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First regular session, 1979  
Agenda item 5. Human rights questions

### REPORT OF THE SECOND (SOCIAL) COMMITTEE

1. The Economic and Social Council, at the 3rd meeting on 10 April 1979, allocated agenda item 5 to the Second (Social) Committee, which considered it at its 16th and 18th to 25th meetings, held on 27 and 30 April and 1 to 4 May 1979.
2. For its consideration of the item the Committee had before it the report of the Commission on Human Rights on its thirty-fifth session; <sup>1/</sup> a note by the Secretary-General containing comments by Governments on the draft general principles on equality and non-discrimination in respect of persons born out of wedlock (E/1978/14 and Add.1-8); a note by the Secretary-General containing part of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights, relevant to the request by the Council in its decision 1978/28, on allegations regarding infringements of trade union rights in the Republic of South Africa (E/1979/19), and the draft resolution contained in document E/1978/C.2/L.6, entitled "Enlargement of the Commission on Human Rights".
3. At the 16th meeting, on 27 April, the Director of the Division on Human Rights made an introductory statement.

A. Recommendations contained in chapter I of the report of the Commission on Human Rights on its thirty-fifth session <sup>1/</sup>

4. Chapter I of the report of the Commission on Human Rights contained four draft resolutions, numbered I to IV, and 13 draft decisions, numbered 1 to 13, which were recommended for adoption by the Council. The programme budget implications of draft resolutions I, II and IV and of draft decisions 2 to 4, 6, 8 and 11 were reproduced in annex III to the report. A statement of the programme budget

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<sup>1/</sup> Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36 and Add.1-2 and Add.2/Corr.1 (English only)).

implications of draft resolution III and draft decision 12 was contained in documents E/1979/36/Add.1 and E/1979/36/Add.2 and Corr.1 (English only), respectively.

5. At its 24th and 25th meetings, on 4 May 1979, the Committee considered the draft resolutions and draft decisions contained in the report of the Commission on Human Rights.

#### Draft resolution I

6. At the 24th meeting, the Committee adopted the first draft resolution submitted by the Commission, entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment". (For the text, see para. 47 below, draft resolution I.)

7. At the same meeting, the representative of Hungary made a statement on the draft resolution. At the 25th meeting, the representatives of Argentina and the Union of Soviet Socialist Republics made statements on the draft resolution.

#### Draft resolution II

8. At the 24th meeting, the Committee adopted, by 39 votes to none, with 6 abstentions, the second draft resolution submitted by the Commission, entitled "Draft convention on torture and other cruel, inhuman or degrading treatment or punishment". (For the text, see para. 47 below, draft resolution II.)

9. At the same meeting, the representative of Poland made a statement on the draft resolution. At the 25th meeting, the representatives of France and Barbados made statements on the draft resolution.

#### Draft resolution III

10. At the 24th meeting, the Committee adopted the third draft resolution submitted by the Commission, entitled "Further promotion and encouragement of human rights and fundamental freedoms". (For the text, see para. 47 below, draft resolution III.) <sup>2/</sup>

#### Draft resolution IV

11. At the 24th meeting, the representative of the Union of Soviet Socialist Republics orally proposed the following amendments to the fourth draft resolution submitted by the Commission, entitled "Yearbook on Human Rights":

(a) In the fourth preambular paragraph and in operative paragraph 1, the

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<sup>2/</sup> As a consequence of the adoption of draft resolution III, no action was required on the draft resolution in document E/1978/C.2/L.6, entitled "Enlargement of the Commission on Human Rights".

words "the International Convention on the Suppression and Punishment of the Crime of Apartheid" would be inserted after the words "the International Convention on the Elimination of All Forms of Racial Discrimination";

(b) In the annex to the resolution, the title of part two would be amended by the addition of the words "established pursuant to international instruments relating to human rights"; and

(c) In the two paragraphs under part two of the annex to the resolution, the words "reports from specialized agencies, and" and "and the specialized agencies concerned", respectively, would be deleted.

12. At the same meeting, the Committee voted on the oral amendments proposed by the Union of Soviet Socialist Republics:

(a) The amendments in subparagraph 11 (a) above were adopted;

(b) The amendment in subparagraph 11 (b) above was rejected by 12 votes to 11, with 23 abstentions; and

(c) The amendments in subparagraph 11 (c) above were rejected by 13 votes to 10, with 25 abstentions.

13. The Committee adopted the fourth draft resolution as a whole, as amended. (For the text, see para. 47 below, draft resolution IV.)

14. At the 25th meeting, statements on the draft resolution were made by the representatives of the Union of Soviet Socialist Republics and the Federal Republic of Germany.

#### Draft decision 1

15. At the 24th meeting, the Committee adopted the first draft decision submitted by the Commission, entitled "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". (For the text, see para. 47 below, draft decision I.)

#### Draft decision 2

16. At the 25th meeting, the Committee adopted, by 36 votes to 1, with 10 abstentions, the second draft decision submitted by the Commission, entitled "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". (For the text, see para. 47 below, draft decision II.)

17. At the same meeting, statements on the draft decision were made by the representatives of the Netherlands, New Zealand, France, the Federal Republic of Germany and Ireland.

Draft decision 3

18. At the 24th meeting, the Committee adopted the third draft decision submitted by the Commission, entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination". (For the text, see para. 47 below, draft decision III.)

19. At the 25th meeting, statements on the draft decision were made by the representatives of France, the Federal Republic of Germany and the United States of America.

Draft decision 4

20. At the 24th meeting, the Committee adopted, by 38 votes to 2, with 7 abstentions, the fourth draft decision submitted by the Commission, entitled "Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment". (For the text, see para. 47 below, draft decision IV.)

21. At the 25th meeting, a statement on the draft decision was made by the Observer for Chile.

Draft decision 5

22. At the 25th meeting, the Committee adopted, by 34 votes to 4, with 9 abstentions, the fifth draft decision submitted by the Commission, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts". (For the text, see para. 47 below, draft decision V.)

23. At the same meeting, statements on the draft decision were made by the representatives of Sweden, France, the Federal Republic of Germany, Ireland and Turkey.

Draft decision 6

24. At the 24th meeting, the Committee adopted, by 46 votes to none, with 3 abstentions, the sixth draft decision submitted by the Commission, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts". (For the text, see para. 47 below, draft decision VI.)

Draft decision 7

25. At the 24th meeting, the Committee adopted, by 29 votes to 5, with 13 abstentions, the seventh draft decision submitted by the Commission, entitled "The situation of human rights in Equatorial Guinea". (For the text, see para. 47 below, draft decision VII.)



26. At the same meeting, the representative of the Union of Soviet Socialist Republics made a statement on the draft decision.

Draft decision 8

27. At the 24th meeting, the Committee adopted, by 42 votes to 1, with 5 abstentions, the eighth draft decision submitted by the Commission, entitled "Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live". (For the text, see para. 47 below, draft decision VIII.)

Draft decision 9

28. At the 24th meeting, the representative of Poland orally proposed an amendment to the ninth draft decision submitted by the Commission, entitled "Question of a convention on the rights of the child". The oral amendment would add, at the end of the decision, the words "as well as the relevant portions of the summary records".

29. At the same meeting, the Committee adopted the oral amendment proposed by Poland, and adopted the draft decision, as amended. (For the text, see para. 47 below, draft decision IX.)

Draft decision 10

30. At the 24th meeting, the Committee adopted the tenth draft decision submitted by the Commission, entitled "National institutions for the promotion and protection of human rights". (For the text, see para. 47 below, draft decision X.)

Draft decision 11

31. At the 24th meeting, the Committee adopted the eleventh draft decision submitted by the Commission, entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". (For the text, see para. 47 below, draft decision XI.)

Draft decision 12

32. At the 24th meeting, the Committee adopted the twelfth draft decision submitted by the Commission, entitled "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". (For the text, see para. 47 below, draft decision XII.)

33. At the 25th meeting, the representative of the Union of Soviet Socialist Republics made a statement on the draft decision.

Draft decision 13

34. At the 25th meeting, the Committee adopted the thirteenth draft decision submitted by the Commission, entitled "Report of the Commission on Human Rights". (For the text, see para. 47 below, draft decision XIII.)

B. Draft decision E/1979/C.2/L.7/Rev.1

35. At the 24th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Costa Rica, 3/ Denmark, 3/ Finland, Ghana, Ireland, Italy, Jamaica, Lesotho, the Netherlands, Norway, 3/ Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft decision (E/1979/C.2/L.7/Rev.1) entitled "Disappeared persons". Colombia joined in sponsoring the draft decision.

36. At the same meeting, the representative of Argentina orally proposed amendments to the draft decision which would delete, from the end of the decision, the words:

"requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the subject at its thirty-second session, with a view to making recommendations to the Commission on Human Rights at its thirty-sixth session"

and replace them with the following two operative paragraphs:

"1. Requests the Commission on Human Rights to examine with preferential attention the question of disappeared persons with a view to making appropriate recommendations;

"2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the communications concerning disappeared persons in conformity with Economic and Social Council resolution 1503 (XLVIII)."

37. At the 25th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the sponsors, orally revised the draft decision, taking into account the oral amendments proposed by Argentina, by replacing the words

"requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the subject at its thirty-second session, with a view

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3/ In accordance with rule 72 of the rules of procedure of the Economic and Social Council.



to making recommendations to the Commission on Human Rights at its thirty-sixth session"

with the following operative paragraphs:

"1. Requests the Commission on Human Rights at its thirty-sixth session to consider as a matter of priority the question of disappeared persons, with a view to making appropriate recommendations;

"2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the subject at its thirty-second session, with a view to making general recommendations to the Commission on Human Rights at its thirty-sixth session;

"3. Also requests the Sub-Commission to consider communications on disappeared persons in accordance with the relevant resolutions."

38. After the oral revision of the draft decision, which had consequently become a draft resolution, New Zealand and Spain joined in sponsoring the draft resolution and the representative of Argentina withdrew his oral amendments.

39. At the same meeting, the Committee adopted the draft resolution as orally revised. (For the text, see para. 47 below, draft resolution V.)

#### C. Draft resolution E/1979/C.2/L.8

40. At the 24th meeting, the representative of Ghana, on behalf of Algeria, Argentina, Barbados, Cyprus, Denmark, 3/ Egypt, 3/ Ghana, India, Ireland, Jamaica, Kenya, 3/ Lesotho, Mauritania, the Netherlands, Pakistan, the Philippines, Senegal, Sweden, Trinidad and Tobago, Turkey and Zambia, introduced a draft resolution (E/1979/C.2/L.8) entitled "Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations regarding infringements of trade union rights in the Republic of South Africa". Morocco subsequently joined in sponsoring the draft resolution.

41. At the same meeting, the Committee adopted the draft resolution. (For the text, see para. 47 below, draft resolution VI.)

#### D. Draft resolution E/1979/C.2/L.9

42. At the 25th meeting, the representative of Senegal, on behalf of India, Indonesia, Iran, Iraq, Mauritania, Pakistan, Senegal and the United Arab Emirates, introduced a draft resolution (E/1979/C.2/L.9) entitled "Question of violation of human rights in the occupied Arab territories, including Palestine". Algeria, Bangladesh, 3/ and the Syrian Arab Republic subsequently joined in sponsoring the draft resolution.

43. At the same meeting, the Committee adopted the draft resolution by 39 votes to 1, with 11 abstentions. (For the text, see para. 47 below, draft resolution VII.)

44. Statements on the draft resolution were made by the representatives of Iraq, Mexico and the Observer for Israel.

#### E. Draft decisions XIV and XV

45. At the 25th meeting, on the proposal of the Chairman, the Committee adopted a draft decision in which the Council would take note of the note by the Secretary-General in documents E/1978/14 and Add.1-8. (For the text, see para. 47 below, draft decision XIV.)

46. At the same meeting, the representative of Argentina proposed that the Committee adopt a decision by which the Council would transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the summary records of the Second (Social) Committee containing the Committee's discussion of the draft decision in document E/1979/C.2/L.7/Rev.1 (see sect. B above).

47. At the same meeting, after a discussion and on the proposal of the Chairman, the Committee adopted a decision in which the Council would transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the summary records containing the Council's discussion of agenda item 5. (For the text, see para. 47 below, draft decision XV.)

#### RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

48. The Second (Social) Committee recommends to the Council the adoption of the following draft resolutions and draft decisions:

##### DRAFT RESOLUTION I

#### Question of the human rights of all persons subjected to any form of detention or imprisonment

##### 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.

#### DRAFT RESOLUTION II

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

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,

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.

#### DRAFT RESOLUTION III

##### Further promotion and encouragement of human rights and fundamental freedoms

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";

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

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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.

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;

12. Expresses its appreciation to the Secretary-General for its 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.

#### DRAFT RESOLUTION IV

##### Yearbook on Human Rights

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, 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 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, the International Convention on the Elimination of All Forms of Racial Discrimination or the International Convention on the Suppression and Punishment of the Crime of Apartheid 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;

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 foot-notes.

##### 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 foot-notes.



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) the status of the ratifications and accessions and reservations to international human rights instruments; (c) a list of documents of the United Nations system of interest within the field of human rights.

### Index

A subject index is to be included.

### DRAFT RESOLUTION V

#### Disappeared persons

#### The Economic and Social Council,

Recalling General Assembly resolution 33/173 of 20 December 1978, in which the Assembly, inter alia, expressed deep concern at reports from various parts of the world relating to enforced or involuntary disappearances of persons,

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



Noting that the Commission on Human Rights at its thirty-fifth session was unable, for lack of time, to take a decision on the matter,

1. Requests the Commission on Human Rights at its thirty-sixth session to consider as a matter of priority the question of disappeared persons, with a view to making appropriate recommendations;

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the subject at its thirty-second session, with a view to making general recommendations to the Commission on Human Rights at its thirty-sixth session;

3. Also requests the Sub-Commission to consider communications on disappeared persons in accordance with the relevant resolutions.

#### DRAFT RESOLUTION VI

Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations regarding infringements of trade union rights in the Republic of South Africa

The Economic and Social Council,

Recalling its decision 1978/28 of 5 May 1978 concerning allegations regarding infringements of trade union rights in the Republic of South Africa,

Expressing grave doubts whether the recently proposed reforms will achieve fundamental changes in the situation of African workers in South Africa,

1. Notes with appreciation the report of the Ad Hoc Working Group of Experts <sup>1/</sup> submitted pursuant to the above-mentioned decision;

2. Requests the Ad Hoc Working Group of Experts to continue to study the question and to report thereon to the Commission on Human Rights and the Economic and Social Council at such times as it may consider appropriate;

3. Demands the immediate and complete abolition of all restrictions on the trade union rights of African workers in southern Africa, including migrant workers, and the immediate and unconditional recognition of all existing African trade unions.

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<sup>1/</sup> E/1979/19.

DRAFT RESOLUTION VII

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

The Economic and Social Council,

Having considered the report of the Commission on Human Rights on its thirty-fifth session, 1/

Taking note of the decisions of the Commission concerning the flagrant violation by Israel of human rights in the occupied Arab territories,

1. Commends the Commission on Human Rights for its vigilance and its decisions for the protection of human rights in the occupied Arab territories, including Palestine;
2. Requests the Commission to pursue its efforts for the protection of human rights in the occupied Arab territories, including Palestine, and to continue to take the appropriate measures in this respect.

DRAFT DECISION I

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

The Economic and Social Council, noting Commission on Human Rights resolution 4 (XXXV), 4/ decided to 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 to make this study available for consideration by the Commission on Human Rights at its thirty-seventh session.

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1/ Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36).

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



DRAFT DECISION II

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

The Economic and Social Council, noting Commission on Human Rights resolution 5 (XXXV), 4/ decided to request 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.

DRAFT DECISION III

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

The Economic and Social Council, noting Commission on Human Rights resolution 8 (XXXV), 4/ decided to authorize 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.

DRAFT DECISION IV

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

The Economic and Social Council decided to approve the decision of the Commission on Human Rights in its resolution 11 (XXXV), 4/ 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 decided to request 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 to request the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of Commission resolution 11 (XXXV).



DRAFT DECISION V

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

The Economic and Social Council, noting Commission on Human Rights resolution 12 (XXXV), 4/ decided to recommend 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;
- (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.

The Council also decided to request 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.

DRAFT DECISION VI

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

The Economic and Social Council decided to approve the decision of the Commission on Human Rights in its resolution 12 (XXXV), 4/ to renew the mandate of the Ad Hoc Working Group of Experts.

DRAFT DECISION VII

The situation of human rights in Equatorial Guinea

The Economic and Social Council, noting Commission on Human Rights resolution 15 (XXXV), 4/ decided to appeal 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 to approve the recommendation of the Commission that the material before the Commission on that matter under Council resolution 1503 (XLVIII) should no longer be restricted.

DRAFT DECISION VIII

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

The Economic and Social Council, noting Commission on Human Rights resolution 16 (XXXV), 4/ decided 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.

DRAFT DECISION IX

Question of a convention on the rights of the child

The Economic and Social Council noting resolution 19 (XXXV) of the Commission on Human Rights, 4/ decided to bring 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), as well as the relevant portions of the summary records.

**DRAFT DECISION X**

**National institutions for the promotion and protection of human rights**

The Economic and Social Council, noting Commission on Human Rights resolution 24 (XXXV), 4/ decided to recommend to the General Assembly that it:

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

**DRAFT DECISION XI**

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

The Economic and Social Council, noting Commission on Human rights decision 3 (XXXV), 4/ decided 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 distribution in Arabic.

**DRAFT DECISION XII**

**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**

The Economic and Social Council decided to approve the decision of the Commission on Human Rights in its decision 13 (XXXV) 4/ 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 had decided to keep under review.



DRAFT DECISION XIII

Report of the Commission on Human Rights

The Economic and Social Council decided to take note of the report of the Commission on Human Rights on its thirty-fifth session. 5/

DRAFT DECISION XIV

The Economic and Social Council decided to take note of the note by the Secretary-General containing comments of Governments on the draft general principles on equality and non-discrimination in respect of persons born out of wedlock (E/1978/14 and Add.1-8).

DRAFT DECISION XV

The Economic and Social Council decided to transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the summary records containing the Council's discussion of agenda item 5, entitled "Human rights questions". 6/

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5/ Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36).

6/ E/1979/C.2/SR.18 to 25 and E/1979/SR.