. Under the co-chairmanship of Mrs. Nina Sibal (India) and Mr. Alioune Sene (Senegal), the group held extensive discussions, taking into consideration the above-mentioned documents, as well as a draft resolution (E/CN.4/L.1397) which had been proposed by Bulgaria, Cuba and Poland at the thirty-fourth session and which was reintroduced at the present session as a working paper, and a working paper submitted by Australia. A drafting group composed of the representatives of Australia, Brazil, Bulgaria, Cuba, France, India, Senegal, the United States of America and the Union of Soviet Socialist Republics was appointed to make recommendations to the Working Group.

194. On the recommendation of the Co-Chairmen, the Commission decided at its 1479th meeting that an open-ended working group should continue to examine this item during the session.

195. The drafting Group referred to in paragraph 193 above held eight meetings under the chairmanship of Mr. Sene (Senegal), later replaced by M. A. Diéye (Senegal), between 9 February and 14 March 1979. It considered various proposals in addition to those mentioned above. At its final meeting the drafting group prepared a draft resolution which was embodied in the group's report to the Commission (E/CN.4/L.1482).

196. The report of the Working Group (paragraphs 6 to 24) reads as follows:

"...

6. During the discussion, it was stressed by all speakers that all human rights were indivisible and interdependent and that equal attention should be given to their realization. References were made to the concepts contained in General Assembly resolution 32/130 which the Commission should take into account in its future work along with the concepts and standards contained in the Charter, the International Bill of Human Rights and other international instruments in the field of human rights.

7. It was suggested by many speakers that the Commission should concentrate at the present session on ideas and suggestions on which there was broad agreement.
8. A number of specific ideas and suggestions were advanced for consideration during the deliberations. Attention was also drawn to the specific ideas and suggestions contained in the documentation before the Commission. Some of those ideas were generally supported in principle, while opinions were divided on others.
9. Several representatives felt that the Commission on Human Rights should take into account the concepts contained in General Assembly resolution 32/130 but opinions were divided as to whether there was any need to incorporate these concepts in the terms of reference of the Commission. It was also suggested that the responsibilities of the Commission in assisting the Economic and Social Council to co-ordinate human rights matters should be reflected in the mandate of the Commission.
10. It was generally felt in the discussions that more time should be afforded to the Commission in order to enable it to consider all the items on its agenda. It was suggested that its annual session could be extended to six or seven weeks, or to six weeks with an additional week for working groups. Another suggestion was that there could be two sessions of the Commission annually.
11. It was also generally felt that there was a need to assign a role to the Bureau of the Commission between sessions, particularly in dealing with urgent human rights situations which might arise. However, it was said that the modalities for convening such meetings and the matters to be dealt with needed further study.
12. Many speakers suggested the enlargement of the Commission, but it was pointed out, on the other hand, that an enlargement might not be conducive to effectiveness.
13. The need to provide the Division of Human Rights with adequate staff and resources was recognized. It was felt, however, that this was a matter within the domain of the Secretary-General and that it was for him to take appropriate action. Some delegations suggested that a study be undertaken by the Secretary-General of the resources and staff to ensure the efficiency and effectiveness of the Division.
14. There was wide support for the value of the advisory services programme in the field of human rights, and it was suggested that the Commission should continue to call for the strengthening of this programme and for the allocation of sufficient resources to it.
15. Wide support was also expressed for activation to enhance teaching, training and the dissemination of information on human rights. It was suggested in this connexion that the basic international instruments should be made available and disseminated in as many languages as possible.
16. There was wide agreement that the activities of the Commission could be usefully complemented by national institutions for the promotion and protection of human rights, and that the Commission should seek to encourage such institutions. Reference was also made to the idea of regional institutions for the promotion and protection of human rights.

17. Measures were discussed to improve co-ordination in the field of human rights, bearing in mind General Assembly resolution 33/54.
18. One speaker suggested that the Division of Human Rights be transferred to United Nations Headquarters in New York but this suggestion was not shared by others.
19. Another suggestion was that the Division of Human Rights should be elevated to the status of a Centre on Human Rights headed by an Assistant Secretary-General or that a Department of Human Rights should be created, into which certain other parts of the Secretariat would be incorporated. On the other hand, the opinion was expressed that the present level of the Division was sufficient. Some members considered that it needed additional staff. It was also felt that in any case these were matters within the competence of the Secretary-General to decide.
20. Another suggestion on which opinion was divided was for the establishment of a United Nations High Commissioner for Human Rights.
21. As regards the future consideration of the over-all analysis, it was suggested that the Commission should keep the item on its agenda.
22. In view of the fact that its deliberations had not been concluded by Friday, 9 February 1979, the open-ended Working Group decided that its Co-Chairmen should report on the progress of its work to the Bureau of the thirty-fifth session with a request that the Working Group should be enabled to conclude its work during the thirty-fifth session of the Commission. It was also decided to set up, meanwhile, a nine-member drafting Group, consisting of the representatives of Australia, Brazil, Bulgaria, Cuba, France, India, Senegal, the Union of Soviet Socialist Republics and the United States of America to draft recommendations on the ideas on which there was broad agreement in the Working Group.
23. The drafting group held eight meetings between 9 February 1979 and 14 March 1979. During its deliberations, the drafting group had before it all the documents which were before the open-ended Working Group of 5-9 February 1979, as well as working papers submitted to it.
24. At its final meeting on 14 March 1979 the drafting group completed its work and prepared, on the basis of a consensus, the following draft resolution.

Draft resolution

The Commission on Human Rights,

In conformity with General Assembly resolutions 32/130 of 16 December 1977, and 33/104 and 33/105 of 16 December 1978,

Recommends to the Economic and Social Council the following draft resolution for adoption:

"The Economic and Social Council,

Recognizing the responsibilities of the Commission on Human Rights under the Charter of the United Nations,

In conformity with General Assembly resolutions 32/130 of 16 December 1977 and 33/104 and 33/105 of 16 December 1978,

Recalling the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in further promoting international co-operation for respect for and observance of human rights and fundamental freedoms, as required by the Charter,

Noting the increase in the workload of the Division of Human Rights as a result, inter alia, of the entry into force of the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

1. Notes that, in conformity with the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant international instruments, in fulfilling its tasks as laid down in Council resolution 5 (I) of 16 February 1946, and as amended by resolution 9 (II) of 21 June 1946, the Commission on Human Rights should take into account the concepts contained in General Assembly resolution 32/130 of 16 December 1977;

2. Reaffirms that the Commission on Human Rights will, in this connexion, be guided by the standards in the field of human rights as laid down in the various international instruments in that field;

3. Decides, further, to add the following provisions to the terms of reference of the Commission as contained in the Council's resolution 5 (I) of 16 February 1946 as amended by resolution 9 (II) of 21 June 1946:

"The Commission shall assist the Economic and Social Council in the co-ordination of activities concerning human rights in the United Nations system";

4. Authorizes:

(a) an increase in the membership of the Commission on Human Rights to 43 members, while maintaining equitable geographic distribution in its membership; 27/

(b) regular meetings of the Commission for six weeks each year, with an additional week for meetings of working groups;

5. Notes that in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business, including for the purpose of the drafting of human rights instruments;

6. Requests the Commission on Human Rights to prepare suggestions on the possibility of convening meetings of the Bureau of the Commission in intersessional periods in exceptional circumstances.

27/ The principles of equitable geographical distribution indicate that the 11 additional seats should be distributed as follows: African States - 3, Asian States - 3, Latin-American States - 2, Western European and Other States - 2, Eastern European States - 1.

7. (a) Requests, in order to enable the Commission on Human Rights to carry out the study asked for in General Assembly resolution 33/54 of 14 December 1978, those specialized agencies and other organs and bodies within and related to the United Nations system which are, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms, to provide the Secretary-General with a short survey of their human rights activities and programmes;

(b) Further requests the Secretary-General to compile for the Commission on Human Rights at its thirty-seventh session an analytical presentation of the material submitted pursuant to paragraph (a) above;

(c) Notes that the Commission on Human Rights, at its thirty-seventh session, may wish to set up a sessional working group to study the material compiled and to make proposals if it deems it appropriate for the co-ordination of specific human rights activities and programmes within the United Nations system.

8. Requests the Secretary-General, in the light of the increases in the workload of the Division of Human Rights, to examine the question of the staffing and other resources of the human rights sector of the Secretariat with the view that it should always be at a level that allows it to discharge its duties efficiently;

9. Emphasizes the value of the programme of advisory services in the field of human rights and reaffirms that this programme should be maintained and developed;

10. Requests the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities, with a view to consolidating its effectiveness and resources, to examine its programme of work so as to identify specific areas for its concentrated attention and to make recommendations thereon to the Commission on Human Rights;

11. Decides that the annual session of the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities may be extended to four weeks;

12. Expresses its appreciation to the Secretary-General for his efforts to continue rendering the good offices as envisaged in the Charter of the United Nations in the field of human rights;

13. Notes General Assembly resolution 33/105 of 16 December 1978, which requested the Commission to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals, including a post of United Nations High Commissioner for Human Rights and that, the Commission could not reach an agreement on the latter;

14. Requests the Commission on Human Rights to continue its work on the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and the examination of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms;

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

197. The draft resolution reproduced above was introduced by the representative of Senegal on behalf of the working group at the Commission's 1522nd meeting on 14 March 1979, and orally revised as follows: (a) in paragraph 2, the words "in this connexion" were deleted; (b) in paragraph 13, the words "without prejudice to future consideration" were deleted and the words "had not yet been able to" were replaced by the words "could not".

198. The draft resolution, as orally revised, was adopted without a vote.

199. For the text of the draft resolution, see chapter I, section A, draft resolution III.

200. Under subitem 11 (a) another draft resolution proposed by Australia, Colombia, India, Nigeria and Yugoslavia (E/CN.4/L.1459) was adopted without a vote.

201. For the text of that resolution, see chapter XXIV, section A, resolution 23 (XXXV).

B. Importance of national institutions in the field of human rights

202. The Commission considered item 11 (b) at its 1522nd meeting on 14 March 1979.

203. The Commission had before it the following documents:

(a) Report of the Secretary-General on the observance of the thirtieth Anniversary of the adoption of the Universal Declaration of Human Rights, prepared in accordance with paragraph (c) of Commission resolution 3 (XXXIII) (E/CN.4/1312 and Add.1 and 2);

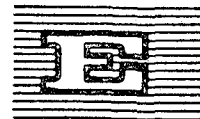
(b) Report prepared by UNESCO on the situation with regard to the teaching of human rights throughout the world, prepared in accordance with ECOSOC decision 228 (LXII) (E/CN.4/1274 and Add.1);

(c) Report of the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights (ST/HR/SER.A/2 and Add.1);

(d) Report of the Secretary-General prepared in accordance with Commission resolution 23 (XXXIV), containing information received from Member States together with their comments and suggestions regarding possible guidelines for national institutions to be set up in the future (E/CN.4/1321 and Add.1 to 6);

(e) Report of the Secretary-General prepared in accordance with Commission resolution 24 (XXXIV) on steps taken to implement the resolution concerning regional arrangements for the promotion and protection of human rights (E/CN.4/1322).

204. At the 1522nd meeting the representative of India introduced a draft resolution entitled "National institutions for the promotion and protection of human rights" (E/CN.4/L.1462) which was sponsored by Australia, Canada, Colombia, Cyprus, Egypt, India, Iraq, Morocco, Panama, Senegal and Syrian Arab Republic, and adopted at the same meeting without a vote.



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Agenda item 5. Human rights questions

REPORT OF THE COMMISSION ON HUMAN RIGHTS ON ITS THIRTY-FIFTH SESSION

Addendum

Programme budget implications of draft decision 12 contained in chapter I of the report of the Commission on Human Rights*

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council.

1. The Commission on Human Rights in its decision 13 (XXXV) 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-sixth session, in order 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-second session, under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, and those situations which the Commission has decided to keep under review. By adopting draft decision 12 in chapter I, part B of the Commission's report to the Council, the Council would approve the Commission's decision.

2. For the purpose of determining the programme budget implications of the 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 of the Commission at regular sessions.

3. On the basis of the foregoing, the relevant costs are estimated as follows:

* Official Records of the Economic and Social Council, Thirty-fifth Session, Supplement No. 6 (E/1979/36).

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Addendum

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Statement submitted by the Secretary-General in accordance
with rule 31 of the rules of procedure of the Economic and
Social Council

Corrigendum

Paragraph 3, Total cost

In the line "Salaries", the figure 4,449 should read 4,494

* Official Records of the Economic and Social Council, Thirty-fifth Session,
Supplement No. 6 (E/1979/36).

205. The representative of the Federal Republic of Germany explained his position with regard to the resolution.

206. For the text of the resolution, see chapter XXIV, section A, resolution 24 (XXXV).

C. Public information activities in the field of human rights.

207. At its 1522nd meeting the Commission also considered a draft resolution on ways and means of further developing public information activities in the field of human rights (E/CN.4/L.1459) proposed by Australia, Colombia, India, Nigeria and Yugoslavia. The Commission adopted the draft resolution without a vote.

208. For the text of the resolution, see chapter XXIV, section A, resolution 23 (XXXV).

D. Yearbook on Human Rights

209. The attention of the Commission was drawn to resolution 33/171 of 20 December 1978 by which the General Assembly requested the Commission at its thirty-fifth session to review the objectives, contents and format of the Yearbook on Human Rights and to make appropriate recommendations as to the need for modifications, such as the inclusion therein of appropriate documents of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination and of other important documents on human rights; the Assembly also requested the Secretary-General to submit to the Commission on Human Rights at its thirty-fifth session suggestions for new contents and format for the Yearbook. These suggestions were before the Commission in document E/CN.4/1338. The report of the Ad Hoc Committee on Periodic Reports (E/CN.4/1304) which was also before the Commission under agenda item 19 reflected that Committee's suggestions for improving the Yearbook on Human Rights, and included a draft resolution for the Commission's consideration.

210. At the 1522nd meeting, on 14 March 1979, the Chairman/Rapporteur of the Ad Hoc Committee on Periodic Reports introduced the above-mentioned draft resolution which included as an annex guidelines for the contents and format of the Yearbook (E/CN.4/1304, para. 31, draft resolution II).

211. The administrative and financial implications ^{28/} of the draft resolution E/CN.4/L.1444 were brought to the attention of the Commission.

212. At the same meeting the Commission adopted the draft resolution without a vote.

213. One representative, commenting on the guidelines mentioned in paragraph 210 above, expressed the view that material dealing with national developments should be agreed with the countries concerned.

214. For the text of the resolution, see chapter XXIV, section A, resolution 26 (XXXV).

^{28/} A statement on the financial implications of the Commission's resolutions and decisions appears in annex III.

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

215. The Commission considered item 12 and its subitems at the 1501st to 1503rd, 1505th and 1507th to 1520th meetings, on 1 to 2 March, 5 to 9 March and 12 to 14 March 1979. The item as a whole was considered at the 1510th meeting (public part), 1515th meeting (public part) and 1516th to 1520th public meetings. Subitem 12 (a) was considered at the 1515th meeting (public part). Subitem 12 (b) was considered at the 1501st to 1503rd, 1505th to 1507th, 1508th (closed part), 1509th, 1510th (closed part), 1511th to 1514th and 1515th (closed part) closed meetings.

216. 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 1978 relevant to the question of violations of human rights and fundamental freedoms (E/CN.4/923/Add.12); the report of the Sub-Commission Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296); 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 General Assembly resolution 2785 (XXVI) (E/CN.4/1332); an analysis prepared by the Secretary-General pursuant to Commission resolution 16 (XXXIV) 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 (E/CN.4/1317); a note by the Secretary-General as well as material received by the Secretary-General pursuant to Commission decision 9 (XXXIV) concerning the human rights situation in Democratic Kampuchea (E/CN.4/Sub.2/414 and Addenda.1-10); a note from the Government of Democratic Kampuchea on the subject (E/CN.4/1295); and an analysis prepared on behalf of the Sub-Commission by its Chairman pursuant to Sub-Commission resolution 11 (XXXI) of the materials referred to above concerning the human rights situation in Democratic Kampuchea (E/CN.4/1335).

217. At the 1515th meeting the Commission heard an oral report made by the Director of the Division of Human Rights on behalf of the Secretary-General, pursuant to Sub-Commission resolution 10 (XXXI), in which the Sub-Commission had requested the Secretary-General to investigate violations of the rule of confidentiality provided for in Council resolution 1503 (XLVIII) and to indicate measures devised to prevent them.

218. Before opening the public debate on the item as a whole, the Chairman announced that the Commission had taken decisions concerning Bolivia, Burma, Ethiopia, Indonesia, Malawi, Paraguay, the Republic of Korea, Uganda and Uruguay in private session under Economic and Social Council resolution 1503 (XLVIII), and that in conformity with paragraph 8 of that resolution, the members could not refer in the public debate to those decisions, nor to any confidential material relating thereto. The Chairman further announced that the Commission had also decided to discontinue consideration of the human rights situation in Equatorial Guinea within the framework of the confidential procedure governed by Council resolution 1503 (XLVIII), and to take up consideration of the human rights situation in that country under the present public item. 29/

29/ In this connexion the Commission decided to recommend to the Economic and Social Council that the confidential material that had been before the Commission under Council resolution 1503 (XLVIII) should no longer be restricted.

219. A representative expressed the view that it was contrary to the rule of confidentiality to mention at open meetings the names of countries regarding which confidential decisions had been taken.

220. The item as a whole was discussed at the 1510th meeting (public part), 1515th meeting (public part) and 1516th to 1520th public meetings. The discussion is reflected in the relevant summary records.

221. In the course of the debate, in which several members of the Commission participated, statements were also made by the observers for: Algeria, Argentina, China, Costa Rica, Democratic Kampuchea, Ethiopia, Guatemala, Israel, Libyan Arab Jamahiriya, Madagascar, Mongolia, Morocco, the Netherlands, Nicaragua, the United Kingdom, Venezuela and Viet Nam. The Commission also heard statements by representatives of the following non-governmental organizations: the International Confederation of Free Trade Unions, the International Federation of Human Rights, the International Indian Treaty Council, the International Movement for Fraternal Union Among the Races and Peoples, the International Youth and Student Movement for the United Nations, the Inter-Parliamentary Union, and the World University Service.

222. In the course of the debate general remarks and suggestions were made regarding the question of how the Commission could proceed 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, were summarized in the records of the above-mentioned meetings.

223. At the public part of the 1510th meeting, the Chairman of the Sub-Commission, Mr. A. Bouhdiba, introduced the analysis he had prepared of the materials received by the Secretary-General on the situation of human rights in Democratic Kampuchea (E/CN.4/1335). Referring to the recent developments which had taken place in that country, he did not find it desirable to propose concrete measures in his analysis regarding the situation, which had aroused the concern of the Commission. He expressed the hope, however, that the Commission would take note of the documentation submitted to it and condemn the systematic and gross violations of human rights which, in his opinion, according to the materials analysed by him, had taken place in Democratic Kampuchea.

Resolutions and decisions

224. A number of draft resolutions and draft decisions, were introduced and considered in the context of the item as a whole. The Commission took action with regard to these drafts at its 1519th and 1520th meetings, as follows:

- (a) Drafts relating to Democratic Kampuchea (E/CN.4/L.1446/Rev.1, E/CN.4/L.1448 (amendments), E/CN.4/L.1453).

225. Draft decision E/CN.4/L.1453, sponsored by Benin, Egypt, Pakistan, Senegal, the Syrian Arab Republic and Yugoslavia, calling for the postponement of the consideration of the analysis contained in document E/CN.4/1335 until the Commission's thirty-sixth session was adopted by a roll-call vote by 20 votes to 10, with 2 abstentions. The voting was as follows:

In favour: Benin, Brazil, Bulgaria, Burundi, Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Panama, Poland, Senegal, the Syrian Arab Republic, Uganda, the Union of Soviet Socialist Republics and Yugoslavia.

Against: Australia; Austria; Canada; Colombia; France, Germany, Federal Republic of; Portugal; Sweden; United States of America and Uruguay.

Abstaining: Ivory Coast and Peru.

226. A procedural debate ensued, as to whether the adoption of the draft decision contained in document E/CN.4/L.1453 precluded the Commission from pronouncing itself on draft resolution E/CN.4/L.1446/Rev.1 and the amendment thereto contained in document E/CN.4/L.1448. Draft resolution E/CN.4/L.1446/Rev.1 was sponsored by Australia, Austria, Canada, Sweden and the United Kingdom of Great Britain and Northern Ireland. The operative part of the draft resolution read as follows: "Concludes on the basis of the evidence available that gross and flagrant violations of human rights have occurred in Democratic Kampuchea; decides to keep the human rights situation in that country under review at its thirty-sixth session as a matter of priority, and to this end requests the Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to review any further material on the subject which may become available". The amendment in document E/CN.4/L.1448, submitted by Cuba, envisaged an additional operative paragraph which read as follows: "Decides, in the light of the new situation in that country, to co-operate with and help its people in ensuring respect for human rights and fundamental freedoms". Acting on a motion from the representative of Senegal, the Commission decided, in a roll-call vote by 22 votes to 7, with 3 abstentions, that it should not pronounce itself on draft resolution E/CN.4/L.1446/Rev.1 and the amendment thereto contained in document E/CN.4/L.1448. The voting was as follows:

In favour: Benin, Brazil, Bulgaria, Burundi, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics and Yugoslavia.

Against: Australia; Austria; Canada; France; Germany, Federal Republic of; Sweden and United States of America.

Abstaining: Colombia, Portugal and Uruguay.

(b) Draft resolution relating to Nicaragua (E/CN.4/L.1447/Rev.2)

227. Draft resolution E/CN.4/L.1447/Rev.2, sponsored by Cuba and Venezuela, requesting the Secretary-General to keep the situation of human rights in Nicaragua under review and to submit a report on the subject matter to the thirty-sixth session of the Commission, was adopted by 23 votes to none, with 6 abstentions.

(c) General draft resolution concerning situations of large-scale exoduses of persons and groups from certain States and territories, and on amendment thereto (E/CN.4/L.1452 and E/CN.4/L.1475 (amendment))

228. Draft resolution E/CN.4/L.1452, submitted by Canada envisaged that a special rapporteur would be appointed to investigate situations which had led to large-scale exoduses in certain States and territories in order to determine the possible relationship between violations of human rights and these exoduses and that he should report on his findings to the thirty-sixth session of the Commission. The

representative of the Syrian Arab Republic submitted amendments in document E/CN.4/L.1475, which he revised orally, emphasizing the relationship between colonialism, settler-colonialism, foreign occupation and apartheid, and mass exodus, particularly in southern Africa and occupied Arab territories including Palestine. The representative of Canada formally withdrew his draft resolution E/CN.4/L.1452 after explaining his view that the proposed amendments would, if adopted, adversely affect the global thrust of the main draft resolution. He expressed the hope that further consultations on the subject at the thirty-sixth session of the Commission could lead to a consensus on this serious subject matter.

(d) Draft resolutions concerning Western Sahara and the camps of Tindouf and the neighbouring area

229. Draft resolution E/CN.4/L.1455 introduced and orally amended by the representative of Benin, sponsored by Algeria, Benin, Burundi, Cuba, Libyan Arab Jamahiriya, Madagascar, Panama, the Syrian Arab Republic and Yugoslavia, envisaged that the question of the violations of human rights and fundamental freedoms in the Western Sahara be examined at the thirty-sixth session of the Commission as a matter of high priority.

230. Draft resolution E/CN.4/L.1461 introduced by the representative of Morocco, sponsored by Gabon, Morocco, Senegal and Zaire, envisaged the inclusion in the agenda of the thirty-sixth session of the Commission of an item concerning, inter alia, the violations of the human rights of persons living in the camps of Tindouf and the adjacent area.

231. The Commission decided to postpone the consideration of draft resolutions E/CN.4/L.1455 as orally amended and E/CN.4/L.1461 until its thirty-sixth session.

(e) Draft telegrams concerning the recent assassination of Dr. Alberto Fuentes Mohr in Guatemala

232. Two draft telegrams to the Government of Guatemala, concerning the recent assassination of Dr. Alberto Fuentes Mohr, document E/CN.4/L.1456 submitted by Cuba and document E/CN.4/L.1474 co-sponsored by Colombia and Peru, were introduced. After consultations between the three sponsors, who were joined by the representative of Panama, a new text (E/CN.4/L.1479), to replace documents E/CN.4/L.1456 and E/CN.4/L.1474, was submitted and adopted without a vote.

(f) Draft resolution concerning Equatorial Guinea (E/CN.4/L.1457/Rev.2)

233. Draft resolution E/CN.4/L.1457/Rev.2, submitted by Canada called for the appointment of a special rapporteur of the Commission to make a thorough study of the human rights situation in Equatorial Guinea, based on such information as he may deem relevant, and to report thereon to the thirty-sixth session of the Commission. The draft resolution which also recommended to the Economic and Social Council that it make an appeal to the Government of Equatorial Guinea to extend its co-operation to the Commission in connexion with the implementation of the resolution, was adopted by 20 votes to 3, with 9 abstentions. A statement of financial administrative implications 30/ was submitted to the Commission.

234. For the text of the resolutions, see chapter XXIV, section A, resolutions 14 (XXXV) and 15 (XXXV). For the text of the decisions, see chapter XXIV, section B, decisions 4 (XXXV), 6 (XXXV), 7 (XXXV), 11 (XXXV) and 12 (XXXV).

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

A. Question of human rights in Cyprus

235. With regard to item 12 (a) the Commission had before it a report of the Secretary-General (E/CN.4/1323) submitted in accordance with Commission resolution 17 (XXXIV), containing information relevant to the consideration of this question with special reference to the implementation of the Commission's repeated calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees.

236. At the public part of the 1515th meeting, the Chairman after consultations with the interested parties, proposed that the item be postponed to the Commission's thirty-sixth session, giving it then due priority. The Commission adopted this proposal with the understanding that action required by previous resolutions of the Commission on this subject continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations be placed on record. (For the text of the decision, see chapter XXIV, section B, decision 5 (XXXV)).

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.

237. The Commission considered item 12 (b) at its 1501st to 1503rd, 1505th to 1507th, 1508th (closed part), 1509th, 1510th (closed part), 1511th to 1514th and 1515th (closed part) closed meetings.

238. 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, and a confidential report submitted to the Commission by its working group established by Commission decision 4 (XXXIV), as well as quarterly reports prepared by the Secretary-General pursuant to Commission resolution 15 (XXXIV) concerning the implementation of the confidential decisions adopted by the Commission at its thirty-fourth session under ECOSOC resolution 1503 (XLVIII). The Commission also had before it the relevant chapter of the report of the Sub-Commission on its thirty-first session (E/CN.4/1296, chap. XI).

239. The views expressed and the actions 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.

240. At its 1514th closed meeting and 1515th meeting (closed part), respectively, the Commission adopted general decisions as follows: (a) 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) by the thirty-second session of the Sub-Commission, and those situations which the Commission has decided to keep under review; and (b) that in future, the working groups of the Commission, if established to assist the Commission in the examination of the documents reaching it under ECOSOC resolution 1503 (XLVIII), should be authorized to communicate their recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries. At the 1515th meeting (closed part) it was decided that these decisions should be made public (see chap. XXIV, sect. B, decisions 13 (XXXV) and 14 (XXXV)).

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

242. The Commission decided at its 1479th session that an informal open-ended working group should be established to consider agenda item 13 "Question of a convention on the rights of the child".

243. At the Commission's 1521st meeting, Mr. Adam Lopatka (Poland), the Chairman-Rapporteur of the working group, introduced the group's report (E/CN.4/L.1468) and also introduced a draft resolution (E/CN.4/L.1465/Rev.1).

244. The report of the Working Group read as follows:

"...

1. The open-ended Working Group held meetings on 14, 20, 21, 22 and 26 February and 2 March 1979. At its first meeting, Mr. Adam Lopatka (Poland) was elected Chairman-Rapporteur by acclamation.

2. The Working Group had before it the Secretary-General's report on the Question of a Convention on the Rights of the Child (E/CN.4/1324 and Corr.1 and Add.1-4). It also had before it the report of the thirty-fourth session of the Commission on Human Rights (E/CN.4/1292), which contained the text of the draft convention on the rights of the child, as included in resolution 20 (XXXIV) of the Commission, and working papers containing amendments to the preamble and articles of the draft convention presented by the following countries: Canada, France, Germany, Federal Republic of, Norway, Poland, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

3. The representative of Sweden stressed that as the Swedish authorities had not prepared any specific drafting proposals before the current session, any comments or proposals put forward by Sweden in the working group must be regarded as preliminary as far as the exact wording was concerned.

4. During the general discussion it was suggested by some representatives that consideration of the proposal to draft a convention on the rights of the child should take account of the results of the activities which were taking place during 1979 in connexion with the International Year of the Child, and at that time people dealing with children's welfare and their rights and legal experts could apply their experience to make the draft convention more useful and up-to-date. However, other representatives expressed support for the idea of proceeding with the discussion and formulation of the convention immediately.

5. A number of representatives emphasized that it would not be appropriate merely to incorporate the provisions of the Declaration of the Rights of the Child 31/ which was drafted twenty years ago, in the convention, but that the convention must be drafted precisely and with due regard for the current problems confronting children. Those representatives emphasized that it was more important to prepare a comprehensive convention than to conclude a convention quickly. Some representatives expressed deep conviction that the draft presented by the representative of Poland was a good and solid basis for elaboration of the convention at the current session of the Commission and appealed to all delegations to be constructive and co-operative.

31/ See General Assembly resolution 1386 (XIV).

6. Several representatives stated that in the drafting of the convention, consideration should be given to such matters as: the right to life of the unborn child; the question of abortion; the question of children born out of wedlock; the family and the child; the question of children in territories under foreign occupation and of children living under an apartheid régime; racial discrimination; ill-treatment of children; the age of criminal responsibility of children; child labour; the protection of foster children; the right of the child to receive a religious education; family reunification; the rights of students to peaceful assembly, to travel and to access to information; the right of the child to be consulted in proceedings affecting his or her welfare. The convention should refer to the need to respect the rights of children of missing persons, refugees, hostages and migrant workers. Attention should also be given to the status of children in developing countries suffering from malnutrition, hunger or poverty.

7. At the 3rd meeting of the working group, a non-governmental organization brought to the attention of the group a document (E/CN.4/NGO/230) dealing with, inter alia, some recent developments in science and technology affecting the rights of the child.

8. Some views were expressed as to the procedure to be followed when the text of the draft convention was discussed. It was felt that the comments submitted by Governments and international and other organizations were a most valuable contribution. The representative of the Federal Republic of Germany stated that a distinction should be drawn between the regulations on the rights of the individual and those which might be the subject of an undertaking on the part of States, as indicated in his Government's comments contained in the report of the Secretary-General. Other representatives pointed out that the Declaration of the Rights of the Child constituted a natural starting point in the working group's endeavours to draft a convention, and should be used as a guide for the group's discussions.

9. A number of representatives expressed a preference for the title as contained in the draft convention while others felt that the convention should deal with children as a group and that this aspect ought to be emphasized by using the term 'children' throughout the convention, so there would be no discrimination between sexes. The working group decided to adopt the present title of the draft convention on the understanding that it might later decide to change it.

First preambular paragraph

10. At the 4th meeting, the working group considered the first preambular paragraph of the draft convention. One representative said that the first preambular paragraph should incorporate some of the provisions of the United Nations Charter.

11. The representative of the United States of America proposed that the phrase 'in the equal rights of men and women', taken from the second preambular paragraph of the Charter, should be inserted in this paragraph between the words 'person' and 'and have determined'. Other representatives considered the proposal unnecessary, the reference to the dignity and worth of the human person in the original text being sufficient; they preferred the text as it stood.

12. The representative of Australia proposed that the words 'to promote economic and social progress and development as well as universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion', which reflected a similar provision of article 55 of the Charter, should be added after the words 'have determined' in the first preambular paragraph.

13. Several delegations, expressing their support for the paragraph as it stood, considered the wording to be sufficiently precise and that any additions to it might overburden the text. The amendment put forward by Australia was withdrawn in the light of those comments.

14. The discussion concerning the first preambular paragraph continued at the 5th meeting of the working group. Some representatives were of the opinion that the text of the first preambular paragraph should be retained as it appeared in the draft convention. The first preambular paragraph of the draft convention was finally adopted without change, as follows:

'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,'.

15. The representative of Canada proposed at the 6th meeting that the first preambular paragraph of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights should also be the first preambular paragraph of the convention on the rights of the child. The paragraph read as follows:

'Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,'.

16. The working group accepted the proposal submitted by Canada.

Second preambular paragraph

17. The working group proceeded to consider the second preambular paragraph of the draft convention. During the discussion, the reference in the preamble to international instruments was questioned by some representatives and it was suggested that references should be limited to the United Nations Charter. One representative stated that it would be appropriate to make special mention of certain articles of the Universal Declaration of Human Rights, where specific reference was made to children, namely articles 25 and 26.

18. It was understood that the phrase 'religion, political or other opinion, national or social origin, property, ...', in the second preambular paragraph, was also intended to prevent discrimination against children on account of the political opinions, religious beliefs or property of their parents or relatives.

19. A number of representatives were in favour of adopting the second preambular paragraph as it stood, considering that it was appropriate to refer to previous international instruments which were all relevant. It was therefore agreed to adopt the paragraph under discussion in its original form.

20. The second preambular paragraph, as adopted by the working group, read as follows:

'Recognizing that the United Nations has, 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,'.

Other provisions of the draft convention

21. At the 6th meeting, the representatives of France and the Federal Republic of Germany reminded the working group of the recommendations of their Governments contained in the report of the Secretary-General concerning the desirability of convening a group of experts to draw up the convention.

22. The representative of Poland proposed a text for insertion after the second preambular paragraph of the draft convention which would stress the importance of the family as the basic unit of society and the natural environment for the growth and well-being of children. Taking into account comments made by various delegations, he submitted a new text which was adopted by the working group at its 7th meeting. The text, as adopted, read as follows:

'Convinced that the family, as the basic unit of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,'.

One representative stated that he did not oppose the substance of the provision but questioned whether the convention would in fact address the issue of family protection and said that the preambular phrase might have to be re-examined in the light of the operative portion of the convention.

23. In addition, the working group had before it the following amendments which were not discussed owing to lack of time:

(a) A proposal of the representative of the United States of America for a new preambular paragraph 3 which read as follows:

'Recognizing that these rights derive from the inherent dignity of the human person,';

(b) A new preambular paragraph submitted by the representative of the United Kingdom, for insertion after the second preambular paragraph of the draft convention, which read as follows:

'Recalling that in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,';

(c) A revised draft proposal submitted by the representative of Sweden, for insertion in the preamble of new paragraphs before the last preambular paragraph of the draft convention, which read as follows:

'Aware that children have inherent rights and needs of their own,

'Also aware of the changing role and structure of the family in many parts of the world,

'Recognizing that the conditions for children have changed considerably in many countries since the time of the adoption of the United Nations Declaration on the Rights of the Child, entailing some improvements but also creating new problems for children, partly due to the environmental situation and to increased migration,

'Acknowledging that these developments necessitate the elaboration of new special safeguards and of concrete obligations for States,';

(d) Amendments to articles II and IX of the draft convention proposed by the representatives of Norway and Sweden which read as follows:

Article II

Add the following:

'If a child's parents, or one of them, is imprisoned, taken into custody, exiled or deported, or by any other judicial or administrative action prevented from caring for the child, it is the duty of the State Party to secure to the child adequate care and fostering, if necessary by support to the other parent, relatives or foster parents.'

Article IX

Add the following:

'A child may never, under any circumstances be subject to torture or cruel, inhuman or degrading treatment, or threats thereof, for the purpose of obtaining from the child, the parents or any other person, information, confessions or acts, or for any other purpose.

'The child shall, under no circumstances be subject to imprisonment, humiliation or discrimination because of any act committed or any opinion expressed by the child's parents, relatives or any other person.';

(e) An amendment proposed by the representatives of France and the Federal Republic of Germany to the text of the draft convention, which read:

'The following provisions of the draft convention should not be included in the convention itself but set out in the preamble or in an annexed recommendation of a pedagogical nature:

Article II;

Article VI (first sentence);

Article VII (paragraph 2, from 'The best interests' to 'guidance');

Article VIII;

Article X (second sentence)'."

245. At the 1521st meeting, draft resolution E/CN.4/L.1465/Rev.1 was adopted without a vote.

246. For the text of the resolution see chapter XXIV, section A, resolutions 19 A and B (XXXV),

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

247. The Commission considered agenda item 14 at its 1522nd meeting on 14 March 1979

248. At the same meeting the observer for Mexico made a statement on the agenda item under consideration.

249. By its resolution 1978/22 the Economic and Social Council established a working group open to all States Members of the United Nations; that Group met in Geneva from 18 to 22 December 1978 and prepared a report (E/CN.4/1316) which also contained a draft resolution.

250. At the Commission's 1522nd meeting the representative of Spain, Chairman-Rapporteur, in introducing the group's report, recommended orally that the Commission should ask the Economic and Social Council to authorize a working group on the item to meet prior to the Commission's thirty-sixth session.

251. One observer expressed the view that when considering the human rights of migrant workers, the Commission should take into account the recommendations contained in General Assembly resolution 33/163 of 20 December 1978, including the reference to the possibility of drawing up an international convention on the matter.

252. The draft resolution contained in the report of the Working Group was adopted without a vote.

253. For the text of the resolution see chapter XXIV, section A, resolution 25 (XXXV).

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

254. The Commission considered agenda item 16 together with items 6, 7 and 20 (see chaps. IV, V and XV) at its 1491st, 1493rd to 1498th, 1504th and 1506th meetings held from 22 to 27 February and on 2 and 5 March 1979.

255. In pursuance 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 the representatives of Cuba, Nigeria and the Syrian Arab Republic, being States Parties to the Convention, to consider reports submitted by States Parties in accordance with article VII.

256. By its resolution 7 (XXXIV) of 22 February 1978, the Commission decided, inter alia, 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 reports submitted by States Parties in accordance with article VII of the Convention; and invited States Parties to submit to the Group, through the Secretary-General, reports on the legislative, judicial, administrative and other measures that they had adopted to give effect to the provisions of the Convention, as required under article VII.

257. The Group met from 29 January to 2 February 1979.

258. The Commission had before it, at its thirty-fifth session, the report and recommendations of the Group to the Commission (E/CN.4/1328) and a note by the Secretary-General (E/CN.4/1326) 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 (Add.2), United Republic of Cameroon (Add.3), German Democratic Republic (Add.4), United Arab Emirates (Add.5), Czechoslovakia (Add.6), Bulgaria (Add.7), Cuba (Add.8), Syrian Arab Republic (Add.9), Senegal (Add.10), Union of Soviet Socialist Republics (Add.11), Nigeria (Add.12), Madagascar (Add.13), Byelorussian Soviet Socialist Republic (Add.14), Poland (Add.15), Hungary (Add.16). The Commission also had before it a note by the Secretary-General (E/CN.4/1327 and Add.1) relating to the exercise of the functions set out in article X of the Convention.

259. At its 1491st meeting the Commission heard a statement by the representative of Nigeria who introduced the report of the Group on its second session on behalf of its Chairman/Rapporteur Mr. Oluyemi Adeniji.

260. During the ensuing discussion the work of the Group was commended and appreciation was expressed of its decision at its second session to initiate a constructive dialogue with the representatives of the States Parties whose reports were under consideration during the current session. The representatives who spoke on the item noted with concern that two thirds of the United Nations membership had not adhered to the Convention, and suggested that the Commission should appeal urgently to all States which had not yet done so to ratify or accede to the Convention as soon as possible. Implementation of the Convention was considered by one representative to be a major objective in the international efforts to combat and eliminate the crime of apartheid.

261. Referring to the report (E/CN.4/L.1328) of the Group of three to the Commission, one speaker stressed the difficulties attending the implementation of the Convention, such as the absence of the international penal tribunal referred to in article V of the Convention, and of any international agreement on the punishment to be imposed for the crime of apartheid. The latter deficiency could be remedied by means of a universal standard legislation to be applied by national courts in order to avoid chaotic conditions in the rulings about such punishment. A dialogue between the States Parties with a view to holding a diplomatic conference could be the first step towards the establishment of the international penal tribunal. Another speaker referred to the importance of the provisions of the Covenant on Civil and Political Rights for any action against individuals. Some representatives drew a parallel between apartheid and zionism.

262. In his statement to the Commission, the Chairman of the Special Committee against Apartheid pointed out that the work of the Group of three had started off on a sound and careful footing. As it developed and as the Convention attracted more adherences, he was confident that not only would the international penal tribunal referred to in the Convention be established but the crime itself would be punished both nationally and internationally, until it was finally eradicated altogether. He noted that none of the Western powers was party to that important Convention. He called on the Commission to invite the Western powers to accede to the Convention, and to redouble its efforts to persuade public opinion in Western countries to recognize apartheid as a heinous crime.

263. Recalling that the Convention had entrusted the Commission with the responsibility of preparing a list of individuals, organizations, institutions and representatives of States which were alleged to be responsible for the crimes enumerated in article II of the Convention, and in response to the requests of the Commission, the Chairman of the Special Committee against Apartheid informed the Commission that the Special Committee had been investigating the crimes of the apartheid régime and identifying the criminals. Accordingly he presented to the Chairman of the Commission a report prepared on a series of recent cases and expressed the hope that the Commission would take urgent steps to publicize the report and undertake all necessary action under the Convention.

264. At the 1504th meeting on 2 March 1979 a draft resolution (E/CN.4/L.1434) sponsored by Burundi, Cuba, Egypt, India, Morocco, Nigeria, Pakistan, Poland, Senegal and the Syrian Arab Republic was introduced by the representative of Nigeria. A statement of the financial implications 32/ of the draft resolution (E/CN.4/L.1442) was brought to the attention of the Commission.

265. At the 1506th meeting on 5 March 1979 the Commission adopted an amended version (E/CN.4/L.1434/Rev.1) of the above-mentioned draft resolution by 22 votes to none, with 9 abstentions.

266. For the text of the resolution see chapter XXIV, section A, resolution 10 (XXXV).

267. The Chairman subsequently informed the Commission that in accordance with article IX of the Convention he had appointed the representatives of Bulgaria, Cuba and Senegal as members of the Group which would meet in 1980 prior to the thirty-sixth session of the Commission, to consider reports submitted by States Parties under article VII of the Convention.

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

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

268. The Commission considered agenda item 18 at its 1522nd meeting on 14 March 1979.

269. The Commission had decided by resolution 11 (XXXIII) 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.

270. At its thirty-third session, the General Assembly, in resolution 33/106 of 16 December 1978, inter alia, requested the Commission on Human Rights at its thirty-fifth session to give high priority to the drafting of the declaration and to instruct its working group to set a time-table for a full consideration of the remaining articles of the draft declaration during the thirty-fifth session. The Assembly also requested the Commission to submit to the thirty-fourth session of the General Assembly, through the Economic and Social Council, a single draft declaration.

271. The Commission had before it the following documentation:

- (a) Comments submitted by Governments pursuant to Commission resolution 22 (XXXIV) (E/CN.4/1305);
- (b) A working paper prepared by the Secretariat in 1973 (E/CN.4/1145);
- (c) Comments and suggestions of Governments (E/CN.4/1146 and Add.1-3);
- (d) Records of the Third Committee and General Assembly (A/C.3/SR.2006, 2009-2014, 2091-2096, A/PV.2311);
- (e) The provisions of existing international instruments made available in accordance with General Assembly resolution 33/106 (E/CN.4/L.1417).

272. The Commission also had before it a written statement submitted by the International Humanist and Ethical Union (E/CN.4/NGO/229) and a written statement (E/CN.4/NGO/228) submitted by a number of non-governmental organizations in consultative status with the Economic and Social Council.

273. At its 1478th meeting on 13 February 1979 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, Mr. Ermacora, was elected Chairman-Rapporteur.

274. At the 1522nd meeting of the Commission, the Chairman-Rapporteur of the Informal Working Group introduced the Group's report and orally revised it. The report of the Working Group, as orally revised, reads as follows.

"...

1. The open-ended Working Group held meetings on 14, 15, 16, 19 February and 1, 8 and 12 March 1979. At its 1st meeting, it elected Mr. F. Ermacora (Austria) as its Chairman/Rapporteur.

2. The suggestion was made by the representative of Austria that the wording of the first three paragraphs of article 18 of the International Covenant on Civil and Political Rights should be adopted as article I of the draft Declaration. Some members could accept this solution but others found it unsatisfactory.

3. The representative of the International Humanist and Ethical Union, in introducing document E/CN.4/NGO.229, suggested that the composite version of draft article I contained in paragraph 16 of the Working Group's report (E/CN.4/L.1401), or the modified versions as given in paragraphs 24 or 33 of that report, seemed to reflect most fully the general view as to the content of article I and might still prove acceptable. He also put forward proposals as to the content of articles II and V.

4. The representative of Bulgaria proposed for article I the text of paragraph 33 of the Group's report of the previous year. Some members felt that this was unacceptable because of the words "and to criticize religious beliefs".

5. The Bulgarian representative also proposed the deletion from that text of the words "and to criticize religious beliefs", saying that, in the interest of the work he was prepared to discuss any other proposal for article I, without withdrawing the proposal referred to above, and that he supported the USSR proposal on article I and particularly the words "theistic, non-theistic and atheistic beliefs", for the following reasons:
(a) the nature of the beliefs in question must be explained; and
(b) the exclusion of those words might encourage inequality between theists, non-theists or atheists and even some particular religions.

6. One representative suggested that the Group should place between square brackets wording on which no agreement could be reached and move on to other articles.

7. Another member expressed the view that such a procedure would be inconsistent with the principle of consensus in the work as already accepted by the Group. The debate on article I continued at the 2nd meeting.

8. At the 3rd meeting, the Chairman/Rapporteur suggested the following text for article I:

"For the purpose of this declaration religious intolerance is defined as any expression or any act of discrimination or hatred against a person or a group of persons based on religion or belief which has the purpose or the effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The declaration is also applicable to the expressions or acts abovementioned when they are directed against a person or group of persons on the basis of the religion or belief of the discriminating person or group of persons".

9. One representative said he would agree to the deletion of the words "and to criticize religious beliefs", as contained in paragraph 33 of the Working Group's 1978 report (E/CN.4/L.1401).

10. The representative of the USSR suggested an alternative text for article I, as follows:

"1. No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or theistic, non-theistic or atheistic convictions.

2. No one shall be subject to coercion which would impair his freedom to have or 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".

11. At its 3rd meeting, the Group also began discussion of article II, for which the representative of France suggested the following text which incorporated the Netherlands proposal as contained in paragraph 25 of E/CN.4/1145 and had the support of the representative of the Federal Republic of Germany:

"Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants relating to Human Rights, and as an obstacle to friendly and peaceful relations between nations".

12. At the 4th meeting, the Working Group returned to its consideration of article I. The representative of Bulgaria reiterated the suggestion referred to in paragraph 4 above.

13. At the same meeting the Chairman-Rapporteur proposed a new text for article I composed of paragraph 1 of the USSR proposal (para. 10 above) and paragraphs 1, 2 and 3 of article 18 of the International Covenant on Civil and Political Rights, as proposed by Austria (paragraph 2 above). The text would read as follows:

"1. No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or theistic, non-theistic or atheistic convictions.

2. 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.

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

4. 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".

14. It was again suggested that the text of the new proposal should be placed between brackets. This proposal served as the basis for the ensuing discussion of article I and received some support. However, adoption of the text by consensus was not possible because certain delegations objected to the inclusion of the phrase "theistic, non-theistic or atheistic".

15. The Group decided to postpone further discussion of article I to its next meeting and to proceed to consider article II.

16. On article II, the view was expressed that the text contained in paragraph 24 of the working paper prepared by the Secretariat in 1973 (E/CN.4/1145), subject to the amendment of the Netherlands text (paragraph 25 (a) of the same document) would constitute a good compromise. Support was also voiced for the formula proposed by the representative of France in paragraph 11 above, combining the various elements of those two texts.

17. One representative felt that the Ukrainian SSR proposal, as contained in paragraph 25 (b) of document E/CN.4/1145, should also be taken into consideration. However, some representatives felt that as that proposal related to a different subject, it could better be incorporated as a later provision of the declaration.

18. The representative of Cyprus proposed the following text:

"1. Every person has the right to freedom of thought, conscience and religion.

2. All religions whose doctrines or rites are not secret are free.

3. All religions are equal before the law. No legislative, executive or administrative act shall discriminate against any religious institution or religion.

4. Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.

5. The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.

6. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of security, public safety, public order, public health, public morals or for the protection of the rights and liberties guaranteed by the law to any person.

7. Until a person attains majority the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.

8. No person shall be compelled to pay any tax or duty, the proceeds of which are specially allocated, in whole or in part, for the purposes of a religion, other than his own".

19. Some representatives expressed their strong support for the French, Netherlands and Federal Republic of Germany proposal for article II, as set out in paragraph 11 above.

20. The representative of Greece suggested that the text in paragraph 11 above should be expanded by the words in brackets below as follows:

"... and as an obstacle to friendly and peaceful relations [and co-operation] between nations [and peoples]."

21. The representative of the USSR doubted the advisability of condemning something which had not yet been defined, and proposed the following text for article II:

"1. For the purpose of this declaration, the term 'discrimination and intolerance based on religion or belief' means a distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect the abolition of, or detraction from, the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

2. Discrimination and intolerance on the grounds of religion or belief are fundamentally unjust and constitute an offence to human dignity".

22. One representative expressed the view that that text was an unacceptable substitute for article II. Further discussion was postponed pending circulation of the Soviet proposal in writing.

23. At the fifth meeting the Working Group resumed its consideration of article I on the basis of the compromise proposal suggested by the Chairman in paragraph 13 above.

24. The representative of Nigeria suggested that the word "convictions" in paragraph 1 of article I in paragraph 13 above, should either be replaced by "beliefs" or be placed between brackets; the representative of the United States expressed support for the latter suggestion.

25. The representative of Greece suggested the following text for paragraph 4 of article I as cited in paragraph 13 above:

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

26. Some representatives emphasized the need to make progress towards an agreement and in that connexion called attention to General Assembly resolution 33/106.

27. The representative of Egypt said that in paragraph 1 of article I, as in paragraph 13 above, the points that her delegation was concerned with could be covered by the use of the word "convictions" to replace "theistic, non-theistic or atheistic convictions".

28. After further discussion of the proposal contained in paragraph 13 above, the Working Group agreed to put article I in brackets and to submit it for consideration by the plenary Commission. The reason for the bracketing was that certain representatives differed on whether the words "theistic, non-theistic or atheistic beliefs" should be included, or replaced simply by the word "beliefs"; several representatives indicated that they could accept either formula, but expressed support for the latter as a reasonable compromise.

29. The Chairman-Rapporteur suggested that the articles should be in the following order:

- Article I - General provisions relating to freedom of religion and beliefs;
- Article II - Reference to the term 'discrimination';
- Article III - A provision concerning the qualification of intolerance and discrimination as now contained in the various proposals for article II.

30. At the 6th meeting of the Working Group Mr. McKinnon (Canada) served as Chairman in Mr. Ermacora's absence.

31. The representative of the Netherlands suggested that the text of paragraph 1 of article II should be based on the USSR proposal contained in paragraph 21 above, subject to a few modifications. The text would read as follows:

"For the purpose of this declaration, the term 'discrimination and intolerance based on religion or belief' means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect the nullifying or impairing of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis".

32. For paragraph 2 of article II, the same representative suggested the text contained in paragraph 11 above. Some representatives expressed support for this formula. However, the representative of the USSR pointed out that his proposal, as contained in paragraph 21 above, was a compromise and should be considered as a whole.

33. The representative of Brazil proposed that article II should consist of paragraph 1 of the USSR proposal (see para. 21 above) and that article III should consist of the second paragraph of that proposal or else of the text proposed by France (see para. 11 above) with those alternative versions of the proposed article III placed between brackets. The text would thus read as follows:

Article II

"1. For the purpose of this declaration, the term 'discrimination and intolerance based on religion or belief' means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect the nullifying or impairing of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article III

Second paragraph of USSR proposal:

"Discrimination and intolerance on the grounds of religion or belief are fundamentally unjust and constitute an offence to human dignity.

French proposal:

"Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants relating to Human Rights, and as an obstacle to friendly and peaceful relations between nations."

34. This suggestion was endorsed by some delegations, although a few found it unacceptable. The USSR representative suggested postponing the discussion to the next session and including in the report all proposals concerning article II without any brackets.

35. The observer for Ireland regretted that the Brazilian proposal in paragraph 33 above had not proved acceptable. In the circumstances, he suggested that the Working Group return to an earlier proposal which he had made, and which had been supported by a number of representatives, namely, that the Group place in square brackets both the USSR proposal for article II and the proposal of France, Netherlands and Federal Republic of Germany for article II, and indicate clearly in its report that there was strong support in the Group for the view that article II could consist of paragraph 1 of the USSR proposal (see para. 21 above) and that article III could consist of the second paragraph of that same proposal or else of the text proposed by France, Netherlands and Federal Republic of Germany (see para. 11 above)."

275. At the same meeting, the representative of Canada submitted draft resolution E/CN.4/L.1464, of which Colombia became a co-sponsor.

276. Some representatives expressed support for the text of the articles annexed to the draft resolution, pointing out that the draft articles were based on those proposals which had attracted far-reaching agreement in the Working Group. Others expressed disappointment that the Working Group had been unable to reach full agreement on the text of the proposed articles.

277. A few representatives maintained that the presentation of the draft resolution departed from the usual working procedures of the Commission, where on many occasions drafts were adopted as a result of consensus. It was also felt by some representatives that the resolution undermined the basis of the work of the Working Group, and of the Working Group as such, and represented a discrimination with respect to the position of some delegations.

278. Some representatives expressed doubts about the adequacy of the procedure incorporated in the draft resolution. One representative expressed his agreement with the substance of the draft resolution but could not endorse a proposal concerning the working methods of working groups that would create a precedent according to which the Commission could change its previous decisions on a subject.

279. The representative of the USSR proposed that paragraph 2 of draft resolution E/CN.4/L.1464 should be deleted and replaced by the following text:

"Recommends to the Working Group for its prompt consideration and adoption at its next session the draft articles contained in the annex to the present resolution".

280. A vote was taken by roll-call and the proposed amendment was rejected by 12 votes to 6, with 14 abstentions. The voting was as follows:

In favour: Bulgaria, Cuba, Iraq, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Against: Australia, Austria, Canada, Colombia, Germany, Federal Republic of, France, Panama, Peru, Portugal, Sweden, United States of America, Uruguay.

Abstaining: Benin, Brazil, Burundi, Cyprus, Egypt, India, Iran, Ivory Coast, Morocco, Nigeria, Pakistan, Senegal, Uganda, Yugoslavia.

281. The resolution was adopted by a roll-call vote by 19 votes to none, with 13 abstentions. The voting was as follows:

In favour: Australia, Austria, Canada, Colombia, Cyprus, Egypt, Germany, Federal Republic of, France, India, Ivory Coast, Nigeria, Pakistan, Panama, Peru, Portugal, Senegal, Sweden, United States of America, Uruguay.

Against: None

Abstaining: Benin, Brazil, Bulgaria, Burundi, Cuba, Iran, Iraq, Morocco, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

(For the text of the resolution, see chapter XXIV, section A, resolution 19(XXXV)).

282. The representatives of Cuba, India, the Syrian Arab Republic and the USSR made statements in explanation of vote (E/CN.4/SR.1522).

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

283. The Commission considered agenda item 20 together with items 6, 7 and 16 (see chaps. IV, V and XIII) at its 1491st, 1493rd to 1498th, 1504th and 1506th meetings between 22 February and 5 March 1979; the Deputy Director of the Division of Human Rights introduced the item at the 1491st meeting.

284. The Commission had before it:

(a) a document (E/CN.4/1332 and Add.1) containing annual reports on racial discrimination submitted by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI);

(b) two preliminary documents (E/CN.4/Sub.2/L.679 and L.680) prepared by the Secretary-General under paragraphs 2 and 3 respectively of resolution 3 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, concerning the role of the Sub-Commission in the implementation of the Programme for the Decade: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations decisions and resolutions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters;

(c) the report of the Secretary-General on the World Conference to Combat Racism and Racial Discrimination (A/33/262).

(d) pertinent resolutions of the General Assembly (3057 (XXVIII), 33/98, 33/99 and 33/100) and

(e) the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296).

285. In the course of the debate statements were made by the observers for Argentina and the German Democratic Republic. The Commission also heard statements by representatives of UNESCO and the Palestine Liberation Organization and representatives of the following non-governmental organizations: Afro-Asian Peoples Solidarity Organization; International Confederation of Free Trade Unions; International Indian Treaty Council; Women's International Democratic Federation; and World Federation of Trade Unions.

286. A number of representatives, in drawing attention to the Declaration and Programme for Action adopted by the World Conference to Combat Racism and Racial Discrimination convened at Geneva from 14 to 25 August 1978, recalled that the Declaration and Programme had been approved by the General Assembly at its thirty-third session (resolution 33/99), and urged that the Programme of Action should be speedily and effectively implemented. The view was expressed that the Conference had confirmed that the principle of non-discrimination played an

imperative role in international law. Reference was also made to the need for co-ordination and co-operation within the framework of the United Nations. One representative expressed the hope that during its forthcoming thirty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities would formulate specific proposals for a work programme which the Commission could undertake.

287. A few speakers warned against arbitrary interpretations of the term 'racism'. Such arbitrary interpretation might jeopardize effective action against racial discrimination and racism.

288. In the course of the discussion reference was made by several delegations to indignities and hardships suffered by non-white immigrants into the United Kingdom as a result of racially discriminatory treatment by the immigration authorities of that country. The United Kingdom representative rejected the allegation that the treatment was racially discriminatory.

289. On 23 and 26 February 1979 a draft decision and its subsequent revision were submitted to the Commission by the representative of India (E/CN.4/L.1430 and Rev.1). After consultation with the delegations involved in the matters raised by the draft decision, the representative of Sweden, at the 1506th meeting on 5 March 1979 introduced a draft resolution (E/CN.4/L.1445) which was adopted without a vote.

290. For the text of the resolution see chapter XXIV, section A, resolution 7 (XXXV).

291. At the 1504th meeting on 2 March 1979 a draft resolution (E/CN.4/L.1436) sponsored by Burundi, Egypt, Morocco, Nigeria, Senegal and Uganda was introduced and at the same meeting an amendment to it, sponsored by Iraq and Syrian Arab Republic, was introduced by the representative of the Syrian Arab Republic (E/CN.4/L.1438). The amendment was later orally revised as follows: (a) At the beginning of the proposed new preambular paragraph between the words "to self-determination" and "foreign occupation" insert "violation of the territorial integrity of States"; (b) At the end of the same paragraph insert "among" between the words "are" and "root causes". The amendment, as revised, was accepted by the sponsors of the draft resolution.

292. A statement 33/ on the administrative and financial implications of paragraph 2 of the draft resolution was submitted to the Commission (E/CN.4/L.1443).

293. At the 1506th meeting the draft resolution as amended was adopted by 24 votes to none with 7 abstentions. One delegation did not participate in the vote. At the same meeting explanations of vote were given by the representatives of Austria, Federal Republic of Germany, France, Ivory Coast, Portugal, Sweden and the United States of America.

294. For the text of the resolution, see chapter XXIV, section A, resolution 8 (XXXV).

33/ 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

295. The Commission considered agenda item 21 jointly with item 8 (see chap. VI above) at its 1483rd, 1488th to 1492nd, and 1504th meetings, held on 16 February, from 20 to 22 February, and on 2 March 1979.

296. In its resolution 9 (XXXIV) of 24 February 1978 the Commission requested the Secretary-General to submit to it at its thirty-fifth session a report on the status of the International Covenants on Human Rights and on the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in that 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. The Commission had before it a report by the Secretary-General (E/CN.4/1329) prepared in response to that request. Moreover, the Secretary-General, in compliance with General Assembly resolution 33/51 of 14 December 1978, made available to the members of the Commission copies of the last annual report of the Human Rights Committee 34/ established under the International Covenant on Civil and Political Rights. The Commission also had before it a statement (E/CN.4/NGO/229) by the International Humanist and Ethical Union, a non-governmental organization in consultative status with the Economic and Social Council.

297. The Commission heard statements by the observers for Norway (1488th meeting), Jordan (1489th meeting) and the German Democratic Republic (1492nd meeting), and by the representative of the Organization of American States (1491st meeting).

298. The representatives who spoke on the item noted with satisfaction the increase in the number of ratifications or accessions to both Covenants and to the Optional Protocol, although adherence to them was still far from being universal. Satisfaction was also expressed at the forthcoming entry into force of article 41 of the Covenant on Civil and Political Rights, adumbrated by the Director of the Division of Human Rights in his introductory statement at the 1483rd meeting. According to one representative, effective implementation of the Covenants required not only universal adherence to them but also the withdrawal of reservations attached to them by some States Parties.

299. The speakers also commended the serious manner in which the Human Rights Committee had approached its task, as reflected in its annual reports to the General Assembly. The constructive dialogue between the Committee and the representatives of the States Parties during the consideration of the latter's reports was thought by one member to constitute an important factor in promoting civil and political rights the world over.

34/ Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/33/40).

300. Some representatives noted that the Economic and Social Council had not started its consideration of reports submitted by States Parties under the International Covenant on Economic, Social and Cultural Rights, and expressed the hope that such consideration would begin at the forthcoming spring session of the Council.

301. At the 1504th meeting on 2 March 1979, the representative of the Federal Republic of Germany introduced a draft resolution (E/CN.4/L.1427) sponsored by the following countries: Germany, Federal Republic of; Senegal; Sweden and Uruguay. The draft resolution was adopted at the same meeting without a vote.

302. For the text of the resolution, see chapter XXIV, section A, resolution 6 (XXXV).

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

303. The Commission considered agenda item 22 at its 1519th and 1520th meetings, on 13 and 14 March 1979.

304. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296); a note by the Secretary-General containing the list of experts on slavery proposed for appointment by the Commission (E/CN.4/1299 and Add. 1-3); and a written statement (E/CN.4/NGO/237) submitted by the International Federation of Human Rights, a non-governmental organization in category II in consultative status with the Economic and Social Council, with which the International League for Human Rights, a non-governmental organization also in category II, later associated itself (E/CN.4/NGO/237/Add.1).

305. Statements were made by the observer for Turkey and by the representatives of the International Federation of Human Rights and the Commission of the Churches on International Affairs, non-governmental organizations in consultative status (category II).

306. During the discussion, it was generally felt that the Sub-Commission was carrying out very valuable work, and regret was expressed that the Commission had not sufficient time for a thorough consideration of all the resolutions and decisions adopted by the Sub-Commission.

307. After some deliberation, and taking into account the lack of time at the present session, the Commission decided at its 1520th meeting on 14 March 1979 to defer consideration of Sub-Commission resolutions 6 A and B (XXXI) (Question of slavery) to the thirty-sixth session of the Commission.

308. For the text of the decision, see chapter XXIV, section B, decision 8 (XXXV).

309. In the discussion of the item, one representative expressed doubt concerning the preparation of a world-wide study of debt bondage, as requested by the Sub-Commission in paragraph 13 of resolution 6 B (XXXI).

310. One speaker was in favour of the suggestion made in Sub-Commission resolution 7 A (XXXI) that its meetings should take place not only in Geneva, but also in New York; the possibility of meetings in Vienna was also mentioned.

311. A number of representatives wanted to include in the final version of the study by the Special Rapporteur, Mr. Rughashyankiko (E/CN.4/Sub.2/416), on the question of the prevention and punishment of the crime of genocide, paragraph 30 of the progress report on the same subject (E/CN.4/Sub.2/L.583). It was felt that the inclusion of the paragraph was necessary from the point of view of historical truth and accuracy; at the same time it was stressed that the present Turkish Government was not responsible for the events described in that paragraph.

312. One representative and one observer expressed the view that the study on genocide was adequate and well-prepared, and of a future-oriented nature, so that historical analyses were unnecessary since the events described could have different interpretations and subjective evaluations. Furthermore, the Commission was not competent to make changes in studies prepared by Special Rapporteurs appointed by the Sub-Commission.

313. The Commission decided to approve Sub-Commission decision 4 (XXXI), and in that connexion the Chairman made the following statement which the Commission agreed should be included in its report:

"I have received many letters and messages of all kinds from different countries concerning the passages of an historical nature which have been omitted from the report on genocide. In Geneva a number of groups and private individuals have made representations to me on the subject of these omissions, whose effects are assuming proportions undoubtedly greater than the author had anticipated.

"In the circumstances, I venture to express the hope that Mr. Ruhashyankiko will kindly take account of those communications and the statements which we have heard in the debate on agenda item 22 when he comes to put the final touches to the text of his report".

314. At its 1520th meeting on 14 March 1979, on the proposal of the Chairman, the Commission decided without a vote to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session.

315. For the text of the decision, see chapter XXIV, section B, decision 10 (XXXV).

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

316. The Commission considered agenda item 23 at its 1522nd meeting on 14 March 1979.

317. The Commission had before it (a) the comments received from Governments pursuant to Commission resolution 14 A (XXXIV) (E/CN.4/1298 and Add.1); (b) the draft declaration proposed at the thirty-fourth session by Yugoslavia (E/CN.4/L.1367/Rev.1); (c) paragraph 31 of the Programme of Action of the World Conference to Combat Racism and Racial Discrimination (A/33/262), which reads "The Conference recommends the Commission on Human Rights to continue its attempts to prepare an international instrument for the protection of the rights of persons belonging to minorities"; and (d) a written statement submitted by the Minority Rights Group, a non-governmental organization in consultative status with the Economic and Social Council (E/CN.4/NGO/231).

318. At its 1478th meeting on 13 February 1979 the Commission set up an open-ended working group to consider this matter further. The representative of Yugoslavia was elected as its Chairman-Rapporteur.

319. At the 1522nd meeting the Chairman-Rapporteur introduced the report of the working group (E/CN.4/L.1467), together with a draft resolution submitted by the working group and contained in paragraph 27 of its report.

320. The report of the working group (E/CN.4/L.1467, paras. 6 to 27) as orally revised read as follows:

"...

6. At the first meeting the representative of Austria suggested that the only body qualified to do basic work on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities was the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which should be entrusted with this task.

7. The observer for Jordan underlined that it would be dangerous to put stress on differences between national and other groups instead of trying to harmonize their relations.

8. The representative of Norway drew attention to the differences in definition of indigenous populations and persons belonging to national, ethnic, religious and linguistic minorities. Another document was being elaborated on indigenous populations.

9. The representative of Cyprus warned against the misuse of the principle of the protection of minorities, which can undermine the national unity of States.

10. The observer for Greece supported the proposal made by Austria according to which the Sub-Commission should elaborate a new draft declaration that could be accepted by all Member States. She referred to the reply of her Government and stated that the eleven answers received from Governments were

not sufficient for such an important declaration. A new communication should be sent to Governments so that they could be given the opportunity of studying the documents and submitting their proposals to the Secretary-General.

11. The representative of Nigeria stressed that article 1 of the draft declaration proposed by Yugoslavia should contain a definition of "minorities". It was also necessary to take into account article 3 so that the measures taken to enable the national, ethnic, religious and linguistic minorities to develop their culture, education and language would not undermine the territorial integrity of the countries in question.

12. The representative of Bulgaria said that the Charter of the United Nations did not contain any reference to the rights of persons belonging to minorities. They were only mentioned in article 27 of the International Covenant on Civil and Political Rights. This article laid down "the rights of persons" and not of communities. The International Covenant on Civil and Political Rights had only been ratified by a third of the Member States. Therefore the proposed declaration could only be acceptable if it were based on the Charter of the United Nations, article 27 of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

13. The observer for Madagascar pointed out that the words "according to national legislation" should be inserted in article 3 of the draft declaration (E/CN.4/L.1367/Rev.1) proposed by Yugoslavia between the words "to take measures" and "which will enable them".

14. The representative of Iraq stressed that the protection of persons belonging to minorities constituted part of a more general principle of prohibition of discrimination.

15. At the second meeting the representative of Austria said that there were some principles which were not expressed clearly enough in the draft declaration proposed by Yugoslavia. It was necessary to consider the different forms of self-determination, that are defined in United Nations documents, in order to apply them to minorities. Genocide and expulsion should be also condemned in the document. Governments, non-governmental organizations and the Sub-Commission should be invited to express their opinions.

16. The representative of India agreed with the proposal made by the representative of Austria according to which the Sub-Commission should express its opinion on the draft declaration. Governments should also be encouraged to submit their comments.

17. The observer for the United Kingdom felt that the first three articles of the draft declaration were imprecise. It should be taken into consideration that article 27 of the Covenant on Civil and Political Rights speaks of the rights of "ethnic, religious and linguistic minorities" and not of the rights of "national minorities".

18. The representative of Nigeria maintained that the right of self-determination should not be confused with minority rights. A new definition of this basic question should be considered in the light of the answers from Governments.

19. The representative of Austria stated his point of view on self-determination, which was based on the report by Mr. Cristescu. The important aspect was that of autonomy of minorities.

20. The representative of Cyprus suggested that the right of minorities "to participate on an equitable basis", referred to in article 3 of the draft declaration, should be clarified, and a complete definition should be given to "equitable basis". In article 4 the meaning of "territorial integrity" should also be considered.

21. The representative of the USSR did not agree to the suggestion made by the representative of Austria that the opinions of non-governmental organizations should be asked. He also supported the views of the representative of India.

22. The representative of Nigeria stressed that such minorities as the white minority in southern Africa should not be allowed to be in a position of dominance.

23. The representative of Yugoslavia said that his Government would make further efforts to improve the draft declaration for its consideration at the thirty-sixth session of the Commission, following the suggestions and proposals made by Governments. The declaration should contribute to the development of friendly relations among countries, especially neighbouring countries, based on the principles of sovereignty and territorial integrity. The observance of its principles would prevent the use of the minorities question for encouragement of separatist tendencies, and would contribute as well to the greater social harmony and political stability of societies where minorities live. Only the basic principles should be included in the document and it would be up to Governments and to national legislation to decide which further measures should be considered to ensure the rights of minorities. Article 3 of the draft declaration was a preliminary proposal for an international legal standard concerning the rights of persons belonging to ethnic, national, linguistic and religious minorities.

24. The representative of Iraq said that a difference should be made between the rights of minorities and the right to self-determination. Resolution 1514 (XV) of the General Assembly referred only to peoples under colonial domination, while the protection of minorities was applicable to all countries where minorities existed.

25. The observer for Turkey supported the statement of the Yugoslav representative that the Commission should consider the item at its next session on the basis of an improved draft declaration by Yugoslavia.

26. In summarizing the debate in the Working Group, the Chairman stated that Governments should be asked again to express their opinions and that the Sub-Commission should be invited to comment upon the draft declaration.

27. The Working Group transmits the following draft resolution to the Commission on Human Rights:

"... (XXXV) Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling its resolution 14(XXXIV) of 6 March 1978,

Taking into consideration that most of the Governments of Member States have not yet submitted the comments requested by that resolution,

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

1. Requests the Secretary-General to transmit to the Governments of Member States the relevant documents of the thirty-fifth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, and to ask those Governments which have not yet done so to submit their comments on the subject-matter for consideration by the Commission;

2. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to submit its opinion on the draft declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) for consideration by the Commission at its thirty-sixth session;

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

321. At the 1522nd meeting on 14 March 1979, the Commission adopted without a vote the above draft resolution as orally amended transmitted to it by the working group.

322. For the text of the resolution, see chapter XXIV, section A, resolution 21 (XXXV).

XIX. QUESTION OF INTERNATIONAL LEGAL PROTECTION OF THE HUMAN RIGHTS OF INDIVIDUALS WHO ARE NOT CITIZENS OF THE COUNTRY IN WHICH THEY LIVE

323. The Commission considered agenda item 24 at its 1519th and 1520th meetings on 13 and 14 March 1979.

324. At the 1519th meeting, at the Commission's invitation following its decision 1 (XXXV) paragraph (b)(vii), the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Baroness Elles, introduced the revised text of the draft declaration of the human rights of individuals who are not citizens of the country in which they live (E/CN.4/1336).

325. During a brief debate on the item several speakers acknowledged the importance of the draft declaration, but because of the complexity of the issues with which the draft declaration was concerned, some delegations felt that it would be more appropriate to defer consideration of it to the Commission's thirty-sixth session. The view was expressed that States should endeavour to ensure the enjoyment of basic human rights by non-citizens as well as by citizens, though practical considerations might dictate the establishment of certain distinctions between those two categories.

326. Draft resolution E/CN.4/L.1473 sponsored by Cyprus, Egypt, Greece and Senegal was submitted at the 1519th meeting.

327. At the 1520th meeting the Deputy Director of the Division of Human Rights submitted to the Commission a statement (E/CN.4/L.1477) of the financial implications 35/ of the draft resolution.

328. One delegation called for a separate vote on paragraph 3 of the draft resolution; the paragraph was adopted by 19 votes to none, with 9 abstentions.

329. The draft resolution (E/CN.4/L.1473) as a whole was adopted by 24 votes to none, with 5 abstentions.

330. For the text of the resolution, see chapter XXIV, section A, resolution 16 (XXXV).

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

XXI. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA
FOR THE THIRTY-SIXTH SESSION OF THE COMMISSION

332. The Commission considered agenda item 28 at its 1523rd meeting, on 16 March 1979. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/L.1476 and Add.1 and 2) contained a draft provisional agenda for the thirty-sixth session of the Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Commission.

333. The representative of the Syrian Arab Republic submitted an amendment relating to item 4 of the draft provisional agenda of the thirty-sixth session. The proposal was not pressed to a vote by the representative of the Syrian Arab Republic, taking into account objections raised by some delegations.

334. The Commission took note of the draft provisional agenda for its thirty-sixth session, as revised in the light of the comments and proposals relating thereto made by several representatives and accepted by the Commission.

335. For the text of the decision, see chapter XXIV, section B, decision 16 (XXXV).

336. The text of the draft provisional agenda for the thirty-sixth session read as follows: 36/

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

Legislative authority: Commission resolution 1 A (XXXV)

Documentation:

(a) Report by the Secretary-General containing information concerning detainees, such as their number, identity, place and duration of detention (para. 9 of the resolution);

(b) Report to the Secretary-General containing information which may be submitted by Israel on the implementation of paragraphs 1, 6 and 8 of the resolution (para. 12 of the resolution);

(c) Report by the Secretary-General on the measures taken to bring the 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 (para. 13 of the resolution);

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

(d) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the civilians of the occupied Arab territories (para. 14 of the resolution).

5. Question of human rights in Chile

Legislative authority: Commission resolution 11 (XXXV)

Documentation:

(a) Report of the Special Rapporteur on the present situation of human rights in Chile* (para. 6 (a) of the resolution);

(b) Report of the experts, appointed by the Chairman of the Commission at its thirty-fifth session, on the question of the fate of missing and disappeared persons in Chile* (para. 6 (b) of the resolution);

(c) Report of the Chairman of the Board of Trustees on the operation of the Fund (para. 10 of the resolution).

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

Legislative authority: Commission resolution 12 (XXXV)

Documentation:

(a) Progress report of the Ad Hoc Working Group of Experts;

(b) Special report of the Ad Hoc Working Group of Experts* (para. 16 of the resolution) on its investigation concerning the cases of torture and murder of detainees in South Africa* (para. 17 of the resolution).

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

Legislative authority: Commission resolution 9 (XXXV)

Documentation:

Updated version of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities* (para. 4 of the resolution).

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

Legislative authority: Commission resolution 2 (XXXI)

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

Legislative authority: Commission resolution 3 (XXXV)

Documentation:

Studies and publications prepared by the Special Unit on Palestinian Rights, established by General Assembly resolution 32/40 B (resolution 2 (XXXV), para. 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) Question of missing and disappeared persons.

Legislative authority: Commission resolution 18 (XXXV)

Documentation:

Report of the Working Group on the Draft Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 1).

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

Legislative authority: Commission resolution 22 (XXXV) subject to approval by the Economic and Social Council

Documentation:

(a) Note by the Secretary-General giving a short survey on the human rights activities and programmes of those specialized agencies and other organs and bodies within and related to the United Nations system which are, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms; (para. 7 of draft resolution III);

(b) Note by the Secretary-General transmitting the recommendations of the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities on the examination of its programme of work so as to identify areas for its concentrated attention, with a view to consolidating its effectiveness and resources (para. 10 of draft resolution III);

(c) Report by the Secretary-General containing a summary of the existing public information activities in the field of human rights and proposals for their further development (resolution 23 (XXXV), para. 2).

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 appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-fifth session

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

Documentation:

Annual supplement to document E/4226 (E/CN.4/923/Add.13), listing decisions taken by United Nations bodies during 1979 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: General Assembly resolution 2785 (XXVI).

Documentation:

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

Legislative authority: Commission decision 5 (XXXV)

Documentation:

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

Legislative authority: Commission resolution 14 (XXXV)

Documentation:

Report by the Secretary-General on the situation of human rights in Nicaragua (para. 4 of the resolution).

Legislative authority: Commission resolution 15 (XXXV)

Documentation:

Report of the Special Rapporteur of the Commission on the situation of human rights in Equatorial Guinea (para. 1 of the resolution).

Legislative authority: Commission decision 4 (XXXV).

Documentation:

Updated analysis, prepared by the Secretary-General, of the existing United Nations procedures for dealing with communications concerning violations of human rights.

Legislative authority: Commission decision 6 (XXXV)

Documentation:

Analysis prepared on behalf of the Sub-Commission by its Chairman of materials submitted to it and the Commission on Human Rights under section 9 (XXXIV) of the Commission on Human Rights (E/CN.4/1335).

Legislative authority: Commission decision 12 (XXXV)

Documentation:

Note by the Secretary-General concerning information which may be received in accordance with decision 12 (XXXV).

Legislative authority: Economic and Social Council resolution 1235 (XLIII) and 1503 (XLVIII) and Commission decision 13 (XXXV) subject to approval of the Economic and Social Council.

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-fifth session.

13. Question of a Convention on the Rights of the Child

Legislative authority: Commission resolution 19 (XXXV)

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

Legislative authority: Commission resolution 25 (XXXV)

Documentation:

Note by the Secretary-General concerning the model agreements and agreements on the various aspects of inter-State relations in so far as they concern migrant workers, which have been formulated by United Nations bodies, the specialized agencies and the other world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers (para. 6 of the resolution).

15. Human rights and scientific and technological developments

Consideration of this item was deferred to the thirty-sixth session.

Legislative authority: Commission decision 15 (XXXV)

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

Legislative authority: Commission resolution 10 (XXXV)

Documentation:

(a) Reports submitted by States parties to the Convention under article VII of the Convention* (para. 3 of the resolution);

(b) Information provided by competent United Nations organizations relevant to the periodic compilation 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 (para. 6 of the resolution);

(c) 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 (para. 7 of the resolution);

(d) Report of the group established in accordance with article IX of the Convention (para. 8 of the resolution).

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

Consideration of this item was deferred to the thirty-sixth session.

Legislative authority: Commission decision 15 (XXXV)

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

Legislative authority: Commission resolution 20 (XXXV)

Documentation:

Note of the Secretary-General concerning the collective consultation organized by UNESCO and embracing various established schools of religious thought, on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance (para. 3 of the resolution).

19. Periodic reports on human rights

(a) Periodic reports on freedom of information

(b) Periodic reports on civil and political rights and question of the rights of everyone to leave any country, including his own, and to return to his country (Economic and Social Council resolution 1788 (LIV)).

Consideration of this item was deferred to the thirty-sixth session.

Legislative authority: Commission decision 15 (XXXV)

20. (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

Legislative authority: Commission resolution 8 (XXXV)

21. Status of the International Covenants on Human Rights

Legislative authority: Commission resolution 6 (XXXV)

Documentation:

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, including 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 (para. 9 of the resolution).

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

Legislative authority: Commission decision 10 (XXXV)

Documentation:

Report of the Sub-Commission at its thirty-second session*.

23. Right of persons belonging to national, ethnic, religious and linguistic minorities

Legislative authority: Commission resolution 21 (XXXV)

Documentation:

Comments of Governments on the relevant documents of the thirty-fifth session.

24. 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-sixth session.

Legislative authority: Commission decision 15 (XXXV)

25. Advisory services in the field of human rights

Consideration of this item was deferred to the thirty-sixth session.

Legislative authority: Commission decision 15 (XXXV)

Documentation:

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

26. Communications concerning human rights

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

Documentation:

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.

XXIV. RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS THIRTY-FIFTH SESSION

A. Resolutions

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

A 37/

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 of 28 October 1977, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 of 2 December 1977, 32/42 of 7 December 1977, 32/90 and 32/91 of 13 December 1977, 32/122 of 16 December 1977, 32/161 and 32/171 of 19 December 1977 and 33/113 of 18 December 1978,

Taking into account that the General Assembly has, in resolution 31/20 of 24 November 1976, recalled its resolution 3376 (XXX) of 10 November 1975, 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) of 14 December 1974, which defined 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 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.

37/ Adopted at the 1489th meeting, on 21 February 1979, by a roll-call vote by 20 votes to 2, with 9 abstentions. See chap. II.

Taking note of the reports of the United Nations organs, specialized agencies and in particular the reports of the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation and the World Health Organization 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, 38/ 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 conclusion arrived at by the Special Committee that "the Government of Israel consciously follows a policy which is in violation of the Fourth Geneva Convention, in particular article 47 which prohibits annexation of territories under military occupation of the occupying power, and article 49 which prohibits the transfer of citizens of the occupying power into the occupied territories",

Greatly concerned 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 dispossession and exploitation of the population of the occupied territories,

Expressing 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,
- (c) collective punishment, in particular the blowing up of Arab houses,
 1. 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 and property;
 2. 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 against humanity;
 3. 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;

38/ A/33/356

(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 with family rights and customs;

(j) The continuous interference with and obstruction of the educational and scholastic activities and the brutal suppression of all forms of students' opinion, expression and manifestations;

(k) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

4. 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;

5. 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;

6. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 3, 4 and 5 above;

7. Demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

8. 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 of the international instruments concerning the treatment of prisoners of war;

9. 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-sixth session;

10. 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;

11. 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 1 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;

12. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-sixth session on the implementation of paragraphs 1, 6, 7 and 8 above;

13. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies and in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, the regional intergovernmental organization 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-sixth session;

14. Decides to place on the provisional agenda of the thirty-sixth 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 those territories.

B 39/

The Commission on Human Rights,

Recalling its resolution 1 B (XXXIV) and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91A of 13 December 1977, and 33/113 A of 18 December 1978,

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 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,

39/ Adopted at the 1489th meeting, on 21 February 1979, without a vote.
See chap. II.

Taking into account that States parties of 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 obligations 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 of 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 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 40/

The Commission on Human Rights,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 of 2 December 1977, 32/42 of 7 December 1977 and 33/28 of 7 December 1978

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

40/ Adopted at the 1489th meeting, on 21 February 1979, by a roll-call vote of 23 votes to 3, with 5 abstentions. See chap. VII.

Reaffirming its resolutions 3 (XXXI), 6 (XXXI), 2 (XXXIV), and 3 (XXXIV),

Bearing in mind the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 41/

Bearing in mind further General Assembly resolution 32/40 B of 2 December 1977 on the International Day of Solidarity with the Palestinian People,

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,

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, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its 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 its 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 of 2 December 1977.

3 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 42/

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,

41/ A/32/35

42/ Adopted at the 1489th meeting, on 21 February 1979 by a roll-call vote of 23 votes to 4, with 4 abstentions. See chap. VII.

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976 and 3 (XXXIV) of 14 February 1978, and General Assembly resolution 33/24 of 29 November 1978,

Recalling the Declaration made by the Ministers of Foreign Affairs of the Non-Aligned Countries in Belgrade, 1978,

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,

Reiterating its profound indignation at the continued and serious violations of 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 disregard the United Nations resolutions on this problem and its solution, the perpetuation of the racist minority régimes in Zimbabwe and South Africa, and the denial to the people of Palestine of their inalienable rights,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and alien domination;

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the peoples of Namibia, Zimbabwe, South Africa and the people of Palestine and of all peoples under alien and colonial domination, 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 States which, in disregard of the United Nations resolutions, continue to maintain political, economic, military and other relations with the racist régimes in southern Africa and elsewhere thus supporting, protecting and encouraging them to persist in their suppression of the aspirations of peoples for self-determination and independence;

6. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate attempt to thwart the legitimate demands of the people;

7. Demands the immediate release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

8. Condemns also the policies of those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial and foreign domination and alien subjugation, notably the peoples of southern Africa and the people of Palestine, and draws attention to the grave responsibility incurred by the makers and promoters of such policies in the eyes of the community of nations and world public opinion;

9. Rejects completely and emphatically the so-called "internal settlement" in Zimbabwe;

10. Expresses its appreciation for the material and other forms of assistance which the peoples under colonial or alien domination or foreign occupation receive from friendly Governments in their struggle to achieve their right to self-determination and independence;

11. Decides to continue to give 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-sixth session.

4 (XXXV). 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 43/

The Commission on Human Rights,

Guided by the Charter of the United Nations and particularly Articles 1, 55 and 56,

Recalling its resolution 2 (XXXI) in which it decided to keep on its agenda as a standing item with high priority the "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,

Recalling also its resolution 4 (XXXIII) in which it recommended that the Economic and Social Council invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to undertake a 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 the fundamental human needs, and make this study available for consideration by the Commission on Human Rights at its thirty-fifth session,

43/ Adopted at the 1504th meeting on 2 March 1979 without a vote. See chap. VI.

Noting with interest article 3 of the Declaration on Race and Racial Prejudice of the United Nations Educational, Scientific and Cultural Organization, which proclaims that the right to development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide,

1. Notes with satisfaction the report 44/ prepared by the Secretary-General in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) and expresses its satisfaction to the Secretary-General and to the United Nations Educational, Scientific and Cultural Organization;

2. Requests the Secretary-General to transmit this report and the relevant documents prepared by the United Nations Educational, Scientific and Cultural Organization to all Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and other appropriate international organizations, inviting their comments on the study, with a view to continuing the work connected with it;

3. Invites the competent economic and social organs of the United Nations to take account of this study in their respective activities and fields and, in particular, invites the Preparatory Committee for the New International Development Strategy to pay due attention to the integration of human rights in the development process;

4. Notes that exercise of the right to development implies a reign of peace and the establishment of an international economic order based on respect for human rights;

5. Stresses the duty of all member States of the international community jointly and severally to create the necessary conditions for realization of the right to development;

6. Recommends that the Economic and Social Council should invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to follow up the study undertaken in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) with a study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and should make this study available for consideration by the Commission on Human Rights at its thirty-seventh session;

7. Further requests the Secretary-General to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-second session, the relevant documentation to facilitate its consideration of its agenda item on the new international economic order and human rights;

8. Requests the Secretary-General to bring this resolution to the attention of the competent economic organs of the United Nations and ask them for their comments, and to transmit those comments to the Commission on Human Rights at its thirty-seventh session together with a summary.

44/ E/CN.4/1334

5 (XXXV). 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 45/

The Commission on Human Rights,

Recalling that the United Nations Charter expresses the peoples' determination to promote social progress and better standards of life in larger freedom,

Recalling further that it is a purpose of the United Nations, as expressed in Article I, paragraph 3 of its Charter, "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion",

Bearing in mind the Universal Declaration of Human Rights and especially article 25 which says that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services",

Further bearing in mind General Assembly resolution 3201 (S-VI) of 1 May 1974 on the Declaration on the Establishment of a New International Economic Order, and resolution 3281 (XXIX) of 12 December 1974 on the Charter of Economic Rights and Duties of States,

Taking note of the Declaration of the Ministers of Foreign Affairs of the Non-Aligned Countries in Lima on 30 August 1975 and the Declaration of the Ministers of Foreign Affairs of the Non-Aligned Countries in Belgrade, 1978,

Recalling its resolution 4 (XXXIII) of 21 February 1977,

Taking into account especially General Assembly resolution 32/130 of 16 December 1977,

Noting the importance of the provisions of the International Covenant on Economic, Social and Cultural Rights,

1. Reiterates that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations;

2. Reaffirms the inalienable right of all nations to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources;

3. Declares that the denial of the right to self-determination of peoples, foreign occupation, colonialism, apartheid, racism and racial discrimination constitute an impediment to social and economic progress;

45/ Adopted at the 1504th meeting on 2 March 1979 by 23 votes to 1, with 7 abstentions. See chap. VI.

4. Recognizes that it is indispensable to establish a more equitable and just international economic order which will permit the achievement of balanced development levels in all countries, thus turning into reality the principle contained in the Universal Declaration of Human Rights which recognizes the equal right of all human beings to enjoy an adequate standard of living;

5. Expresses its concern that qualitative and human rights conditions are being imposed in bilateral and multilateral trade policies with the intention and effect of perpetuating the existing structure of world trade;

6. Calls upon all States once again to take prompt and effective measures to remove all obstacles to the full realization of economic, social and cultural rights and to promote all actions that will secure the enjoyment of the said rights;

7. Decides that the concepts contained in the present resolution will guide its future work on this item;

8. Recommends to the Economic and Social Council that a seminar be held in 1980, within the framework of the advisory services programme, on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

6 (XXXV). Status of the International Covenants on Human Rights 46/

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Noting the forthcoming entry into force of article 41 of the Covenant on Civil and Political Rights,

Recalling its resolution 9 (XXXIV) of 24 February 1978 and General Assembly resolution 33/51 of 14 December 1978,

Mindful of Economic and Social Council resolutions 1988 (LX) of 11 May 1976 and 1978/20 of 5 May 1978,

Having considered the report of the Secretary-General 47/ 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,

46/ Adopted at the 1504th meeting on 2 March 1979, without a vote. See chap. XVI.

47/ E/CN.4/1329.

Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in relation to the International Covenants on Human Rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report, 48/

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. Expresses satisfaction at the serious manner in which the Human Rights Committee is continuing to undertake its functions;
3. Expresses the hope that the consideration of reports submitted under the International Covenant on Economic, Social and Cultural Rights will be undertaken by the Economic and Social Council;
4. Again invites all 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 as well as to consider acceding to the Optional Protocol thereto;
5. 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;
6. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto and emphasizes the importance of the strictest compliance by States parties with their obligations under the Covenant,
7. Draws the attention of States not yet parties to the Covenants to the reporting possibilities provided under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965 as amended by resolutions 1988 (LX) of 11 May 1976 and 1978/20 of 5 May 1978;
8. Takes note of paragraph 12 of resolution 33/51 of 14 December 1978 in which the General Assembly requested the Secretary-General, bearing in mind the request of the Human Rights Committee for adequate secretarial assistance, having regard to the over-all needs for servicing the International Covenants on Human Rights and the Optional Protocol, and being informed of the shortage of staff and resources of the Division of Human Rights of the Secretariat, to make appropriate suggestions in the proposed programme budget for the biennium 1980-1981 with regard to adequate staff and resources needed for servicing the above-mentioned instruments, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/93 of 14 December 1976;

48/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 40 (A/33/40).

9. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-sixth 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.

7 (XXXV). Treatment of non-white immigrants 49/

The Commission on Human Rights,

Taking into account the statement of the representative of India relating to indignities and hardships suffered by non-white immigrants because of treatment by the concerned immigration authorities,

Acknowledging statements relating to this matter by other countries,

Taking note of the statement regarding the problem by the representative of the United Kingdom,

1. Expresses its deep concern regarding the problems reflected in the above statements;

2. Takes note of the willingness of the Governments of India and the United Kingdom to have a forthright exchange of information and facts so that the situation can be clarified and resolved;

3. Expresses the hope that a satisfactory outcome will be reported to the thirty-sixth session of the Commission.

8 (XXXV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 50/

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,

Noting that the General Assembly, by its resolution 33/99 of 16 December 1978 has approved the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

49/ Adopted at the 1506th meeting on 5 March 1979, without a vote. See chap. XV.

50/ Adopted at the 1506th meeting, on 5 March 1979, by 24 votes to none, with 7 abstentions. See chap. XV.

Bearing in mind resolution 9 (XXXII) and resolution 8 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities with regard to the implementation of the Decade for Action to Combat Racism and Racial Discrimination,

Mindful that the General Assembly by its resolution 33/99 stressed the importance of continuous action at all levels to eradicate the evils of racism, racial discrimination, colonial and alien domination and apartheid,

Recalling that the General Assembly by its resolution 33/99 reaffirmed the special responsibility of the United Nations and the International community for the victims of racial discrimination as well as for peoples subjected to colonial or alien domination,

Taking into account that violation of human rights, denial of the right of peoples under colonial or foreign domination to self-determination, violation of territorial integrity, foreign occupation, alien domination, economic and political oppression, social injustice and cultural contempt are among the root causes of discrimination and tension,

Having considered the report 51/ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session,

1. Takes note of resolution 1 (XXXI) of the Sub-Commission; 52/
2. Requests 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 three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme to implement the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination;
3. Recommends to the Economic and Social Council while considering the specific activities which could be undertaken during the second half of the Decade to ensure:
 - (a) full co-ordination and co-operation within the United Nations system in relation to the implementation of the activities of the Decade for Action to Combat Racism and Racial Discrimination;
 - (b) evaluation of the status of support given to victims of racism and racial discrimination;
 - (c) proper focus on the social, economic, cultural, political and other roots of racial discrimination;
 - (d) wider adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, as well as the United Nations International Human Rights Covenants.

51/ E/CN.4/1296.

52/ Ibid., chap. XVII, sect. A.

- 9 (XXXV). 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 53/

The Commission on Human Rights,

Recalling its resolutions 3 (XXX), 6 (XXXII), 7 (XXXIII) and 6 (XXXIV) as well as General Assembly resolution 33/23 of 29 November 1978,

Taking note of resolution 2 (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the progress report of Mr. Ahmed M. Khalifa, Special Rapporteur of the Sub-Commission 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 54/,

1. Expresses its appreciation to the Special Rapporteur for his report;
2. Invites the Special Rapporteur, in preparing the necessary material for a provisional general list referred to in resolution 7 (XXXIII), to bear in mind those Governments and transnational corporations, as well as individuals, whose military, economic, financial and other forms of assistance, including nuclear aid, to the colonial and racist régimes in southern Africa constitutes a denial of the enjoyment of human rights in Namibia, Zimbabwe and South Africa;
3. Requests all States, competent United Nations agencies, non-governmental and other organizations, as well as individuals to co-operate with the Special Rapporteur by providing necessary information at their disposal for the successful completion of his work;
4. Requests further the Special Rapporteur, through the Sub-Commission, to submit to the thirty-sixth session of the Commission an updated version of the report, taking into account the deliberations of the Commission at its thirty-fifth session.

- 10 (XXXV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 55/

The Commission on Human Rights,

Recalling its resolution 7 (XXXIV) in which it called on States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals,

53/ Adopted at the 1506th meeting, on 5 March 1979, by 23 votes to 3, with 6 abstentions. See chap. V.

54/ E/CN.4/Sub.2/415.

55/ Adopted at the 1506th meeting, on 5 March 1979, by 22 votes to none, with 9 abstentions. See chap. XIII.

Recalling also article I of the Convention which declares that apartheid is a crime against humanity,

Having considered the report of the group of three members of the Commission appointed under article IX of the Convention 56/,

Convinced that the ratification of the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three, in particular its recommendations of general guidelines concerning the desirability for the States parties to implement fully article IV of the Convention;
2. Appeals once again to those countries that have not yet done so, to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay;
3. Commends those States parties that have submitted their reports, and urges the States parties which have not yet done so to submit their report as soon as possible, bearing in mind the general guidelines proposed by the Group in its 1978 report 57/;
4. Calls on States parties to implement fully article IV of the Convention by adopting necessary legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts defined in article II of the Convention;
5. Requests the Secretary-General to invite States parties to the Convention to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention;
6. Calls upon competent United Nations organs to provide to the Commission through the Secretary-General information relevant to the periodic compilation 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;
7. Calls once again upon 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;

56/ E/CN.4/1328.

57/ E/CN.4/1286, annex.

8. 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 no more than five days before the thirty-sixth session of the Commission to consider the reports submitted by States Parties in accordance with article VII of the Convention;

9. Decides also 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".

11 (XXXV). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 58/

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 to 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) of 9 December 1975,

Further recalling General Assembly resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977 and 33/175 of 20 December 1978 concerning the protection of human rights in Chile,

Bearing in mind its resolutions 8 (XXXI), 3 (XXXII), 9 (XXXIII), and 12 (XXXIV) which inter alia established and extended the mandate of the Ad Hoc Working Group on the situation of human rights in Chile,

Having considered the reports of the Ad Hoc Working Group 59/, and of the Secretary-General 60/ under this item as well as the observations and documents submitted by the Chilean authorities 61/, the study prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities 62/, and the recommendations contained in General Assembly resolution 33/175,

Taking note with appreciation of the fact that in July 1978, for the first time, members of the Ad Hoc Working Group were enabled to visit Chile in pursuance of their mandate, which represents a valuable experience for the

58/ Adopted at the 1508th meeting, on 6 March 1979, by 24 votes to 2, with 6 abstentions. See chap. III.

59/ A/33/331, E/CN.4/1310.

60/ A/33/293.

61/ A/C.3/33/7.

62/ E/CN.4/Sub.2/412.

United Nations when dealing with constant and flagrant violations of human rights, and noting that the Ad Hoc Working Group records its appreciation of the co-operation extended to it by the Chilean authorities,

Acknowledging the conclusions of the Working Group that, although the present situation of human rights in Chile has improved, as compared to previous years, violations of human rights, often of a grave nature, nevertheless continue to take place, and noting in this context with concern that the Working Group records an increase in the number of reports of intimidation and arrests for political or state security reasons as well as the continuation of torture and ill-treatment of detainees,

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

1. Shares the continued indignation of the General Assembly that violations of human rights, often of a grave nature, continue to take place in Chile, as has been convincingly established by the reports of the Ad Hoc Working Group;
2. Expresses its shock at the recent discovery of bodies in a mass grave in Lonquén, some of which have been identified as those of persons reported as detained and subsequently disappeared, and its undiminished concern and dismay at the refusal of the Chilean authorities to accept responsibility or account for the large number of persons reported to have disappeared for political reasons, or to undertake an adequate investigation,
3. Calls once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Chile is a party;
4. Urges the Chilean authorities, in particular:
 - (a) To cease the state of emergency and of siege, under which continued violations of human rights and fundamental freedoms are permitted;
 - (b) To establish effective control over and to assume full responsibility for the state security agencies, to cease arbitrary arrest and detention and to release immediately those who are imprisoned for political reasons;
 - (c) To ensure an immediate end to torture and other forms of inhuman or degrading treatment and to identify, prosecute and punish those responsible for the practice of torture and other acts which have led to the death of detainees;
 - (d) To ensure that arrested persons be brought immediately before a judge and to restore fully the right of habeas corpus;
 - (e) To restore Chilean nationality to those who have been deprived of it for political reasons;
 - (f) To respect fully the rights of Chilean citizens to return to their country and to empower the courts to review autonomously Government decisions prohibiting the re-entry of Chilean citizens;

(g) To restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people and their right to take part freely in the conduct of public affairs;

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

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

(j) To guarantee full freedom of expression;

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

5. Expresses its appreciation to the Chairman and other members of the Ad Hoc Working Group for having worked continuously on the question of restoration of human rights in Chile in a spirit of devotion and dedication, and to the Secretary-General for his constant and valuable support to the Working Group;

6. Decides to continue to give close attention to the situation in Chile and to this end:

(a) To authorize its Chairman, in accordance with General Assembly resolution 33/175 of 20 December 1978 to appoint Mr. Abdoulaye Diéye as Special Rapporteur on the situation of human rights in Chile, who, on the basis of the mandate in Commission resolution 8 (XXXI) of 27 February 1975 and in contact with the Chilean authorities, will inquire into the present situation of human rights in Chile, and report to the Commission on Human Rights at its thirty-sixth session and to the General Assembly at its thirty-fourth session;

(b) To authorize its Chairman, in response to the request in General Assembly resolution 33/175, to appoint as experts in their individual capacity, Mr. Felix Ermacora and Mr. Waleed M. Sadi to study, in conformity with the modalities set forth in its resolution 8 (XXXI) of 27 February 1975, in co-operation with the Special Rapporteur and in contact with the Chilean authorities, the question of the fate of missing and disappeared persons in Chile, and to report to the Commission on Human Rights at its thirty-sixth session and, through the Special Rapporteur, to the General Assembly at its thirty-fourth session;

7. Urges the Chilean authorities to co-operate with the Special Rapporteur, and with the experts appointed to study the question of the fate of missing and disappeared persons;

8. Requests the Secretary-General to render to the Special Rapporteur and to the experts appointed to study the question of the fate of missing and disappeared persons all the assistance which they might require in their work;

9. Welcomes the decision by the General Assembly in its resolution 33/174 of 20 December 1978 to establish a United Nations Trust Fund for Chile;

10. Decides to invite the Chairman of the Board of Trustees to submit a written report, on behalf of the Board, to the Commission on the operation of the Fund;

11. Recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

12. Decides to consider at its thirty-sixth session as a matter of high priority the question of human rights in Chile.

12 (XXXV). Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 63/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI) and 6 (XXXIII) by which it extended and broadened the terms of reference of that Group,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the sustained efforts of the United Nations to seek out and combat the constant and flagrant violations of human rights, and in particular the policies of apartheid and racial discrimination which continue unabated in South Africa, as well as in Namibia and Zimbabwe,

Having examined the report 64/ of the Ad Hoc Working Group of Experts,

Having noted that the South African authorities continue to occupy Namibia illegally and to perpetuate on Namibian territory their odious policy of apartheid and racial discrimination, and that the illegal régime of Salisbury is not only refusing to transfer power to the true majority but is continuing to increase its military capabilities with a view to maintaining its domination by force and perpetrating aggressions against neighbouring countries,

Deeply concerned by the very serious consequences for the realization of human rights and the most essential fundamental freedoms of the confirmation of the acquisition by South Africa of the necessary scientific technology giving access to nuclear weapons,

1. Congratulates the Ad Hoc Group of Experts on the excellent work accomplished and warmly thanks it;

2. Expresses its profound indignation regarding the situation which continues to prevail in southern Africa and which is characterized by a flagrant denial of human rights to the African population and by the brutal and inhuman treatment of political prisoners in that part of the world;

3. Strongly condemns the increased South African military presence in Namibia, the consequences of which include:

(a) Harassment of the civilian population, and particularly women and children;

(b) Mass arrests and arbitrary detentions accompanied by torture;

63/ Adopted at the 1508th meeting, on 6 March 1979, by a roll-call vote of 23 votes to 3, with 6 abstentions. See chap. IV.

64/ E/CN.4/1311.

- (c) Ill-treatment and, in particular, torture of captured freedom fighters;
- (d) Massacres of the population of villages and refugee camps;
- (e) Violations of the territorial integrity of Angola;

4. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declares that in the case of Namibia (a territory under United Nations administration) this right can be legally exercised only in accordance with directives given by the competent organs of the United Nations;

5. Requests the Ad Hoc Working Group of Experts to continue to institute enquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of those enquiries to the attention of the Commission on Human Rights;

6. Denounces the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

7. Recommends in particular to the Economic and Social Council, having noted with interest the recommendations of the Symposium on the Exploitation of Blacks in South Africa and Namibia and on Prison Conditions in South African Jails, held at Maseru (Lesotho) from 17 to 22 July 1978, that:

(a) The appropriate United Nations bodies, acting in consultation with the competent specialized agencies and particularly International Labour Organisation, should take the initiative of preparing an international convention on the rights of migrant workers;

(b) Special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers which is in force in South Africa;

(c) Fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

(d) On the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations, should publish an investigation into the lot of black children in South Africa;

8. Recommends:

(a) that Member States should redouble their efforts and strengthen their measures to combat racism, racial discrimination and apartheid;

(b) that the Economic and Social Council should request the General Assembly;

- (i) To urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would censure the policy of apartheid and provide information concerning specific new measures which their respective countries or national institutions have taken or are planning to take to combat apartheid;
- (ii) To ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities;
- (iii) To arrange for the organization at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, a symposium in which the Ad Hoc Group of Experts of the Commission on Human Rights would be invited to participate;
- (iv) To arrange for a study to be made of the South African Government's legitimacy in view of its policy of apartheid and in particular its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact;

9. Adopts, in general the conclusions and recommendations of the Ad Hoc Working Group of Experts;

10. Condemns the activities of the countries which, either directly or through their nationals, are helping to perpetuate the present situation in Namibia, Zimbabwe and South Africa, and urges them to refrain from such activities;

11. Demands the immediate release of all political prisoners held in South Africa, Zimbabwe and Namibia, in particular those who are suspected of sympathizing with the South West Africa People's Organization (SWAPO) and, while awaiting their release, requests protection for them in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War;

12. Recommends that Members States should intensify their co-operation in the humanitarian field so as to strengthen their assistance to the neighbouring countries of Zimbabwe in order to enable them to face the difficulties inherent in the refugee situation, and that the General Assembly should ensure that the Office of the United Nations High Commissioner for Refugees continues to evaluate the situation of the refugees from Zimbabwe and takes adequate measures of assistance and protection on their behalf;

13. Appeals to Member States to assist SWAPO in its struggle for ensuring the proper exercise by the Namibian people of their right to self-determination, to contribute to the measures taken by the international community for safeguarding the cultural heritage and wealth of the Namibian people, to give special attention to Namibian children and, in particular, to accord them scholarships and training grants for study on the occasion of the International Year of the Child;

14. Decides to renew the mandate of the Ad Hoc Working Group of Experts, composed of the following experts acting in their personal capacity: Mr. Kéba M'Baye (Senegal), Chairman-Rapporteur, Mr. Branimir Janković (Yugoslavia), Mr. Annan Arkyin Cato (Ghana), Mr. Humberto Díaz Casanueva (Chile), Mr. Felix Ermacora (Austria) and Mr. Mulka Govinda Reddy (India);

15. Decides that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment, with a view to improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa;

16. Requests the Group to submit a report on its findings to the Commission at the thirty-seventh session at the latest, and to submit a progress report to the Commission at the thirty-sixth session;

17. Further requests the Group, in co-operation with the Special Committee against Apartheid, to investigate the cases of torture and murder of detainees in South Africa, contained in the report drawn up by the Special Committee against Apartheid 65/ and communicated to the Commission and to submit a special report on this investigation to the Commission on Human Rights at its thirty-sixth session.

18. At the same time requests the Group that particularly serious violations of which it learns during its enquiries should immediately be brought to the attention of the Chairman of the Commission on Human Rights, so that he may take whatever action he deems appropriate;

19. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

13 (XXXV). Violations of human rights in southern Africa 66/

The Commission on Human Rights

1. Expresses its profound appreciation to the Government of Iran, which has recently severed all relations with the racist régime of South Africa and has, in particular, stopped all oil supplies to that régime, thereby contributing substantially to the struggle against apartheid and racism;

2. Takes this opportunity to commend all other Governments which have already adopted measures similar to those recently taken by the Government of Iran.

14 (XXXV). The situation of human rights in Nicaragua 67/

The Commission on Human Rights,

Taking into account the situation of wholesale and flagrant violations of human rights in Nicaragua,

65/ E/CN.4/1327/Add.2.

66/ Adopted at the 1508th meeting, on 6 March 1979, by a roll-call vote of 24 votes to 1, with 7 abstentions. See chap. IV.

67/ Adopted at the 1519th meeting on 13 March 1979 by 23 votes to none, with 6 abstentions. See chap. X.

Considering that the General Assembly, at its thirty-third session, adopted resolution 33/76 of 15 December 1978 drawing attention to the extreme gravity of the events that were taking place in that country,

Bearing in mind that, from the adoption of the above resolution until the present time, indiscriminate repression has continued against the civilian population, which lacks the most elementary safeguards,

1. Condemns the violation of human rights and fundamental freedoms by the Nicaraguan authorities;
2. Expresses its deep concern that the Government of Nicaragua has taken no steps to respect the human rights and fundamental freedoms of the population;
3. Demands that the Nicaraguan authorities put an end to the present grave situation and that they ensure respect for the human rights and fundamental freedoms of the citizens of Nicaragua, as urged in General Assembly resolution 33/76 of 15 December 1978;
4. Requests the Secretary-General, acting through the appropriate channels, to keep under continuing review the development of the situation in Nicaragua, and in particular violations of human rights and fundamental freedoms, and to submit a report, based on all relevant sources, to the Commission on Human Rights at its thirty-sixth session through the Sub-Commission on Protection of Discrimination and Protection of Minorities.

15 (XXXV). The situation of human rights in Equatorial Guinea 68/

The Commission on Human Rights,

Keeping in mind the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling Economic and Social Council resolution 1235 (XLII) of 6 June 1967, authorizing the Commission to make a thorough study of situations which reveal a consistent pattern of violations of human rights,

1. Decides that a Special Rapporteur of the Commission, to be appointed by the Chairman of the Commission, be entrusted with the task of making a thorough study of the human rights situation in Equatorial Guinea, based on such information as he may deem relevant, and to report thereon to the thirty-sixth session of the Commission;
2. Requests the Secretary-General to render to the Special Rapporteur all the assistance which he may require in his work;
3. Recommends to the Economic and Social Council to make an appeal to the Government of Equatorial Guinea to extend its co-operation to the Commission in connexion with the implementation of this resolution;
4. Decides to consider the report of the Special Rapporteur at its thirty-sixth session.

68/ Adopted at the 1519th meeting on 13 March 1979 by 20 votes to 3, with 9 abstentions. See chap. X.

16 (XXXV). Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live 69/

The Commission on Human Rights,

Recalling its resolutions 8 (XXIX) and 11 (XXX) and Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Noting resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the study 70/ prepared by the Special Rapporteur, Baroness Elles together with the text of the draft declaration 71/,

1. Expresses its deep appreciation to the Special Rapporteur, Baroness Elles, for her valuable study 72/;
2. Recommends to the Economic and Social Council that the study be printed and given the widest possible dissemination;
3. Requests the Economic and Social Council to consider the text of the above-mentioned draft declaration 73/ with a view to submitting it to the General Assembly for its consideration.

17 (XXXV). Question of the human rights of all persons subjected to any form of detention or imprisonment 74/

The Commission on Human Rights,

Having considered the relevant parts of the report 75/ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session,

1. Invites the Sub-Commission to consider the reports of the Secretary-General E/CN.4/Sub.2/407, 408 and 409 and subsequent reports during its thirty-second session:

69/ Adopted at the 1520th meeting on 14 March 1979 by 24 votes to none, with 5 abstentions. See chap. XIX.

70/ E/CN.4/Sub.2/392 and Corr.1.

71/ E/CN.4/1336.

72/ See foot-note 70 above.

73/ See foot-note 71 above.

74/ Adopted at the 1521st meeting, on 14 March 1979, without a vote. See chap. VIII.

75/ E/CN.4/1296.

2. Proposes to the Economic and Social Council to consider the following draft resolution:

[For the text see chap. I, sect. A, draft resolution I.]

18 (XXXV). Draft convention on torture and other cruel, inhuman or degrading treatment or punishment 76/

The Commission on Human Rights,

Having in mind General Assembly resolution 32/62 of 8 December 1977 by which the Commission was requested to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, and General Assembly resolution 33/178 of 20 December 1978 by which the Commission was requested, at its thirty-fifth session, to give high priority to the question of drafting such a convention,

Recalling that such a draft convention has been discussed in a working group during the thirty-fifth session of the Commission but that it was not found possible to complete the work during that session,

Desirous to make arrangements to expedite the work on the draft convention with a view to its early adoption,

1. Recognizes that it is advisable to continue the work on the draft convention in a working group which should meet before the thirty-sixth session of the Commission,

2. Decides to accord high priority to the consideration of this question at its thirty-sixth session,

3. Recommends that the Economic and Social Council should adopt the following resolution:

[For the text see chap. I, sect. A, draft resolution II.]

19 (XXXV). Question of a convention on the rights of the child 77/

A

The Commission on Human Rights,

Having in mind the draft convention on the rights of the child submitted by Poland on 7 February 1978, 78/

Taking into account the report of the Secretary-General on the views, observations and suggestions on the question of the convention on the rights of the child submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations, 79/

76/ Adopted at the 1521st meeting, on 14 March 1979, by 29 votes to none, with 3 abstentions. See chap. VIII.

77/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. XI.

78/ See resolution 20 (XXXIV) of the Commission on Human Rights, annex.

79/ E/CN.4/1324 and Corr.1 and Add. 1-4.

Taking note of the report of the Working Group set up at the thirty-fifth session of the Commission to draw up the convention on the rights of the child, 80/

Considering that owing to lack of time it was not possible to complete work on the draft convention on the rights of the child,

Recalling Economic and Social Council resolution 1978/18 of 5 May 1978 and General Assembly resolution 33/166 of 20 December 1978 relating to the question of the convention on the rights of the child,

Convinced that it would be desirable to adopt an international convention on the rights of the child in connexion with the International Year of the Child,

1. Decides to continue at its thirty-sixth session, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing, if possible, the elaboration of the said convention at that session for transmission to the General Assembly through the Economic and Social Council;

2. Requests the Economic and Social Council to bring to the notice of the General Assembly at its thirty-fourth session the present resolution and the relevant chapter of the report of the Commission on Human Rights on its thirty-fifth session.

B

The Commission on Human Rights,

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

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

Convinced of the importance of international co-operation in this field,

Desiring to make its contribution to the observance of the International Year of the Child and to its follow-up activities,

Invites the Secretary-General to consider the possibility of organizing, within the framework of advisory services in the field of human rights, a two-week seminar on the rights of the child in the light of international instruments concerning human rights and questions of their implementation and progressive development.

20 (XXXV). Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief 81/

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/106 of 16 December 1978,

80/ E/CN.4/L.1468.

81/ Adopted at the 1522nd meeting, on 14 March 1979, by a roll-call vote of 19 votes to none, with 13 abstentions. See chap. XIV.

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 82/,

1. Notes that the Working Group achieved far-reaching agreement on several substantive aspects of the first articles of the draft declaration but was unable to reach consensus on the question of submission of draft articles to the Commission for adoption;

2. Decides to adopt, on the basis of those proposals on which there was far-reaching agreement, the draft articles contained in the annex to the present resolution;

3. Requests the Secretary-General to invite the United Nations Educational, Scientific and Cultural Organization to organize a collective consultation, embracing various established schools of religious thought, on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance, and to submit the conclusions reached by this consultation to the Commission at its thirty-sixth session;

4. Decides to continue at its thirty-sixth session the elaboration of the remaining articles of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief;

5. Decides also to again establish the open-ended working group at its thirty-sixth session and to allot more time to the working group in order that it may complete its task at that session.

Annex

ARTICLE I

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.

82/ See para. 274 above.

ARTICLE II

1. No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or other beliefs.
2. For the purpose of this Declaration, the term "discrimination and intolerance based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect the nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

ARTICLE III

Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the international covenants relating to human rights, and as an obstacle to friendly and peaceful relations between nations.

21 (XXXV). Rights of persons belonging to national, ethnic, religious and linguistic minorities 83/

The Commission on Human Rights,

Recalling its resolution 14 (XXXIV) of 6 March 1978,

Taking into consideration that most of the Governments of Member States have not yet submitted the comments requested by that resolution,

Having taken cognizance of the report of the Working Group 84/,

1. Requests the Secretary-General to transmit to the Governments of Member States the relevant documents of the thirty-fifth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, and to ask those Governments which have not yet done so to submit their comments on the subject-matter for consideration by the Commission;
2. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to submit its opinion on the draft declaration proposed by Yugoslavia 85/ for consideration by the Commission at its thirty-sixth session; taking into account all relevant documents;
3. Decides to consider at its thirty-sixth session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

83/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote.
See chap. XVIII.

84/ E/CN.4/L.1467.

85/ E/CN.4/L.1367/Rev.1

22 (XXXV). Further promotion and encouragement of human rights and fundamental freedoms 86/

The Commission on Human Rights,

In conformity with General Assembly resolutions 32/130 of 16 December 1977, 33/104 and 33/105 of 16 December 1978,

Recommends to the Economic and Social Council the following draft resolution for adoption:

[For the text see chap. I, sect. A, draft resolution III.]

23 (XXXV). Development of public information activities in the field of human rights 87/

The Commission on Human Rights,

Recalling that the Universal Declaration of Human Rights calls on every individual and every organ of society to strive by teaching and education to promote respect for the rights and freedoms set out in the Declaration,

Recalling also that the Member States have sought in marking the thirtieth anniversary of the Universal Declaration of Human Rights to promote wider public understanding of human rights through education programmes as envisaged in the Declaration,

Believing that progress in the promotion of respect for and protection of human rights is assisted by a favourable world public opinion,

Believing further that a prerequisite for such a development is a high level of knowledge, understanding and acceptance of the requirements of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the relevant covenants and conventions,

Bearing in mind its work on the question of further promotion and encouragement of human rights and fundamental freedoms,

Bearing in mind also the work of other United Nations bodies on the promotion and protection of human rights,

Convinced of the need for the Commission on Human Rights to take an active part in contributing to international co-operation for the promotion of respect for human rights, on the basis of the principles and purposes laid down in the Charter,

Mindful of the value of the programme of advisory services in the field of human rights,

Aware of the importance of United Nations Information Centres and the Office of Public Information in the dissemination of publicity concerning United Nations activities in the field of human rights,

86/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. IX.

87/ See foot-note 86 above.

1. Urges all Governments to consider action to give publicity to United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights;

2. Requests the Secretary-General to take all appropriate measures further to develop public information activities in the field of human rights and, with this purpose in mind, to present a report to the thirty-sixth session of the Commission on Human Rights containing a summary of the existing public information activities in the field of human rights and proposals for their further development;

3. Requests further the Secretary-General to utilize the facilities of the United Nations Information Centres as well as of the Office of Public Information to give publicity to United Nations activities in the field of human rights, and to disseminate the International Bill of Rights in as many languages as possible;

4. Decides to consider at its thirty-sixth session the question of ways and means of further developing public information activities in the field of human rights.

24 (XXXV). National institutions for the promotion and protection of human rights 88/

The Commission on Human Rights,

Recalling its resolution 23 (XXXIV) of 8 March 1978, in which it requested the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights to suggest guidelines for the structure and functioning of national institutions for the promotion and protection of human rights,

Recalling General Assembly resolution 33/46 of 14 December 1978 which noted with appreciation the Report of the Seminar 89/, and requested the Commission on Human Rights to consider the guidelines on the structure and functioning of national institutions suggested by the Seminar and to send its recommendations in this regard to the General Assembly at its thirty-fourth session,

1. Endorses the guidelines on the structure and functioning of national institutions for the promotion and protection of human rights contained in the Report of the Seminar 90/;

2. Requests the Secretary-General to transmit these guidelines to all Member States as well as to concerned specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council, and to invite Governments to inform the Commission, through the Secretary-General, of the extent to which such national institutions already exist or are planned in the future;

3. Invites all Member States where such national institutions do not yet exist to take appropriate steps for the establishment of such national institutions bearing in mind the guidelines referred to above.

88/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. IX.

89/ ST/HR/SER.A/2.

90/ See foot-note 89 above.

4. Recommends to all Member States to request from their respective national institutions, as appropriate, reports at regular intervals for presentation to competent bodies at the national level and to consider arrangements for the discussion of such reports;

5. Invites Member States to transmit relevant information regarding the activities of their national institutions including, wherever possible, a summary of the reports mentioned in paragraph 4 to the Commission through the Secretary-General, once every three years, beginning in the first half-year of 1981;

6. Requests the Secretary-General to compile the information received in accordance with paragraphs 2 and 5, and to submit this information, together with a summary of the above reports, to the General Assembly at its thirty-sixth session and to the Commission every three years;

7. Decides to consider the question of national institutions for the promotion and protection of human rights every three years, as a subitem on its agenda;

8. Recommends to the General Assembly, through the Economic and Social Council, to decide:

- (a) to put on the agenda for its thirty-sixth session the subitem "National Institutions for the Promotion and Protection of Human Rights";
- (b) to recommend to Member States that they associate representatives of their national institutions with the contents of the debate on the above subitem.

25 (XXXV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families 91/

The Commission on Human Rights,

Recalling the provisions of the Universal Declaration of Human Rights,

Bearing in mind the previous resolutions of the General Assembly and the Economic and Social Council relating to migrant workers, and in particular the General Assembly resolution 33/163 of 20 December 1978 concerning migrant workers,

Further recalling its resolutions 21 A and B (XXXIV),

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

Having examined the report of the Secretary-General 92/ prepared in accordance with Economic and Social Council resolution 1978/22 of 5 May 1978,

91/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. XII.

92/ E/CN.4/1325.

Considering and appreciating the work on migrant workers already done by various international organizations,

Noting that, despite the efforts made at the international, multilateral and bilateral levels, migrant workers continue to encounter, in certain fields, practical difficulties which deprive them of the full and genuine enjoyment of human rights,

Recognizing that every relationship between employers and workers gives rise to rights and obligations and that violation of these rights may constitute a violation of the human rights of migrant workers when such workers' rights are also human rights, as defined in the Universal Declaration of Human Rights,

Believing that special attention should be paid to the problems of migrant workers and of their families,

Emphasizing that the situation of the children of migrant workers is of paramount importance,

1. Invites all States to:

(a) Work towards the creation, at the national level, of the necessary conditions which would prevent migrant workers and their families in their working and private life from encountering discrimination;

(b) Take all appropriate measures to ensure that the human rights, defined in the Universal Declaration of Human Rights, including the economic and social rights of migrant workers, be fully safeguarded under their domestic legislation;

(c) Apply relevant international instruments, bilateral and multilateral, and, if necessary, to conclude new bilateral and multilateral agreements designed, in particular, to improve the conditions of migrant workers and of their families and to eliminate the illicit traffic in foreign labour and the violations of human rights resulting therefrom;

2. Invites the Governments of host countries to:

(a) Assure migrant workers and the members of their families of equality of treatment in the field of labour, particularly concerning the economic and social rights, living and working conditions, wages, the right of association and other related rights;

(b) Adopt effective measures to ensure that the migrant workers and their families are familiar with and can avail themselves of all their civil, economic and social rights, including rights relating to social security;

(c) Take the necessary steps to promote the normalization of the family life of migrant workers through the reunification of their families on their territories, within the framework of their legislative systems;

(d) Give special attention to the situation of the children of migrant workers, envisage appropriate measures which would enable those children, while preserving their national values, to adjust to the society in which they live, and establish, in co-operation with the countries of origin, appropriate machinery to assure them of a bi-cultural education, and give to the children of migrant workers, as far as possible, access to the teaching of their mother tongue and culture, the general conditions applicable to such teaching, including those relating to co-ordination with standard teaching, to be laid down by the host country in co-operation with the country of origin;

(e) Implement policies relating to training, health, housing and educational and cultural development, similar to those enjoyed by citizens of the host country, for migrant workers and their families and guarantee them the free exercise of activities calculated to preserve their cultural values;

3. Invites the Governments of countries of origin to provide migrant workers with effective protection and to inform them as fully as possible of their rights and obligations;

4. Requests host countries and countries of origin to co-operate in various ways through the conclusion of bilateral or multilateral agreements capable of solving the problems facing migrant workers and to work together in examining the reintegration of migrant workers in case of voluntary return to the country of origin, and recommends to this end that special attention should be paid to voluntary reintegration in the country of origin, which should be smooth and should take the economic context of the country of origin and possible vocational retraining into account;

5. Recommends that the United Nations bodies and the competent specialized agencies, particularly the International Labour Organisation, should pay continuing attention to migrant workers, and intensify their action in this field;

6. Requests the United Nations bodies, the specialized agencies and the other world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers, to communicate to the Commission the model agreements and agreements which they formulate on the various aspects of inter-State relations in so far as they concern migrant workers;

7. Decides:

(a) To supervise, with the assistance of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and the other competent intergovernmental organizations and those NGOs which have consultative status with the Economic and Social Council, the application of the principles of the Universal Declaration of Human Rights to all migrant workers;

(b) To give priority, at its next session, to the following three questions:

- (i) Protection of the children of migrant workers against any form of discrimination and measures to be taken in order to facilitate their adaptation to the culture of the host country while maintaining and developing their knowledge of the language and national culture of the country of origin;
- (ii) Violations of the human rights of migrant workers resulting from the illicit traffic in such workers;
- (iii) Access of migrant workers to remedies in enterprises, from the administration, in courts and against all forms of arbitrary expulsion;

8. Decides to keep on its agenda the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", in particular for the purpose of studying the situation of those groups of migrant workers who continue to encounter practical difficulties with regard to the complete and genuine enjoyment of human rights.

The Commission on Human Rights,

Having considered the note by the Secretary-General 94/ and the report of the Ad Hoc Committee on Periodic Reports 95/,

Recommends that the Economic and Social Council adopt the following draft resolution:

[For the text see chap. I, sect. A, draft resolution IV.]

B. Decisions

1 (XXXV). Organization of work 96/

(a) The Commission decided that informal open-ended working groups should be established for the consideration of items 10a, 11, 13, 18 and 23.

(b) The Commission decided to issue the following invitations to participants in its meetings:

(i) In connexion with items 6, 7, 16 and 20: Mr. Harriman, Chairman of the Special Committee against Apartheid;

(ii) In connexion with item 7: 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 (Sub-Commission resolution 2 (XXXI));

(iii) In connexion with item 9: Mr. Cristescu, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms (Sub-Commission resolution 3 (XXXI));

(iv) In connexion with item 12: Mr. Pirzada, Chairman-Rapporteur of the 1978 Working Group on communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission decision 3 (XXXIV));

(v) In connexion with item 12: representatives of States in respect of which situations are being considered under Economic and Social Council resolution 1503 (XLVIII) (Commission decision 5 (XXXIV));

93/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. IX.

94/ E/CN.4/1338.

95/ E/CN.4/1304.

96/ Adopted at the 1479th meeting, on 13 February 1979. See chap. XXV.

(vi) In connexion with item 12: Mr. Bouhdiba, Chairman of the thirty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Sub-Commission resolution 11 (XXXI));

(vii) In connexion with item 24: Baroness Elles, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the problem of the applicability of existing international provisions for the protection of human rights of individuals who are not citizens of the country in which they live (Sub-Commission resolution 9 (XXXI)).

2 (XXXV). Telegram to the Government of Israel 97/

The Commission decided to send the following telegram to the Government of Israel:

"The Commission on Human Rights, at its thirty-fifth session, expresses once more its deep concern about the systematic torture practised by Israel against Palestinian detainees, as reflected once again in recent international reports. The Commission expresses also its grave concern about the policies of repression and collective punishment pursued by the Israeli occupation forces against the Palestinian people in Palestine and in the occupied Arab territories, and in particular the bulldozing and blowing up of houses or such recent methods as the bricking up of these houses so as to render them uninhabitable, thus aggravating the sufferings of the Palestinian people. The Commission calls on the Israeli Government to cease forthwith the above practices which are in violation of the Geneva Conventions of 1949 and to inform the Commission urgently on this matter".

3 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 98/

The Commission, having received the reports of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the historical and current development of the right to self-determination (E/CN.4/Sub.2/404), and on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405) and having taken note of resolutions 3 and 4 A (XXXI) of the Sub-Commission mentioned above, decided to recommend to the Economic and Social Council that the reports should be printed and given the widest possible distribution, including in Arabic.

4 (XXXV). Updating of the analysis of existing United Nations procedures for dealing with communications concerning violations of human rights 99/

The Commission decided that the analysis of existing United Nations procedures for dealing with communications concerning violations of human rights (E/CN.4/1317) prepared by the Secretary-General pursuant to Commission

97/ Adopted at the 1480th meeting, on 14 February 1979. See chap. II.

98/ Adopted without vote at the 1490th meeting on 21 February 1979. See chap. VII.

99/ Adopted at the 1510th meeting on 7 March 1979. See chap. X.

resolution 16 (XXXIV) should be brought up to date in the light of the Commission's discussion of agenda item 12 (b) at its current session, and submitted to the Commission at its thirty-sixth session.

5 (XXXV). Question of human rights in Cyprus 100/

The Commission decided that the debate under item 12 (a) entitled "Question of Human Rights in Cyprus" be postponed to the next session of the Commission, with due priority at that Session, it being understood that action required by previous resolutions of the Commission on this subject continue to remain operative including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

6 (XXXV). Human rights situation in Democratic Kampuchea 101/

The Commission decided to postpone until its thirty-sixth session consideration of the report contained in document E/CN.4/1335 (Analysis prepared on behalf of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Chairman of materials submitted to it and the Commission on Human Rights under decision 9 (XXXIV) of the Commission on Human Rights).

7 (XXXV). Postponement of consideration of draft resolutions 102/

The Commission decided to postpone to its next session consideration of the draft resolutions contained in documents E/CN.4/L.1455, as orally amended, and E/CN.4/L.1461, submitted in connexion with agenda item 12.

8 (XXXV). Question of slavery and the slave trade in all their practices and manifestations, including the slavery like practices of apartheid and colonialism 103/

The Commission decided to defer consideration of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 6 A and B (XXXI) entitled "Question of slavery and the slave trade in all their practices and manifestations, including slavery like practices of apartheid and colonialism", to the thirty-sixth session of the Commission.

9 (XXXV). Study of the question of the prevention and punishment of the crime of genocide 104/

The Commission decided to endorse the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission and to the Economic and Social Council in its decision 4 (XXXI), that the report entitled "Study of the question of the prevention and punishment of the crime of genocide" (E/CN.4/Sub.2/416) should be given the widest possible distribution.

100/ Adopted at the 1515th meeting on 12 March 1979. See chap. X.

101/ Adopted at the 1516th meeting on 13 March 1979 by a roll-call vote of 20 in favour, 10 against and 2 abstentions. See chap. X.

102/ Adopted at the 1519th meeting on 13 March 1979. See chap. X.

103/ Adopted at the 1520th meeting, on 14 March 1979, see chap. XVII.

104/ See foot-note 103 above.

10 (XXXV). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session 105/

The Commission decided to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session.

11 (XXXV). Question of large-scale exoduses 106/

The Commission decided to postpone the consideration of the question of large-scale exoduses to its thirty-sixth session.

12 (XXXV). Telegram to the Government of Guatemala 107/

The Commission decided to send the following telegram to the Government of Guatemala:

"The Commission on Human Rights, meeting in Geneva for its thirty-fifth session, has taken note with profound regret of the assassination on 25 January last of Dr. Alberto Fuentes Mohr, Deputy of the Guatemalan Congress, ex-Minister for Foreign Affairs and Finance and a former member of the United Nations Secretariat.

The Commission takes note of the communication from the Government of Guatemala concerning these events and records with satisfaction the declaration by that Government (E/CN.4/1342) that it condemns 'the unspeakable crime committed against the person of Fuentes Mohr, member of Congress' and that it is 'acting with all necessary diligence to apprehend those responsible and to elucidate the matter'.

The Commission would welcome some information on this matter before the beginning of its thirty-sixth session."

13 (XXXV). 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 108/

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-sixth 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-second session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations which the Commission has decided to keep under review.

105/ Adopted at the 1520th meeting, on 14 March 1979, see chap. XVII.

106/ Adopted at the 1520th meeting, on 14 March 1979, see chap. X.

107/ See foot-note 106 above.

108/ Adopted at the 1514th (closed) meeting, on 9 March 1979, see chap. X.

14 (XXXV). General decision to communicate the recommendations of working groups established to assist the Commission in examining situations under Economic and Social Council resolution 1503 (XLVIII) 109/

The Commission decided, within the framework of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, to authorize its working groups in future, if they have been established to assist the Commission in examining documents reaching it in virtue of that resolution, to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV).

15 (XXXV). Postponement of items on the agenda to the thirty-sixth session of the Commission 110/

The Commission decided to postpone to its thirty-sixth session consideration of the following items of its agenda:

Human rights and scientific and technological developments [15];

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

Periodic reports on human rights:

(a) Periodic reports on freedom of information

(b) Periodic reports on civil and political rights [19];

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 [25];

Advisory services in the field of human rights [26].

The Commission also decided to postpone to its thirty-sixth session consideration of the following proposals submitted in connexion with agenda item 10 (Question of the human rights of all persons subjected to any form of detention or imprisonment): E/CN.4/L.1458/Rev.1; E/CN.4/L.1460; E/CN.4/L.1472.

16 (XXXV). Draft provisional agenda for the thirty-sixth session of the Commission 111/

The Commission took note of the draft provisional agenda for the thirty-sixth session.

109/ Adopted at the 1515th (closed) meeting, on 12 March 1979, see chap. X.

110/ Adopted at the 1522nd meeting, on 14 March 1979. See chap. XXII.

111/ Adopted at the 1523rd meeting, on 16 March 1979. See chap. XXI.

XXV. ORGANIZATION OF THE THIRTY-FIFTH SESSION

A. Opening and duration of the session

340. The Commission on Human Rights held its thirty-fifth session at the United Nations Office at Geneva from 12 February to 16 March 1979.

341. The session was opened (1477th meeting) by Mr. Kéba M'Baye (Senegal), Chairman of the Commission at its thirty-fourth session, who made a statement, in the course of which he welcomed the new members of the Commission: Benin; Burundi; Germany, Federal Republic of; Iraq; Morocco and Portugal. 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.

B. Attendance

342. 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

343. At its 1477th, 1478th and 1480th meetings, on 12, 13 and 14 February 1979, the Commission elected the following officers by acclamation:

Chairman:	Mr. Yvon Beaulne (Canada)
Vice-Chairman: ^{112/}	Mr. Ivan Garvalov (Bulgaria) Mr. Amary Essy (Ivory Coast) Mr. Octavio Ferrer (Panama) ^{113/}
Rapporteur:	Mr. Mohamed Al-Jabiri (Iraq)

D. Agenda

344. The Commission had before it the provisional agenda for the thirty-fifth session (E/CN.4/1297) 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-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

345. At the 1477th meeting the Commission considered and adopted the provisional agenda. The agenda as adopted, is given in annex II below.

^{112/} The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

^{113/} At its 1479th meeting the Commission agreed that Mr. Dídimo Ríos, having been designated as Representative of Panama, should replace Mr. Octavio Ferrer who had indicated his inability to continue participating in the work of the Commission.

E. Organization of work

346. With regard to the order of consideration of the items on its agenda, the Commission at its 1479th meeting, on 13 February 1979, bearing in mind the respective priority of the various items and the availability of the relevant documentation, accepted a recommendation by its officers to the effect that the following items should be considered jointly: items 4 and 9; items 8 and 21; items 6, 7, 16 and 20; items 12 and 27; items 22 and 24; items 10 and 10b. The Commission further agreed to the following order in its consideration of the items on its agenda: 4 and 9; 8 and 21; 6, 7, 16 and 20; 5; 12 and 27; 11; 22 and 24; 19; 10 and 10b; 14; 15; 17; 25; 26; 10a; 13; 18; 23; 28, and 29.

347. The Commission decided at its 1479th meeting that informal open-ended working groups should be established for the consideration of items 10a, 11, 13, 18 and 23.

348. The Commission also decided to issue the following invitations:

(a) In connexion with items 6, 7, 16 and 20, Mr. Harriman, Chairman of the Special Committee against Apartheid;

(b) 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 (Sub-Commission resolution 2 (XXXI));

(c) In connexion with item 9, Mr. Cristescu, Special Rapporteur of the Sub-Commission for the study on the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms (Sub-Commission resolution 3 (XXXI));

(d) In connexion with item 12, Mr. Pirzada, Chairman-Rapporteur of the 1978 Working Group on communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII) (Commission decision 3 (XXXIV));

(e) In connexion with item 12, representatives of States in respect of situations which are being considered under Economic and Social Council resolution 1503 (XLVIII) (Commission decision 5 (XXXIV));

(f) In connexion with item 12, Mr. Bouhdiba, Chairman of the thirty-first session of the Sub-Commission (Sub-Commission resolution 11 (XXXI));

(g) In connexion with item 24, Baroness Elles, Special Rapporteur of the Sub-Commission for the study on the problem of the applicability of existing international provisions for the protection of human rights of individuals who are not citizens of the country in which they live (Sub-Commission resolution 9 (XXXI)).

F. Meetings, resolutions and documentation

349. The Commission held 48 meetings (1477th to 1524th 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 1477th and 1480th to 1522nd meetings, or parts thereof.

350. The resolutions and decisions adopted by the Commission at its thirty-fifth session are contained in chapter XXIV 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.

351. 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-fifth session are contained in document E/CN.4/1346.

ANNEXES

Annex I

ATTENDANCE

Members

Australia: Mr. Owen Lennox Davis, Mr. C.L. Lamb,* Mr. M.A.S. Landale*

Austria: Mr. Felix Ermacora, Mr. Erik Nettel,* Mrs. Leonore Abele-Emich,*
Mr. Martin Sajdik,* Mr. Christian Strohal*

Benin: Mr. Joseph Gnonlonfoun

Brazil: Mr. Carlos Calero-Rodrigues, Mr. Alfonso Celso de Ouro-Preto,*
Mr. Luiz Antonio Jardim Gagliardi,* Mr. Guilherme Raymundo Barbedo Arroio,*
Mr. Antonio José Guerreiro*

Bulgaria: Mr. Ivan Garvalov, Mr. Petko Stefanov,* Mr. Emil Manolov,**
Mrs. Irina Kolarova**

Burundi: Mr. TERENCE Nsanze, Mr. Emmanuel Rwamibango,* Mr. Nestor Ndamama,**
Mr. Ladislav Nchinyeretse**

Canada: Mr. Yvon Beaulne, Mr. Richard McKinnon,* Mr. Claude Sirois,**
Mr. Jacques Gaudreau,** Mr. J.D. Livermore,** Mr. Peter McRae,**
Mr. Bruce Gillies,** Mrs. Dorothea M. Crittenden,** Mr. Noel B. Kinsella,**
Mr. S.J. Enns,** Mr. J.R. Crowe**

Colombia: Mr. Héctor Charry Samper, Mrs. Angela Herrán,* Mr. Mauricio Botero**

Cuba: Mr. Carlos Lechuga Hevia, Mr. Frank Ortiz Rodríguez,*
Mrs. Maria de los A. Florez Prida,* Mr. Julio Heredia Pérez*

Cyprus: Mr. Andreas Chr. Pouyouros, Mr. Michael Sherifis,* Mr. Michael Pissas,**
Mr. Nicos Macris**

Egypt: Mr. Omran El-Shafei, Mr. Nour-Eddine Ibrahim,* Mr. Moustafa Omar,*
Miss Leila Emará*

France: Mr. Jean-Claude Soyer, Mr. Louis Giustetti,* Mr. Jacques Bigay,**
Mr. Alexandre Benmaklouf,** Miss Christine Chanet,**
Mrs. Solange Shulman-Perret**

Germany, Federal Republic of: Mr. Gerhard Jahn, Mr. Per Fischer,*
Mr. Detlev Graf zu Rantzau,** Mr. Leopold von Bredow,**
Mr. Christoph Merkel,** Mr. Wiprecht von Treskow**

* Alternate.

** Adviser.

India: Mrs. Vijaya Lakshmi Pandit, Mr. C.R. Gharekhan,* Mr. R.K. Dixit,*
Mr. K.S. Sodhi,** Mrs. Nina Sibal,** Mr. S. Sabharwal**

Iran: Mr. Reza Esfandiari, Mr. Iraj Said-Vaziri,* Mr. Djahangir Ameri,*
Mrs. Soussan Raadi-Azarakhchi**

Iraq: Mr. Mohamed Al-Jabiri, Mr. Basil Youssif,* Mr. Habib Abdul Jalil Al-Kaisi,*
Mr. Mohamed Ali Sahib Hashim**

Ivory Coast: Mr. Amara Essy, Mr. Amadou Traore,* Mr. Marc Zike,**
Mr. Sei Sia Bi,** Mrs. Marie-Laure Boa**

Morocco: Mr. Ali Skalli, Mr. M'Hamed El Kohen,* Mr. M'Hamed Ammor,**
Mr. Abbas Berrada,** Mr. Ali Benbouchta**

Nigeria: Mr. Oluyemi Adeniji, Mr. A.A. Mohammed,* Mr. A.E.B. Ayeni,*
Mr. K. Ahmed,* Mr. E.O. Sanyaolu,* Mr. M.A. Abdul-Malik,* Mr. B.C.M. Thekuna*

Pakistan: Mr. Ghulam Ali Allana, Mr. Munir Akram,* Mr. A.A. Hashmi*

Panama: Mr. Dídimo Ríos, Mr. Octavio A. Ferrer Anguizola,*
Mr. Aquilino P. Villamonte R.,* Mrs. Delia Ch. de Villamonte,**
Miss Maria Chen-Su,** Mr. Luis E. Martínez C.**

Peru: Mr. Luis Chavez-Godoy, Miss Rosa Esther Silva y Silva,*
Mr. Juan Aurich Montero*

Poland: Mr. Adam Lopatka, Mr. Andrzej Olszowka,* Mr. Mieczyslaw Paszkowski,*
Mr. Valdemar Rokoszewski*

Portugal: Mr. Angelo Almeida Ribeiro, Mr. José Maria Aleixo,* Mrs. Isabel Padua**

Senegal: Mr. Kéba M'Baye, Mr. Alioune Sene,* Mr. Abdoulaye Diéye,*
Mr. Ousmane Tanor Dieng,* Mr. Samba Mbodj,* Mr. Mohamed El Moustapha Diagne*

Sweden: Mr. Hans Danelius, Mr. Johan Nordenfelt,* Mr. Hans Magnusson,*
Mr. Johan Molander*

Syrian Arab Republic: Mr. Dia-Allah El-Fattal, Mr. Jallal Al-Baroudi,*
Mr. Clovis Khoury,* Mr. Antanios Hanna*

Uganda: Mr. Justice Muhammed Saied, Mr. Emmanuel Lujumwa Ssendaula,*
Mr. Idi Osman,* Mr. Khalid Yunis Kinene,* Mr. Francis Joas Ayume,**
Mr. Festo Jubilee Byomere,** Mr. Ben Buga,** Mr. Pantaleo Kyewalabye,**
Mr. John Kokas Oumo**

Union of Soviet Socialist Republics: Mr. V.A. Zorin, Mr. D.V. Bykov,*
Mr. K.F. Gutsenko,* Mr. S.V. Chernichenko,* Mr. V.V. Lochtchinin,*
Mr. K.G. Gevorgian,** Mr. P.G. Dzioubenko,** Mr. H.K. Doubinin,**
Mr. P.G. Evstratov**

United States of America: Mr. Edward M. Mezvinsky, Mr. Warren E. Hewitt,*
Mr. J. vanden Heuvel,* Mrs. Roberta Cohen,** Mr. Michael P. Hoyt,**
Mr. Alan J. Kreczko,** Ms. Lois J. Matteson,** Mr. Set Momjian,**
Mr. Csanad Toth,** Mr. George Dalley,** Mr. Achilles N. Sakell,**
Mr. Mark S. Schneider,** Mr. John Buchanan,** Mr. Spencer Oliver,**
Ms. Janean Mann**

Uruguay: Mr. Carlos Giambruno, Mr. Jorge Sánchez Márquez,*
Mr. Juan José Real,** Mrs. Zulman Güelman,** Mr. Luis A. Carrese,**
Mr. Carlos Nadal,** Mr. Carlos A. Barros Oreiro,** Mr. Alvaro Moerzinger**

Yugoslavia: Mr. Ivan Toševski, Miss Zagorka Ilić,* Mr. Vito Dobrila,**
Mrs. Gordana Diklić-Trajković,** Mr. Dragan Mateljak,** Mrs. Mira Malić,**
Mr. Silvo Devetak**

States Members of the United Nations represented by observers

Algeria, Argentina, Belgium, Bolivia, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Czechoslovakia, Democratic Kampuchea, Denmark, Dominican Republic, Ethiopia, Finland, German Democratic Republic, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Netherlands, Nicaragua, Norway, Paraguay, Romania, Somalia, Sudan, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam, Yemen, Zaire.

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, Interamerican Commission on Human Rights.

National liberation movements

Palestine Liberation Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Women, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, World Conference of Labour, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of United Nations Associations.

Category II

Afro-Asian Peoples Solidarity Organization, Agudas Israel World Organization, All India Women's Conference, Amnesty International, Anti-Slavery Society, Arab Lawyers Union, Associated Country Women of the World, Association for the Study of the World Refugee Problem, Baha'i International Community, Christian Democratic World Union, Commission of the Churches on International Affairs, Consultative Council of Jewish Organizations, Friends World Committee for Consultation, International Association for Religious Freedom, 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 of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Indian Treaty Council, International League for Human Rights, 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 Women's Association, Pax Romana, 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, Movement Against Racism and for Friendship Between Peoples, 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) Draft convention on 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:
 - (a) 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
 - (b) Importance of national institutions in the field of human rights

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
13. Question of a convention on the rights of the child
14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers
15. Human rights and scientific and technological developments
16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid
17. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service
18. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief
19. Periodic reports on human rights:
 - (a) Periodic reports on freedom of information
 - (b) Periodic reports on civil and political rights
20. (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
21. Status of the International Covenants on Human Rights
22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session
23. Rights of persons belonging to national, ethnic, religious and linguistic minorities

Annex III

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS THIRTY-FIFTH SESSION

1. In the course of its thirty-fifth session, the Commission adopted eleven resolutions and one decision 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-fourth session any additional resources needed to implement the proposals in 1979, 1980 and 1981.
3. Insofar as conference servicing estimates are concerned, it should be noted that 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.
4. The financial implications arising from proposals emanating from the thirty-fifth session of the Commission are summarized as follows:

Summary table of financial implications of resolutions and decisions
adopted by the Commission at its thirty-fifth session

<u>Resolution or decision number and subject</u>	<u>Requirements</u>	<u>1979</u>	<u>1980 (US dollars)</u>	<u>1981</u>
Resolution 5 (XXXV) 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.	Travel and subsistence of 32 participants and conference servicing costs.	-	279 830	-
Resolution 8 (XXXV) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.	Conference servicing costs and subsistence of five members.	18 780	-	-
Resolution 9 (XXXV) 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.		1 800	-	-
Resolution 10 (XXXV) Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u> .	Conference servicing costs.	81 825	-	-
Resolution 11 (XXXV) 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 Special Rapporteur, of two experts, of staff of Division of Human Rights and of witnesses; conference servicing costs, general expenses, temporary assistance and contractual services.	910 400	366 500	-
Resolution 12 (XXXV) Violations of human rights in southern Africa: Report of the <u>Ad Hoc</u> Working Group of Experts	Travel and subsistence of six members of the Working Group, of staff of Division of Human Rights and of witnesses, conference servicing costs, general expenses and contractual services.	90 100	370 150	255 400
Resolution 15 (XXXV) The situation of human rights in Equatorial Guinea.	Travel and subsistence of Special Rapporteur and additional professional assistance.	22 100	2 200	-
Resolution 16 (XXXV) Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live.	Editing, preparation and printing of the report.	46 600	-	-
Resolution 17 (XXXV) Question of the human rights of all persons subjected to any form of detention or imprisonment.	Additional professional expertise	17 000	-	-
Resolution 18 (XXXV) Draft convention on torture and other cruel, inhuman or degrading treatment or punishment.	Conference servicing costs.	-	32 600	-
Resolution 26 (XXXV) Yearbook on Human Rights.	Printing of Yearbook and additional professional and secretarial assistance.	182 140	-	-
Decision 3 (XXXV) The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.		188 300	-	-
		<u>1 559 045</u>	<u>1 051 280</u>	<u>255 400</u>

Resolution 5 (XXXV). . . 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

5. Under the terms of paragraph 8 of resolution 5 (XXXV), the Commission recommended to the Economic and Social Council that a seminar be held in 1980 within the framework of the Advisory Services programme on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

6. On the above assumptions, the relevant costs are estimated as follows:

	1980 (US dollars)
<u>Seminar in Geneva, 1980</u> (two weeks)	
Travel and subsistence of 32 participants	
(a) Travel (economy class)	70 900
(b) Subsistence	33 000
Conference servicing costs	
(a) Interpretation, sound engineer and meeting services (Chinese, English, French, Russian and Spanish)	49 280
(b) Pre-session, in-session and post-session documentation, typing and reproduction in Chinese, English, French, Russian and Spanish	126 650
Total	279 830

Resolution 8 (XXXV). . . Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

7. In paragraph 2 of resolution 8 (XXXV), the Commission requested 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 three working days in advance of the thirty-second session of the Sub-Commission.

8. On the above assumptions, the relevant costs are estimated as follows:

	<u>1979</u> (US dollars)
Conference servicing costs (interpretation and sound engineer, English, French, Spanish)	16 700
Subsistence of five members of the Sub-Commission during three days in advance of the thirty-second session of the Sub-Commission	<u>2 080</u>
Total	18 780

Resolution 9 (XXXV). . . 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. In paragraph 4 of resolution 9 (XXXV), the Commission requested the Special Rapporteur, through the Sub-Commission, to submit to the thirty-sixth session of the Commission an up-dated version of his report, taking into account the deliberations of the Commission at its thirty-fifth session.

10. The relevant costs are estimated as follows:

	<u>1979</u> (US dollars)
Travel (economy) and subsistence of Special Rapporteur to consult with the Division of Human Rights (Cairo/Geneva/Cairo: total time 10 working days)	1 800

Resolution 10 (XXXV). . . Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

11. In paragraph 7 of resolution 10 (XXXV), the Commission decided that the Group of three members of the Commission should meet for a period of no more than five working days before the thirty-sixth session of the Commission.

12. On the above assumptions, the relevant costs are estimated as follows:

	<u>1979</u> (US dollars)
Conference servicing costs (interpretation and sound engineer, English, French, Spanish)	14 070
Pre-session, in-session and post-session documentation	<u>67 755</u>
Total	81 825

- (iv) The Special Rapporteur would visit Geneva during September 1979 for a period of five working days to draft his report to the General Assembly at its thirty-fourth session.
 - (v) The Special Rapporteur would spend 10 working days at Headquarters, New York, at the time of the discussion of his report at the thirty-fourth session of the General Assembly.
 - (vi) The Special Rapporteur would visit Geneva during January 1980 for a period of 10 working days for the purpose of hearing testimony, receiving other evidence and preparing his report to the Commission on Human Rights at its thirty-sixth session.
 - (vii) The Special Rapporteur would visit Geneva during February/March 1980 for a period of five working days for the purpose of presenting his report to the thirty-sixth session of the Commission on Human Rights.
 - (viii) Pursuant to paragraphs 8 and 11 of the resolution, the Secretary-General would propose the recruitment on a temporary assistance basis of a junior professional staff member and a secretary to assist the Special Rapporteur in gathering information and compiling materials and in preparing his report.
- (b) Experts to study the question of the fate of missing and disappeared persons in Chile
- (i) The experts would meet in Geneva or New York during May/June 1979 for five working days to establish their programme of work, exchange views with representatives of the Government of Chile, and meet with other persons including witnesses.
 - (ii) The experts would undertake a four-week mission to Chile during the summer of 1979 to make a case-by-case study of missing and disappeared persons. They would be accompanied by two substantive officers and two secretaries experienced in the work of the Division of Human Rights. Necessary technical and administrative services and conference rooms and office space would be made available by United Nations offices in Santiago.
 - (iii) Should the mission to Chile not take place, the experts would meet in Geneva during the summer of 1979 for a period of 10 working days for the purpose of hearing testimony and collecting other information.

Resolution 11 (XXXV). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

13. In paragraph 6 (a) of resolution 11 (XXXV) the Commission on Human Rights decided to authorize its Chairman to appoint Mr. Abdoulaye Diéye as Special Rapporteur on the situation of human rights in Chile, who, on the basis of the mandate in Commission resolution 8 (XXXI) of 27 February 1975 and in contact with the Chilean authorities, would inquire into the present situation on human rights in Chile, and report to the Commission on Human Rights at its thirty-sixth session and to the General Assembly at its thirty-fourth session.

14. In paragraph 6 (b) of the resolution the Commission decided to authorize its Chairman to appoint as experts in their individual capacity Mr. Felix Ermacora and Mr. Waleed M. Sadi to study the question of the fate of missing and disappeared persons in Chile, and to report to the Commission on Human Rights at its thirty-sixth session and, through the Special Rapporteur, to the General Assembly at its thirty-fourth session.

15. In paragraph 8 of the same resolution the Commission on Human Rights requested the Secretary-General to render to the Special Rapporteur and to the experts appointed to study the question of the fate of missing and disappeared persons all the assistance which they might require in their work, and in paragraph 11 the Commission recommended to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

16. For the purpose of determining the financial implications of the resolution, the following assumptions have been made:

(a) Special Rapporteur on the situation of human rights in Chile

- (i) The Special Rapporteur would visit Geneva at the end of May 1979 for a period of five working days for the purpose of establishing his programme of work, exchanging views with representatives of the Government of Chile, and meeting with other persons including witnesses.
- (ii) The Special Rapporteur would undertake a mission to Chile during the summer of 1979 for 10 working days to collect information on the spot. Immediately after the mission he would spend five working days in New York or Geneva for the purpose of gathering further information. He would be accompanied by one Principal Secretary, two substantive officers and one secretary experienced in the work of the Division of Human Rights. Necessary technical and administrative services and conference rooms and office space would be made available by United Nations offices in Santiago.
- (iii) Should the mission to Chile not take place, the Special Rapporteur would visit Geneva or New York during the summer of 1979 for a period of seven working days for the purpose of hearing testimony and collecting other information.

- (iv) The experts would meet in Geneva during September 1979 for a period of 10 working days to draft their report to the General Assembly at its thirty-fourth session.
- (v) The experts would meet in Geneva during January 1980 for a period of 10 working days for the purpose of hearing testimony, receiving other evidence and preparing their report to the thirty-sixth session of the Commission on Human Rights.
- (vi) Should a case-by-case study of missing and disappeared persons be undertaken in Chile, the Secretary-General, pursuant to paragraphs 8 and 11 of the resolution, would propose the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary for a period of four months for the purpose of assisting in the preparation of materials necessary for that study.
- (vii) The experts may also wish, in the course of carrying out their mandate, to call upon the services of consultants in such matters as forensic medicine and dentistry. They may also wish to make use of the services of the International Computer Centre in using a computer to organize and analyse the material available on cases of missing persons.

17. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
(a) <u>Special Rapporteur on the situation of human rights in Chile</u>				
I. Meeting in Geneva, May 1979 (five working days)				
Travel and subsistence of Special Rapporteur				
(a) Travel (first class) <u>a/</u>	1 300	-	-	-
(b) Subsistence	700	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	14 000	-
(b) Documentation	-	-	22 400	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
Total I	4 000	-	36 400	-
II. Field mission to Chile ten working days plus five working days in New York or Geneva summer 1979 (total 15 working days)				
Travel and subsistence of Special Rapporteur				
(a) Travel (first class) <u>a/</u>	5 200	-	-	-
(b) Subsistence	1 700	-	-	-
Travel and subsistence of staff of Division of Human Rights				
Principal Secretary	1			
Substantive officers	2			
Secretary	1			
(a) Travel	6 800	-	-	-
(b) Subsistence	5 000	-	-	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
II. continued				
Conference servicing costs <u>b/</u>				
(a) Interpretation and sound technicians (salaries)	-	-	42 000	-
(b) Documentation (salaries)	-	-	94 500	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	3 400	-	-	-
(e) General expenses <u>c/</u> local transportation and communications; air freight for equipment and documentation; rental of equipment; miscellaneous expenses	5 000	-	-	-
(f) Staff who may be provided by other United Nations Offices in Latin America without charge				
Bilingual secretaries	2			
Typist	1			
Total II	29 100	-	136 500	-

III. In the event that the field mission to Chile does not materialize:

Meeting in Geneva or New York d/ summer 1979 (seven working days)

Travel and subsistence of Special Rapporteur

(a) Travel (first class) <u>a/</u>	1 300	-	-	-
(b) Subsistence	1 200	-	-	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
III. continued				
Conference servicing costs <u>p/</u>				
(a) Interpretation and sound technicians	-	-	24 000	-
(b) Documentation	-	-	50 200	-
(c) Travel and subsistence of witnesses	5 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1 700	-	-	-
(e) Overtime	500	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total III	9 700	-	74 200	-
IV. Meeting in Geneva, late summer 1979 (five working days)				
Travel and subsistence of Special Rapporteur				
(a) Travel (first class) <u>a/</u>	1 300	-	-	-
(b) Subsistence	700	-	-	-
Conference Servicing costs				
(a) Interpretation and sound technicians	-	-	9 700	-
(b) Documentation	-	-	163 600	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1 700	-	-	-
(e) Overtime	500	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total IV	6 200	-	173 300	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
V. Travel and subsistence of Special Rapporteur to Headquarters New York, at thirty-fourth session of General Assembly (ten working days)				
(a) Travel (first class) <u>a/</u>	1 400	-	-	-
(b) Subsistence	1 200	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total V	2 600	-	-	-
VI. Meeting in Geneva, January 1980 (10 working days)				
Travel and subsistence of Special Rapporteur				
(a) Travel (first class) <u>a/</u>	-	1 300	-	-
(b) Subsistence	-	1 400	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	-	19 500
(b) Documentation	-	-	-	150 400
(c) Travel and subsistence of witnesses	-	2 000	-	-
(d) Temporary assistance for transcription of taped evidence	-	1 700	-	-
(e) Overtime	-	500	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total VI	-	6 900	-	169 900

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
VII. Travel of Special Rapporteur to Geneva to thirty-sixth session of Commission on Human Rights (five working days)				
(a) Travel (first class) <u>a/</u>	-	1 300	-	-
(b) Subsistence	-	700	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total VII	-	2 000	-	-
VIII. Supplementary staff to service Special Rapporteur				
(a) Temporary assistance for gathering information, compiling materials and preparing the report (P-2 staff member for one year)	41 500	-	-	-
(b) Secretarial assistance (one G-4 staff member for one year)	33 100	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total VIII	74 600	-	-	-
IX. Press clippings and other related services required on a yearly subscription basis	2 000	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total IX	2 000	-	-	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
<u>(b) Experts to study the question of the fate of missing and disappeared persons in Chile</u>				
I. Meeting in Geneva or New York, <u>d/</u> May 1979 (five working days)				
Travel and subsistence of two experts <u>e/</u>				
(a) Travel (first class) <u>a/</u>	1 500	-	-	-
(b) Subsistence	1 400	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	14 100	-
(b) Documentation	-	-	11 600	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
(d) Overtime	500	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total I	5 400	-	25 700	-
II. Field mission to Chile (four weeks) Summer 1979				
Travel and subsistence of two experts <u>e/</u>				
(a) Travel (first class) <u>a/</u>	8 600	-	-	-
(b) Subsistence	4 500	-	-	-
Travel and subsistence of staff of Division of Human Rights				
Substantive officers	2			
Secretaries	2			
(a) Travel	12 000	-	-	-
(b) Subsistence	6 500	-	-	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
II. continued				
Conference servicing costs <u>b/</u>				
(a) Interpretation and sound technicians (salaries)	-	-	39 000	-
(b) Documentation (salaries)	-	-	78 000	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	3 400	-	-	-
(e) General expenses: <u>c/</u>				
Local transportation and communications: air freight for equipment and documentation; rental of equipment; miscellaneous expenses	5 000	-	-	-
(f) List of staff which may be provided by other United Nations offices in Latin America without charge:				
Bilingual secretaries	2			
Typists	2			
Total II	42 000	-	117 000	-

III. In the event that the field mission to Chile does not materialize, the experts would meet in Geneva, Summer 1979 (10 working days)

Travel and subsistence of two experts e/

(a) Travel (first class) <u>a/</u>	1 500	-	-	-
(b) Subsistence	1 400	-	-	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
III. continued				
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	28 100	-
(b) Documentation	-	-	28 200	-
(c) Travel and subsistence of witnesses	5 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1 700	-	-	-
(e) Overtime	500	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total III	10 100	-	56 300	-
IV. Meeting in Geneva, September 1979 (10 working days)				
Travel and subsistence of two experts e/				
(a) Travel (first class) a/	1 500	-	-	-
(b) Subsistence	2 800	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	28 100	-
(b) Documentation	-	-	184 500	-
(c) Travel and subsistence of witnesses	2 000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1 700	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total IV	8 000	-	212 600	-

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
V. Meeting in Geneva, January 1980 (10 working days)				
Travel and subsistence of two experts <u>e/</u>	-	-	-	-
(a) Travel (first class) <u>a/</u>	-	1 500	-	-
(b) Subsistence	-	2 800	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	-	28 100
(b) Documentation	-	-	-	151 100
(c) Travel and subsistence of witnesses	-	2 000	-	-
(d) Temporary assistance for transcription of taped evidence	-	1 700	-	-
(e) Overtime	-	500	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total V	-	8 500	-	179 200
VI. Supplementary staff to service experts: should a case-by-case study of missing persons be undertaken in Chile, the following additional staff will be necessary:				
(a) Temporary assistance for assisting in the preparation of the material necessary for the study and reports (P-2 staff member for 4 months)	14 000	-	-	-
(b) Secretarial assistance (one G-4 staff member for 4 months)	11 000	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total VI	25 000	-	-	-

SUMMARY

(a) Special Rapporteur on the situation of human rights in Chile

	<u>Human Rights</u>		<u>Conference Services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1979</u>	<u>1980</u>	<u>1979</u>	<u>1980</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
I. Meeting in Geneva, May 1979 (five working days)	4 000	-	36 400	-
II. Field Mission to Chile: ten working days plus five working days in New York or Geneva (total 15 working days)	29 100	-	136 500	-
III. In the event that the field mission to Chile does not materialize, meeting in New York or Geneva, summer 1979 (seven working days)	(9 700) <u>f/</u>	-	(74 200) <u>f/</u>	-
IV. Meeting in Geneva, late summer 1979 (five working days)	6 200	-	173 300	-
V. Travel and subsistence of Special Rapporteur of Working Group for mission to Headquarters, New York, at thirty-fourth session of General Assembly (10 working days)	2 600	-	-	-
VI. Meeting in Geneva, January 1980 (10 working days)	-	6 900	-	169 900
VII. Travel of Special Rapporteur to Geneva to thirty-sixth session of Commission on Human Rights (five working days)	-	2 000	-	-
VIII. Supplementary staff to service Special Rapporteur	74 600	-	-	-
IX. Press clippings and other related services required on a yearly subscription basis	2 000	-	-	-
Total	<u>118 500</u>	<u>8 900</u>	<u>346 200</u>	<u>169 900</u>

SUMMARY continued

(b) Experts to study the question of the fate of missing and disappeared persons in Chile

	<u>Human Rights</u> (section 18)		<u>Conference Services</u> (section 23)	
	<u>1979</u> (US dollars)	<u>1980</u>	<u>1979</u> (US dollars)	<u>1980</u> (US dollars)
I. Meeting in Geneva or New York, May 1979 (five working days)	5 400	-	25 700	-
II. Field mission to Chile (four weeks)	42 000	-	117 000	-
III. In the event that the field mission to Chile does not materialize meeting in Geneva, late summer 1979 (10 working days)	(10 100) <u>f/</u>	-	(56 300) <u>f/</u>	-
IV. Meeting in Geneva, September 1979 (10 working days)	8 000	-	212 600	-
V. Meeting in Geneva, January 1980 (10 working days)	-	8 500	-	179 200
VI. Supplementary staff to experts	25 000	-	-	-
VII. Consultant and other services	10 000	-	-	-
Total	<u>90 400</u>	<u>8 500</u>	<u>355 300</u>	<u>179 200</u>

Resolution 12 (XXXV). Violations of human rights in southern Africa: Report of the Ad Hoc Working Group of Experts

18. Under the terms of paragraphs 14, 15 and 16 of resolution 12 (XXXV) the Commission on Human Rights decided to renew the mandate of the Ad Hoc Working Group of Experts; decided that the Group should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment with a view to improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa and to submit a report on its findings to the Commission at the thirty-seventh session at the latest and to submit a progress report to the Commission at the thirty-sixth session. Any financial implications arising from paragraph 8 of the resolution, would be determined when these recommendations are discussed by the Economic and Social Council.

19. For the purpose of determining the financial implications of paragraphs 14, 15 and 16 of the resolution, the following assumptions have been made:

(a) The Ad Hoc Working Group, composed of six experts, would meet for one week in London at the end of July 1979 to organize and plan its work in relation to the terms of its mandate and to gather information relevant to its mandate;

(b) In January 1980, the Ad Hoc Working Group would meet in Geneva for two weeks to consider and adopt its progress report for submission to the Commission at its thirty-sixth session;

(c) In July/August 1980, the Ad Hoc Working Group, accompanied by substantive administrative and conference servicing staff of the Secretariat, would carry out a field mission for a total duration of approximately four weeks and visit Geneva, Dar es Salaam, Gaborone, Maputo, Lusaka and London for the purpose of hearing testimony and gathering first-hand information on matters falling within its mandate;

(d) In January 1981, the Ad Hoc Working Group would meet again in Geneva for a period of two weeks to consider and adopt its final report for submission to the Commission at its thirty-seventh session.

20. On the above assumptions, the relevant costs are estimated as follows:

	<u>1979</u>	<u>1980</u> (US dollars)	<u>1981</u>
I. Meetings in London, July 1979 (one week)			
Travel and subsistence of six members			
(a) Travel (first-class) <u>a/</u>	8 750	-	-
(b) Subsistence	4 800	-	-
Travel and subsistence of substantive and conference servicing staff (composition of staff listed below)			
(a) Travel (economy class) for 13 staff members	5 850	-	-
(b) Subsistence	6 600	-	-
Principal Secretary	1		
Assistant Secretary	1		
Secretaries	2		
Interpreters	9		
(c) Salaries of conference servicing staff	13 000	-	-
(d) General operating expenses	4 000	-	-
Rental of conference facilities, rooms and office space; local transportation; communications			
Total I	43 000		
II. Meeting in Geneva, January 1980 (two weeks)			
Travel and subsistence of six members			
(a) Travel (first-class) <u>a/</u>	-	7 000	-
(b) Subsistence	-	4 350	-
Conference servicing costs			
(a) Interpretation and sound engineer and meeting services	-	28 150	-

	<u>1979</u>	<u>1980</u> (US dollars)	<u>1981</u>
II. continued			
(b) Pre-session (300 pages), in-session (50 pages) and post-session (300 pages) documentation; typing and reproduction in English, French and Spanish	-	144 250	-
Total II		183 750	
III. Field mission to Africa (Geneva, Lusaka, Dar es Salaam, Gaborone, Maputo, London), July/August 1980 (approximately four weeks)			
Travel and subsistence of six members			
(a) Travel (first class) <u>a/</u>	-	24 500	-
(b) Subsistence	-	11 300	-
Travel and subsistence of substantive, administrative and conference servicing staff (composition of staff listed below)			
(a) Travel (economy class) of 17 staff members	-	33 150	-
(b) Subsistence	-	20 450	-
Principal Secretary	1		
Assistant Secretary	1		
Administrative and finance officer	1		
Interpreters (3 English, 3 French, 3 Spanish)	9		
Verbatim reporter	1		
Sound engineer	1		
Press officer	1		
Secretaries	2		
(c) Salaries/wages to conference servicing staff (four weeks)	-	57 400	-
Nine interpreters			
One verbatim reporter			
One sound engineer			
One press officer			

	<u>1979</u>	<u>1980</u> (US dollars)	<u>1981</u>
III. continued			
(d) General expenses	-	18 000	-
Rental of conference rooms and office space; local transportation, communications (administrative and press cables); air freight for equipment			
(e) Travel and subsistence of witnesses	-	2 000	-
Total III		<u>166 800</u>	
IV. Meeting in Geneva, January 1981 (two weeks)			
Travel and subsistence of six members			
(a) Travel (first class) <u>a/</u>	-	-	7 000
(b) Subsistence	-	-	4 350
Conference servicing costs			
(a) Interpretation and sound engineer and meeting services	-	-	28 150
(b) Pre-session (450 pages), in-session (50 pages) and post-session (450 pages); documentation: typing and reproduction in English, French and Spanish	-	-	<u>215 900</u>
Total IV			255 400
V. Supplementary staff and costs			
(a) Temporary assistance for transcription of taped evidence (three typists for six weeks)	-	8 600	-
(b) Consultancy services to provide special expertise in obtaining current information on human rights in southern Africa	10 000	10 000	-
(c) Running expenses (subscriptions to newspapers and periodicals)	-	1 000	-
Total V	<u>10 000</u>	<u>19 600</u>	

	<u>1979</u>	<u>1980</u> (US dollars)	<u>1981</u>
<u>Summary</u>			
I. Meetings in London, July 1979 (one week)	43 000	-	-
II. Meeting in Geneva, January 1980 (two weeks)	-	183 750	-
III. Field Mission to Africa, July/August 1980 (approximately four weeks)	-	166 800	-
IV. Meeting in Geneva, January 1981 (two weeks)	-	-	255 400
V. Supplementary staff and costs	10 000	19 600	-
Total	<u>53 000</u>	<u>370 150</u>	<u>255 400</u>

21. Under the terms of paragraph 17 of the resolution, the Commission on Human Rights also requested the Ad Hoc Working Group of Experts, in co-operation with the Special Committee Against Apartheid, to investigate the cases of torture and murder of detainees in South Africa, contained in the report drawn up by the Special Committee Against Apartheid and communicated to the Commission, and to submit a special report on this investigation to the Commission on Human Rights at its thirty-sixth session.

22. The relevant costs of implementing this are estimated as follows:

	1979 (US dollars)
Meeting in Geneva, May 1979 (one week)	
Travel and subsistence of six members	
(a) Travel (first class) a/	7 000
(b) Subsistence	2 200
Conference servicing costs	
(a) Interpretation and sound engineer and meeting services	14 200
(b) Documentation	11 200
Consultancy services	
Consultant to provide special expertise	2 500
Total	<u>37 100</u>

Resolution 15 (XXXV). The situation of human rights in Equatorial Guinea

23. Under the terms of paragraph 1 of resolution 15 (XXXV) the Commission decided that a Special Rapporteur of the Commission, to be appointed by the Chairman of the Commission, be entrusted with the task of making a thorough study of the human rights situation in Equatorial Guinea, based on such information as he may deem relevant, and to report thereon to the thirty-sixth session of the Commission; and requested the Secretary-General to render to the Special Rapporteur all the assistance which he may require in his work.

24. On the basis of the foregoing, the financial implications are as follows:

	1979 (US dollars)	1980 (US dollars)
One round-trip of Special Rapporteur plus subsistence for a period of five working days for consultations with the Division of Human Rights prior to the visit	2 200	-
One round-trip of Special Rapporteur accompanied by one substantive officer from Division plus subsistence for a period of five working days to undertake a visit to Equatorial Guinea	5 000	-
One round-trip of Special Rapporteur plus subsistence for a period of five working days for consultations with the Division of Human Rights	2 200	-
Three man-months at the P.3 level to provide additional professional assistance	12 700	-
One round-trip of Special Rapporteur plus subsistence for five working days to present his report to the thirty-sixth session of the Commission	-	2 200
Total	22 100	2 200

Resolution 16 (XXXV). Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

25. Under the terms of paragraph 2 of resolution 16 (XXXV) the Commission recommended to the Economic and Social Council that the study prepared by the Special Rapporteur on the above-mentioned item be printed and given the widest possible dissemination.

26. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> (US dollars)
Editing and preparation of report for printing (200 pages)	20 800
Printing of report in English, French, Russian and Spanish	25 800
Total	<u>46 600</u>

Resolution 17 (XXXV). Question of the human rights of all persons subjected to any form of detention or imprisonment

27. Under the terms of paragraph 2 of resolution 17 (XXXV) the Commission authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to request Mrs. Questiaux to continue the study on the implication for human rights of states of siege and emergency.

28. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> (US dollars)
Four man-months of outside expertise at the P.3 level	17 000

Resolution 18 (XXXV). Draft Convention on torture and other cruel, inhuman or degrading treatment or punishment

29. In paragraph 3 of resolution 18 (XXXV) the Commission recommended that the Economic and Social Council should adopt a resolution which would authorize a meeting of an open-ended working group for a period of one week prior to the thirty-sixth session of the Commission on Human Rights to complete the work on a draft convention on torture.

30. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1980</u> (US dollars)
Conference servicing costs (interpretation and sound engineer, English, French, Russian, Spanish)	19 200
Pre-session, in-session and post-session documentation	13 400
Total	<u>32 600</u>

Resolution 26 (XXXV). Yearbook on Human Rights

31. The Ad Hoc Committee on Periodic Reports has recommended to the Commission on Human Rights the adoption of a resolution for submission to the Economic and Social Council, regarding the Yearbook on Human Rights (E/CN.4/1304, para. 31, draft resolution II).

32. In accordance with paragraph 1 of the draft resolution recommended to the Economic and Social Council for adoption in resolution 26 (XXXV), the Council decided that henceforth the part of the Yearbook on Human Rights devoted to national developments would consist of extracts from reports made by States under such instruments as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, or the International Convention on the Elimination of All Forms of Racial Discrimination, and from the periodic reports submitted by States under the reporting procedure established under Council resolution 1074 C (XXXIX).

33. In accordance with paragraph 2 of the draft resolution, States would no longer be invited to submit separate contributions either directly or through correspondents for inclusion in the Yearbook; however, individual States wishing to provide a contribution intended specifically for the Yearbook would be free to do so.

34. According to paragraph 3, beginning as soon as possible the Yearbook would be issued annually in accordance with the guidelines annexed to the resolution.

35. The General Assembly, in its resolution 33/171 of 20 December 1978 requested the Commission on Human Rights at its thirty-fifth session to review the objectives, contents and format of the Yearbook on Human Rights with a view to framing appropriate recommendations as to the need for modifications, such as the inclusion therein of appropriate documents of the Human Rights Committee and of the Committee on the Elimination of Racial Discrimination and of other important documents on human rights, in order to enhance their wider dissemination.

36. The estimates of the expenditures involved are as follows:

	<u>1979</u> (US dollars)
(a) Printing of <u>Yearbook</u> in English and French (350 pages)	36 740
(b) Professional assistance:	
12 man-months at the P.4 level	61 400
12 man-months at the P.3 level	50 900
(c) Secretarial assistance:	
12 man-months - General Service	33 100
Total	<u>182 140</u>

Decision 3 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

37. Under the terms of decision 3 (XXXV), the Commission, having received the reports of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the historical and current development of the right to self-determination (E/CN.4/SUB.2/404), and on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/SUB.2/405) and having taken note of resolutions 3 and 4 A (XXXI) of the Sub-Commission above mentioned, decided to recommend to the Economic and Social Council that the reports should be printed and given the widest possible distribution, including in Arabic.

38. On the basis of the foregoing, the relevant costs are estimated as follows:

	1979 (US dollars) (\$US 1.00 = 1.73 Swiss francs)
(a) The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms	
Editing and printing of report in Arabic, English, French, Russian and Spanish	84 700
One round-trip of Special Rapporteur for consultations with Division of Human Rights (Bucharest/Geneva/Bucharest including subsistence for five working days)	1 100
(b) Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination	
Editing and printing of report in Arabic, English, French, Russian and Spanish	102 500
Total	<hr/> 188 300

Foot-notes

a/ Economy class if flight time less than nine hours (General Assembly resolution 32/198).

b/ Salaries based on Geneva rates (\$US 1.00 = 1.73 Swiss francs); for the field missions if it is not possible to recruit locally, provision will have to be made to cover the travel and per diem of staff from either Geneva or New York.

c/ It is expected that necessary technical and administrative services plus conference rooms and office space would be made available by United Nations offices in Santiago.

d/ Should the meeting take place at Headquarters instead of Geneva it is estimated that an additional amount of \$4,000 will be required to cover the travel and subsistence of two substantive officers and one secretary from the Division of Human Rights.

e/ Travel estimates based on travel from home countries of experts.

f/ Not included in over-all total of costs.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-FIFTH SESSION OF THE COMMISSION

<u>Documents issued in the general series</u>	<u>Agenda item</u>	
E/CN.4/923/Add.12	Decisions taken by United Nations bodies containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries: introductory note	12
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E/CN.4/1299 and Add.1-3	Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism: note by the Secretary-General	22
E/CN.4/1300 and Add.1-3	Reports on civil and political rights for the period 1 July 1971-30 June 1977 received from Governments under Economic and Social Council resolution 1074 C (XXXIX)	19 (b)
E/CN.4/1301	Reports on civil and political rights for the period 1 July 1971-30 June 1977 received from specialized agencies under Economic and Social Council resolution 1074 C (XXXIX)	19 (b)
E/CN.4/1302	Analytical summary of reports and other material on civil and political rights for the period 1 July 1971 to 30 June 1977 received under Economic and Social Council resolution 1074 C (XXXIX)	19 (b)

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E/CN.4/1306	Developments elsewhere in the United Nations system of interest to the Commission: further report by the Secretary-General	15
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E/CN.4/1308	Report of the Secretary-General	4
E/CN.4/1309	Note by the Secretary-General	4
E/CN.4/1310	Report of the <u>Ad Hoc</u> Working Group established under resolution 8 (XXXI) of the Commission on Human Rights to inquire into the situation of human rights in Chile	5
E/CN.4/1311	Report of the <u>Ad Hoc</u> Working Group of Experts Prepared in Accordance with Commission on Human Rights resolution 6 (XXXIII) and Economic and Social Council Decision 1978/28	6
E/CN.4/1312	Observance of the thirtieth anniversary of the adoption of the Universal Declaration of Human Rights: report of the Secretary-General	11 (a)
E/CN.4/1312/Add.1	Report submitted by UNESCO in accordance with paragraphs (b) and (c) of resolution 3 (XXXIII) of the Commission on Human Rights: note by the Secretary-General	11 (a)
E/CN.4/1312/Add.2	Observance of the thirtieth anniversary of the adoption of the Universal Declaration of Human Rights: report of the Secretary-General	11 (a)

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E/CN.4/1316	Report of the Working Group established under resolution 1978/22 of the Economic and Social Council	14
E/CN.4/1317	Analysis of existing United Nations procedures for dealing with communications concerning violations of human rights	12
E/CN.4/1318 and Add.1-3	Report prepared by the Secretary-General pursuant to resolution 26 (XXXIV), paragraph 3 (a), (b) and (c) (i), of the Commission on Human Rights	11 (a)
E/CN.4/1319	Report prepared by the Secretary-General pursuant to paragraph 3, (c), (ii) of resolution 26 (XXXIV), of the Commission on Human Rights	11 (a)
E/CN.4/1320	Report of the Secretary-General prepared pursuant to paragraph 3 (c) (iii) of Commission on Human Rights resolution 26 (XXXIV)	11 (a)
E/CN.4/1321 and Add.1-6	Report of the Secretary-General	11 (b)
E/CN.4/1322	Regional arrangements for the promotion and protection of human rights: report of the Secretary-General	11 (a)
E/CN.4/1323	Report of the Secretary-General in pursuance of resolution 17 (XXXIV) of the Commission on Human Rights	12 (a)
E/CN.4/1324 and Corr.1 and Add.1-4	Report of the Secretary-General	13
E/CN.4/1325	Report of the Secretary-General prepared pursuant to paragraph 1 of Commission resolution 21 B (XXXIV)	14
E/CN.4/1326	Note by the Secretary-General	16
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E/CN.4/1334	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 the fundamental human needs: report of the Secretary-General	8
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a/ The 1501st to 1503rd, 1505th, 1507th, 1508th (second part), 1509th, 1510th (second part), 1511th to 1514th meetings and the first part of the 1515th meeting were closed.

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b/ The sponsors listed here include those who became sponsors of the draft resolutions or amendments subsequent to the issue of the document.

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E/CN.4/L.1431	Letter dated 23 February 1979 addressed to the Director of the Division of Human Rights by the Representative of the United States of America to the Commission on Human Rights	19
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E/CN.4/L.1441	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1435: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council	8
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Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in consultative status (roster)

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Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in consultative status (roster)

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E/CN.4/NGO/231

Written statement submitted by the Minority Rights Group, a non-governmental organization in consultative status (roster)

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E/CN.4/NGO/232

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in category I consultative status

12 (b)

E/CN.4/NGO/233

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