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Agenda item 7

HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee

1. The Economic and Social Council, at its 4th plenary meeting on 14 April 1981, allocated agenda item 7 to the Second (Social) Committee, which considered it at its 9th and 12th to 19th meetings, on 27, 29 and 30 April and on 1, 4 and 5 May 1981.
2. For its consideration of the item, the Committee had before it the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/36/209); the report of the Commission on Human Rights on its thirty-seventh session; <sup>1/</sup> a note by the Secretary-General (E/1981/28) reproducing a communication containing allegations of infringements of trade union rights; and a note by the Secretariat (E/1981/68) which contained the parts of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights submitted pursuant to Economic and Social Council resolution 1980/33 of 2 May 1980 on allegations regarding infringements of trade union rights in South Africa.
3. At the 9th meeting, on 27 April 1981, the Director of the Division of Human Rights made an introductory statement.
  - A. Consideration of recommendations contained in chapter I of the report of the Commission on Human Rights on its thirty-seventh session <sup>1/</sup>
4. Chapter I, section A, of the report of the Commission on Human Rights contained four draft resolutions, and section B 19 draft decisions, which were recommended by the Commission for adoption by the Council. The financial implications of

<sup>1/</sup> Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1) and E/1981/25/Add.1.

draft resolution II and draft decisions 2 to 4, 6 to 11, 13 to 15 and 18 were reproduced in annex III to the report, and those of draft decision 16 in document E/1981/25/Add.1.

5. At its 18th and 19th meetings, on 5 May 1981, the Committee considered the draft resolutions and draft decisions contained in the report of the Commission on Human Rights.

1. Draft resolutions

Draft resolution I

6. At the 18th meeting, the representative of the Byelorussian Soviet Socialist Republic introduced two amendments (E/1981/C.2/L.18) to draft resolution I, entitled "Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", which called for:

(a) The insertion of a new operative paragraph 1, reading as follows:

"1. Requests the Secretary-General to transmit the text of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, annexed hereto, to Member States for their comments";

(b) The replacement of the existing operative paragraph by the following:

"2. Recommends to the Commission on Human Rights that it should consider the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, together with the comments of Member States thereon, with a view to adopting it by consensus at its thirty-eighth session."

7. Before the vote on the amendments, the representative of Ireland made a statement. At the same meeting, the Committee rejected the first amendment by 25 votes to 10, with 13 abstentions.

8. The representative of the Byelorussian SSR made a statement in which he withdrew the second amendment submitted by his delegation.

9. The Committee then adopted the draft resolution by 45 votes to none, with 5 abstentions. (For the text, see para. 63 below, draft resolution I.)

10. Statements were made before the vote by the representatives of the Byelorussian SSR, the Union of Soviet Socialist Republics and Pakistan. Statements were made after the vote by the representatives of Jordan, China, Morocco, Poland, Bulgaria and Turkey.

Draft resolution II

11. At its 18th meeting, the Committee adopted draft resolution II, entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment". (For the text, see para. 63 below, draft resolution II.)

Draft resolution III

12. At its 18th meeting, the Committee adopted draft resolution III, entitled "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". (For the text, see para. 63 below, draft resolution III.)

Draft resolution IV

13. At the 13th meeting, on 30 April 1981, the representative of Denmark introduced an oral amendment to draft resolution IV, entitled "United Nations voluntary fund for victims of torture", calling for the deletion in operative paragraph 2 of the words "to the Economic and Social Council at its first regular session of 1982" and their replacement by the words "to the General Assembly at its thirty-sixth session".

14. At the 18th meeting, the representative of the Union of Soviet Socialist Republics introduced amendments (E/1981/C.2/L.19) to the draft resolution, reading as follows:

"1. In the draft resolution recommended for adoption by the General Assembly:

"(a) In the fifth preambular paragraph, after the words 'in various countries', add the words 'especially in Chile';

"(b) In paragraph 1 (a), after the words 'whose human rights have been severely violated', add the words 'in Chile in particular'; after the words 'and to relatives of such victims' put a semi-colon and delete the rest of the sentence;

"(c) Replace paragraph 1 (b) by the following text: 'To study the question of the possibilities of using the Fund to provide assistance to victims of torture';

"(d) Delete subparagraphs 1 (c) and (d) and renumber subparagraphs 1 (e) and (f) accordingly.

"2. In paragraph 2 of the draft resolution recommended for adoption by the Economic and Social Council, after the words 'at its first regular session of 1982', replace the rest of the sentence by the words 'an analytical review

of the comments made in the course of the discussion of this question in the General Assembly'."

15. The Committee rejected the amendments in document E/1981/C.2/L.19 by 23 votes to 8, with 16 abstentions.

16. The Committee then adopted the draft resolution, as orally amended by the representative of Denmark, by 34 votes to 5, with 10 abstentions. (For the text, see para. 63 below, draft resolution IV.)

17. Statements were made by the representatives of Denmark and Morocco before the vote and by the representatives of Yugoslavia, Peru and Venezuela after the vote.

## 2. Draft decisions

### Draft decision 1

18. At its 15th meeting, the Committee adopted draft decision 1, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts". (For the text, see para. 64 below, draft decision I.)

19. At the 19th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement.

### Draft decision 2

20. At its 18th meeting, the Committee adopted draft decision 2, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts". (For the text, see para. 64 below, draft decision II.)

21. At the 19th meeting, the representatives of Belgium and the United Kingdom of Great Britain and Northern Ireland made statements.

### Draft decision 3

22. At its 18th meeting, the Committee adopted draft decision 3, entitled "Question of human rights in Chile" by 27 votes to 4, with 19 abstentions. (For the text, see para. 64 below, draft decision III.)

23. At the 19th meeting, statements were made by the representatives of Belgium and Chile.

### Draft decision 4

24. At the 18th meeting, the representative of Argentina made a statement concerning the financial implications of draft decision 4, entitled "Question of

enforced or involuntary disappearances". The Director of the Division of Human Rights made a statement in clarification. <sup>2/</sup> At the same meeting, the Committee adopted the draft decision. (For the text, see para. 64 below, draft decision IV.)

25. At the 19th meeting, statements were made by the representatives of the Union of Soviet Socialist Republics, Argentina, France and Turkey.

Draft decision 5

26. At its 19th meeting, the Committee adopted draft decision 5, entitled "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: assistance to the Central African Republic". (For the text, see para. 64 below, draft decision V.)

Draft decision 6

27. At its 19th meeting, the Committee adopted draft decision 6, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa", by 39 votes to 5, with 6 abstentions. (For the text, see para. 64 below, draft decision VI.)

28. Statements were made by the representatives of Spain and Chile.

Draft decision 7

29. At its 19th meeting, the Committee adopted draft decision 7, entitled "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom of the individual under law". (For the text, see para. 64 below, draft decision VII.)

30. The representative of the Union of Soviet Socialist Republics made a statement.

Draft decision 8

31. At its 19th meeting, the Committee adopted draft decision 8, entitled "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights:

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<sup>2/</sup> The statement by the Director of the Division of Human Rights is reflected in the summary record of the meeting (E/1981/C.2/SR.18).

a contribution to the freedom of the individual under law". (For the text, see para. 64 below, draft decision VIII.)

Draft decision 9

32. At the 19th meeting, the representative of Brazil introduced an oral amendment calling for the replacement of the words "this subject" by "measures taken to enhance public information in the field of human rights" in draft decision 9, entitled "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: development of public information activities in the field of human rights".

33. The Committee adopted the draft decision, as orally amended. (For the text, see para. 64 below, draft decision IX.)

Draft decision 10

34. At its 19th meeting, the Committee adopted draft decision 10, entitled "Question of a convention on the rights of the child". (For the text, see para. 64 below, draft decision X.)

Draft decision 11

35. At its 19th meeting, the Committee adopted draft decision 11, entitled "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", by 43 votes to 5, with 2 abstentions. (For the text, see para. 64 below, draft decision XI.)

36. Statements were made by the representative of the Union of Soviet Socialist Republics before the vote and by the representative of the United Kingdom of Great Britain and Northern Ireland after the vote.

Draft decision 12

37. At its 19th meeting, the Committee adopted draft decision 12, entitled "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". (For the text, see para. 64 below, draft decision XII.)

Draft decision 13

38. At its 19th meeting, the Committee adopted draft decision 13, entitled "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", by 37 votes to none, with 14 abstentions. (For the text, see para. 64 below, draft decision XIII.)

39. A statement was made by the representative of Venezuela.

Draft decision 14

40. At its 19th meeting, the Committee adopted draft decision 14, entitled "Question of the violation of the human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Bolivia", by 37 votes to 3, with 11 abstentions. (For the text, see para. 64 below, draft decision XIV.)

Draft decision 15

41. At its 19th meeting, the Committee adopted draft decision 15, 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", by a recorded vote of 50 to 1. (For the text, see para. 64 below, draft decision XV.) The voting was as follows:

In favour: Algeria, Argentina, Australia, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Cyprus, Denmark, Ecuador, Fiji, France, German Democratic Republic, Germany, Federal Republic of, Ghana, India, Indonesia, Iraq, Ireland, Italy, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Peru, Poland, Senegal, Spain, Sudan, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: None.

42. Statements were made by the representatives of the Federal Republic of Germany, the United States of America and Belgium.

Draft decision 16

43. At its 19th meeting, the Committee adopted draft decision 16, entitled "General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations with which the Commission is seized", as contained in document E/1981/25/Corr.1. (For the text, see para. 64 below, draft decision XVI.)

Draft decisions 17 and 18

44. At its 19th meeting, the Committee adopted draft decision 17, entitled "Periodic reports on human rights", and draft decision 18, entitled "Meeting services for the Commission on Human Rights". (For the texts, see para. 64 below, draft decisions XVII and XVIII.)

Draft decision 19

45. At its 19th meeting, the Committee adopted draft decision 19, entitled "Report of the Commission on Human Rights". (For the text, see para. 64 below, draft decision XIX.)

B. Draft resolution E/1981/C.2/L.12

46. At the 17th meeting, on 4 May 1981, the representative of France, on behalf of France and Japan, introduced a draft resolution (E/1981/C.2/L.12), entitled "Combating of the traffic in persons and of the exploitation of the prostitution of others".

47. At the 19th meeting, on 5 May 1981, the representative of France orally revised the draft resolution by replacing the words "has been" by the words "may be" in the fourth preambular paragraph; inserting the words "and the international non-governmental organizations concerned" after the word "Interpol"; and deleting the word "new" in the operative paragraph.

48. At the same meeting, the Committee adopted the draft resolution, as orally revised. (For the text, see para. 63 below, draft resolution V.)

49. The representative of Morocco made a statement before the adoption of the draft resolution.

C. Draft decision E/1981/C.2/L.13

50. At the 16th meeting, on 4 May 1981, the representative of Thailand, on behalf of Australia, Canada, Costa Rica,\* Fiji, France, the Federal Republic of Germany,

\* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.



Italy, Japan,\* Malaysia,\* Nepal, the Netherlands,\* New Zealand,\* Pakistan, Papua New Guinea,\* the Philippines,\* Samoa,\* Singapore,\* Somalia,\* the Sudan, Thailand and the United Kingdom of Great Britain and Northern Ireland, introduced a draft decision (E/1981/C.2/L.13), entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

51. At its 19th meeting, on 5 May 1981, the Committee adopted the draft decision by a recorded vote of 39 to 7, with 1 abstention. (For the text, see para. 64 below, draft decision XX.) The voting was as follows:

In favour: Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Brazil, Burundi, Canada, Chile, China, Denmark, Ecuador, Fiji, France, Germany, Federal Republic of, Ghana, Indonesia, Ireland, Italy, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Peru, Senegal, Spain, Sudan, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, India, Nicaragua, Poland, Union of Soviet Socialist Republics.

Abstaining: Algeria.

52. A statement was made by the representative of the Union of Soviet Socialist Republics, on behalf also of Bulgaria, the Byelorussian SSR, the German Democratic Republic and Poland, before the vote.

#### D. Draft decision E/1981/C.2/L.14

53. At the 17th meeting, on 4 May 1981, the representative of Nigeria, on behalf of Algeria, Barbados, Burundi, Cyprus, Egypt,\* Ghana, Guinea,\* India, Morocco, Nigeria, Senegal, the Sudan, the United Republic of Cameroon, the United Republic of Tanzania,\* Yugoslavia, Zaire and Zambia, introduced a draft decision (E/1981/C.2/L.14), entitled "Allegations regarding infringements of trade union rights in South Africa", which she orally revised by adding the words "in 1982" at the end of the text. Ethiopia joined in sponsoring the draft decision.

54. At the 19th meeting, on 5 May 1981, the Committee adopted the draft decision, as orally revised. (For the text, see para. 64 below, draft decision XXI.)

#### E. Draft resolution E/1981/C.2/L.15/Rev.1

55. At the 17th meeting, on 4 May 1981, the representative of Nigeria, on behalf of Algeria, Barbados, Burundi, Cyprus, Egypt,\* Ghana, Guinea,\* India, Morocco,

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\* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Nigeria, Senegal, the Sudan, the United Republic of Cameroon, the United Republic of Tanzania,<sup>2</sup> Yugoslavia, Zaire and Zambia, introduced a draft resolution (E/1981/C.2/L.15/Rev.1), entitled "Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations of infringements of trade union rights in the Republic of South Africa". Ethiopia joined in sponsoring the draft resolution. In introducing the draft resolution the representative of Nigeria orally revised operative paragraphs 3 and 7 to read as follows:

"3. Deplores the inhuman conditions of African workers, particularly agricultural workers;

...

"7. Decides to consider the question of allegations of infringements of trade union rights in the Republic of South Africa as a subitem under the item entitled 'Human rights questions' at its first regular session of 1982."

56. At its 19th meeting, on 5 May 1981, the Committee adopted the draft resolution as orally revised. (For the text, see para. 63 below, draft resolution VI.)

57. Statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States members of the European Economic Community which are members of the Council), the United States of America and Spain.

F. Draft decision E/1981/C.2/L.20

58. At the 17th meeting, on 4 May 1981, the representative of Algeria, on behalf of Algeria, Argentina, Burundi, Cuba,\* Egypt,\* Ghana, India, Jordan, Nigeria, Pakistan, Peru, Senegal, Yugoslavia, Zaire and Zambia, introduced a draft decision (E/1981/C.2/L.20), 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".

59. A statement by the Secretary-General (E/1981/C.2/L.17) on the programme budget implications of the draft decision was circulated to the Committee.

60. At its 19th meeting, on 5 May 1981, the Committee adopted the draft decision by 38 votes to 1, with 12 abstentions. (For the text, see para. 54 below, draft decision XXII.)

61. Statements were made before the vote by the representatives of Morocco and Yugoslavia and after the vote by the representatives of the United States of America, Belgium, France, Ireland and the Federal Republic of Germany.

<sup>2</sup> In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

G. Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

62. At its 19th meeting, on 5 May 1981, on the proposal of the Chairman, the Committee took note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/36/209) and decided to transmit it to the General Assembly (see para. 64 below, draft decision XXIII).

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

63. The Second (Social) Committee recommends to the Council the adoption of the following draft resolutions.

DRAFT RESOLUTION I

Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council,

Recalling General Assembly resolution 3267 (XXIX) of 10 December 1974, in which the Assembly requested the Commission on Human Rights to submit, through the Economic and Social Council, to the Assembly a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Expressing its appreciation to the Commission on Human Rights for having concluded the elaboration of a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recommends to the General Assembly that it should consider the draft Declaration annexed hereto with a view to adopting and solemnly proclaiming it, at its thirty-sixth session, as the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

ANNEX

Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Preamble

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that

all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

### 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.

### 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 the Declaration, the expression "intolerance and discrimination 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 nullification or impairment of 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.

### Article IV

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

### Article V

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interest of the child being their guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. The practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article I, paragraph 3, of the present Declaration.

#### Article VI

In accordance with article I of the present Declaration, and subject to the provisions of paragraph 3 of article I, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

(a) To worship or assembly in connexion with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, to publish and to disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, to appoint, to elect or to designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

#### Article VII

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

#### DRAFT RESOLUTION II

#### Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council,

Recalling General Assembly resolution 35/178 of 15 December 1980 by which the Assembly requested the Commission on Human Rights to complete as a matter of urgency, at its thirty-seventh session, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1980/32 of 2 May 1980, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-seventh session of the Commission to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

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

Taking note of Commission on Human Rights resolution 25 (XXXVII) of 10 March 1981, 3/

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-eighth 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-eighth session all relevant material relating to the draft convention.

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

DRAFT RESOLUTION III

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

The Economic and Social Council,

Recalling its decision 1980/137 of 2 May 1980, on the situation of human rights in Equatorial Guinea, as well as resolutions 15 (XXXV) of 13 March 1979, 4/ 33 (XXXVI) of 11 March 1980 5/ and 31 (XXXVII) of 11 March 1981 3/ of the Commission on Human Rights,

Taking note with appreciation of the report submitted by Professor Fernando Volio Jimenez, 6/ expert appointed by the Secretary-General in pursuance of resolution 33 (XXXVI) of the Commission on Human Rights,

Bearing in mind General Assembly resolutions 34/123 of 14 December 1979 and 35/105 of 5 December 1980 on assistance to Equatorial Guinea,

Conscious of the need to ensure that such assistance should include a response to the human rights requirements of the situation,

Mindful of the efforts being made by the Government of Equatorial Guinea to ensure respect for human rights and fundamental freedoms in that country,

Noting that the Government of Equatorial Guinea would be prepared to accept the working plan submitted by the expert to assist it in its efforts to restore the full enjoyment of human rights in the country,

1. Expresses its appreciation to Professor Fernando Volio Jimenez, expert appointed in accordance with resolution 33 (XXXVI) of the Commission on Human Rights, for his efforts to provide advice and assistance to the Government of Equatorial Guinea and also for his report;

2. Expresses its appreciation also to the Government of Equatorial Guinea for its efforts towards the restoration of human rights in Equatorial Guinea and for the co-operation extended to the expert, and invites the Government to continue its efforts to restore the democratic freedoms abolished by the former Government and to encourage the participation of the citizens in the restoration of the democratic system in the country;

3. Reiterates its readiness to assist the Government of Equatorial Guinea, at its request, in the task of restoring human rights in Equatorial Guinea and,

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4/ Ibid., 1979, Supplement No. 6 (E/1979/36), chap. XXIV.

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

6/ E/CN.4/1439 and Add.1.



to this end, requests the Secretary-General to invite the expert to continue to place his advice and assistance at the disposal of the Government of Equatorial Guinea, particularly with a view to the implementation of his recommendations to that Government, taking into account the political, economic and social conditions of the country;

4. Requests the Secretary-General, bearing in mind the need for co-ordination with other assistance activities, to draw up, in consultation with the expert and the Government, and to submit to the Economic and Social Council for consideration at its second regular session of 1981, a draft plan of action for implementing those recommendations of the expert which he deems feasible;

5. Further requests the Secretary-General, in drawing up the draft plan of action, to consult Governments, other United Nations organs and the relevant parts of the United Nations Secretariat, specialized agencies, non-governmental organizations in consultative status, as well as the Organization of African Unity, with a view to determining in what ways they may be able to contribute towards implementing the plan, and to inform the Council of the results of these consultations.

#### DRAFT RESOLUTION IV

##### United Nations voluntary fund for victims of torture

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 35 (XXXVII) of 11 March 1981, 3/

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

"The General Assembly,

"Recalling its resolution 33/174 of 20 December 1978, by which it established a United Nations Trust Fund for Chile as a voluntary fund to receive contributions and distribute humanitarian, legal and financial aid to persons whose human rights had been violated by detention or imprisonment in Chile,

"Recalling also its resolution 35/190 of 15 December 1980, by which it requested the Commission on Human Rights to study the possibility of extending the mandate of the Fund,

"Taking note of Economic and Social Council resolution 1981/... and Commission on Human Rights resolution 35 (XXXVII) of 11 March 1981,

"Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

"Noting with deep concern that acts of torture take place in various countries,

"Considering the plight of victims of torture wherever it takes place,

"Recognizing the need to provide assistance to the victims of torture in a purely humanitarian spirit,

"1. Decides

"(a) To extend the mandate of the United Nations Trust Fund for Chile established by its resolution 33/174, in order to make it capable of receiving voluntary contributions for distribution, through established channels of humanitarian assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture, and to relatives of such victims, priority being given to aid to victims of violations by States in which the human rights situation has been the subject of resolutions or decisions adopted by either the General Assembly, the Economic and Social Council, or the Commission on Human Rights;

"(b) That such a United Nations voluntary fund for victims of torture shall be administered in accordance with the financial regulations of the United Nations by the Secretary-General with the advice of a board of trustees composed of a chairman and four members with wide experience in the field of human rights, acting in their personal capacity, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments;

"(c) To redesignate the United Nations Trust Fund for Chile as a United Nations voluntary fund for victims of torture;

"(d) To adopt the arrangements for the management of the fund set forth in the annex to the present resolution;

"(e) To authorize the board of trustees to promote and solicit contributions and pledges;

"(f) To request the Secretary-General to give the board of trustees all the assistance it may require;

"2. Appeals to all Governments to respond favourably to requests for contributions to the fund."

2. Requests the Secretary-General to submit to the General Assembly at its thirty-sixth session specific proposals for the arrangements for the management of the fund in accordance with the principles set forth in paragraph 1 (a) of the draft resolution recommended for adoption by the General Assembly.

DRAFT RESOLUTION V

Combating of the traffic in persons and of the exploitation  
of the prostitution of others

The Economic and Social Council,

Recalling its resolution 1980/4 of 16 April 1980, in which it requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 7/

Recalling also resolution 1 (XXVII) of 4 April 1978 of the Commission on the Status of Women, 8/

Considering the provisions of resolution 43 on the exploitation of the prostitution of others and traffic in persons, adopted by the World Conference of the United Nations Decade for Women, 9/

Considering that slavery may be defined as the condition of a person who is entirely under the domination of another,

Having been informed that, for these reasons, the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been invited to collaborate in the preparation of a study on procuring,

Considering further that these practices, frequently condemned by various United Nations bodies, constitute a flagrant violation of human rights,

Considering that the combating and suppression of such traffic involves a number of different national and international organizations,

Requests the Secretary-General to undertake an inquiry among the Governments of Member States and the international organizations concerned - the regional commissions, the Office of the United Nations High Commissioner for Refugees, Interpol and the international non-governmental organizations concerned - on the status of the question and to report thereon to the General Assembly at its thirty-seventh session, so that, with full knowledge of the facts, joint measures can be envisaged to put an end to this form of slavery.

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7/ General Assembly resolution 317 (IV), annex.

8/ See Official Records of the Economic and Social Council, 1978, Supplement No. 2 (E/1978/32/Rev.1), chap. IX.

9/ See Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980 (United Nations publication, Sales No. E.80.IV.3), chap. I.

DRAFT RESOLUTION VI

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

The Economic and Social Council,

Recalling its resolution 1979/39 of 10 May 1979 on the 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,

Recalling also its resolution 1980/33 of 2 May 1980 on allegations regarding infringements of trade union rights in the Republic of South Africa,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the efforts of the United Nations to seek out and combat the violations of human rights, in particular the policies of apartheid and racial discrimination, pursued in South Africa and Namibia,

Having examined the report of the Ad Hoc Working Group of Experts, 10/

Having noted that the South African authorities, far from changing their policies of apartheid, are strengthening it by various means,

Noting also that the proposals for the reform of industrial relations in South Africa put forward by the Wiehahn Commission appear to have failed,

Further noting that the Code of Conduct of the European Economic Community has not brought about much appreciable change,

1. Congratulates the Ad Hoc Working Group of Experts of the Commission on Human Rights on the work it has done;
2. Takes note of the report of the Ad Hoc Working Group of Experts 10/ and of the conclusions contained therein;
3. Deplores the inhuman conditions of African workers, particularly agricultural workers;
4. Condemns the continuing police and state interference in industrial disputes in South Africa;
5. Demands the cessation of all police and state interference in industrial disputes and the recognition of the right of the black trade union movements in South Africa to full freedom of association and to unimpeded collective bargaining;

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10/ E/1981/68, annex.

6. Requests the Ad Hoc Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Economic and Social Council in 1982;

7. Decides to consider the question of allegations of infringements of trade union rights in the Republic of South Africa as a subitem under the item entitled "Human rights questions" at its first regular session of 1982.

64. The Second (Social) Committee also recommends to the Council the adoption of the following draft decisions.

DRAFT DECISION I

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 5 (XXXVII) of 23 February 1981, 3/ decides to transmit the text of that resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

DRAFT DECISION II

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

The Economic and Social Council approves the decision of the Commission on Human Rights, in its resolution 5 (XXXVII) of 23 February 1981, 3/ to renew the mandate of the Ad Hoc Working Group of Experts and requests the Secretary-General to provide every assistance and the resources required to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with its terms of reference.

DRAFT DECISION III

Question of human rights in Chile

The Economic and Social Council approves the decision of the Commission on Human Rights, in its resolution 9 (XXXVII) of 26 February 1981, 3/ in response to General Assembly resolution 35/188 of 15 December 1980, to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for another year. The Council requests the Secretary-General to make arrangements for the provision of adequate financial resources and staff for the implementation of Commission resolution 9 (XXXVII).

DRAFT DECISION IV

Question of enforced or involuntary disappearances

The Economic and Social Council approves the decision of the Commission on Human Rights, in its resolution 10 (XXXVII) of 26 February 1981, 3/ to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980, 5/ and requests the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner, and if necessary to make the necessary arrangements to ensure the continuity of the Secretariat's work.

DRAFT DECISION V

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: assistance to the Central African Republic

The Economic and Social Council approves the decision taken by the Commission on Human Rights, in its resolution 15 (XXXVII) of 9 March 1981, 3/ to request the Secretary-General, in response to the interest displayed by the Government of the Central African Republic, to provide advisory services and other forms of appropriate assistance to help that Government to continue to guarantee the exercise of human rights and fundamental freedoms in that country.

DRAFT DECISION VI

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa

The Economic and Social Council notes resolution 8 (XXXVII) of 23 February 1981 of the Commission on Human Rights 3/ and approves the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list and submit the revised report, through the Sub-Commission, to the Commission.

DRAFT DECISION VII

The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom of the individual under law

The Economic and Social Council notes resolution 18 (XXXVII) of 10 March 1981 of the Commission on Human Rights 3/ and authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate of undertaking a study on the topic entitled "The status of the individual and contemporary international law", in accordance with the terms of Commission resolution 18 (XXXVII), and requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work.

DRAFT DECISION VIII

The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom of the individual under law

The Economic and Social Council notes resolution 19 (XXXVII) of 10 March 1981 of the Commission on Human Rights, 3/ and decides that the study prepared by Mrs. Erica-Irene A. Daes entitled "Study on the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: contribution to the freedom of the individual under law" 11/ should be printed and given the widest possible distribution, including distribution in Arabic.

DRAFT DECISION IX

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: development of public information activities in the field of human rights

The Economic and Social Council notes resolution 24 (XXXVII) of 10 March 1981 of the Commission on Human Rights, 3/ and approves the Commission's request to the Secretary-General to continue to implement the programmes referred to in his report to the Commission on measures taken to enhance public information activities in the field of human rights and to keep the Commission informed thereon.

11/ E/CN.4/Sub.2/432/Rev.1 and Add.1-7.

DRAFT DECISION X

Question of a convention on the rights of the child

The Economic and Social Council notes resolution 26 (XXXVII) of 10 March 1981 of the Commission on Human Rights, 3/ and decides to authorize a one-week session of an open-ended working group prior to the thirty-eighth session of the Commission to facilitate completion of the work on a draft convention on the rights of the child.

DRAFT DECISION XI

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

The Economic and Social Council notes resolution 29 (XXXVII) of 11 March 1981 of the Commission on Human Rights, 3/ and approves the Commission's decision to appoint for a period of one year a special rapporteur to study the question of human rights and massive exoduses; the Council also requests the Secretary-General to provide the special rapporteur with all necessary assistance, in particular staff and resources, to carry out his study.

DRAFT DECISION XII

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

The Economic and Social Council approves the decision taken by the Commission on Human Rights, in its resolution 30 (XXXVII) of 11 March 1981, 3/ to request the Secretary-General, in response to the interest expressed by the Government of Uganda, to provide its consultative advisory services and other forms of appropriate assistance to help the Government of Uganda in taking appropriate measures to continue to guarantee the enjoyment of human rights and fundamental freedoms.

DRAFT DECISION XIII

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

The Economic and Social Council notes resolution 32 (XXXVII) of 11 March 1981 of the Commission on Human Rights, 3/ and approves the decision of the Commission to request its Chairman to appoint, after consultations within the Bureau, a Special Representative of the Commission on El Salvador, and requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission.



DRAFT DECISION XIV

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: situation of human rights in Bolivia

The Economic and Social Council notes resolution 34 (XXXVII) of 11 March 1981 of the Commission on Human Rights, 3/ and approves the Commission's decision to request its Chairman to appoint, after consultations within the Bureau, a Special Envoy of the Commission whose mandate will be to make a thorough study of the human rights situation in Bolivia, and requests the Secretary-General to give all necessary assistance to the Special Envoy of the Commission.

DRAFT DECISION XV

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 notes resolution 36 (XXXVII) of 11 March 1981 of the Commission on Human Rights, 3/ and approves the decision of the Commission to establish a working group of 15 governmental experts appointed by the Chairman of the Commission, taking into account the need for equitable geographic distribution, to study the scope and contents of the right to develop and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights; the Council also approves the Commission's request to the working group to hold three meetings at Geneva, the first in the month of July 1981, the second towards the end of 1981, for a period of two weeks, and the third meeting for one week before the beginning of the thirty-eighth session of the Commission on Human Rights. The Council requests the Secretary-General to provide all necessary assistance to the working group.

DRAFT DECISION XVI

General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations with which the Commission is seized

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 4 (XXXVII) of 6 March 1981, 3/ to set up a working group composed of five of its members to meet for one week prior to its

thirty-eighth 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-fourth session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations with which the Commission is seized.

DRAFT DECISION XVII

Periodic reports on human rights

The Economic and Social Council, noting Commission on Human Rights decision 10 (XXXVII) of 13 March 1981, 3/ decides to terminate the periodic reporting system established by Council resolution 1074 C (XXXIX) of 28 July 1965.

DRAFT DECISION XVIII

Meeting services for the Commission on Human Rights

The Economic and Social Council, noting Commission on Human Rights decision 11 (XXXVII) of 13 March 1981, 3/ decides to authorize three hours of additional meeting services per day during the thirty-eighth session of the Commission.

DRAFT DECISION XIX

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-seventh session.

DRAFT DECISION XX

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 endorses resolution 11 (XXXVII) of 16 March 1981 of the Commission on Human Rights, 3/ by which the Commission, inter alia, called for the withdrawal of foreign forces from Kampuchea, thus allowing the full enjoyment by the Kampuchean people of their fundamental human rights and freedoms, including the right to self-determination. The Council welcomes the continuing efforts of the Secretary-General aimed at achieving a peaceful solution to the situation in South-East Asia and endorses the Commission's call to all parties concerned to join in the search for a peaceful solution to the Kampuchean problem through an international conference sponsored by the United Nations in accordance with General Assembly resolution 35/6 of 22 October 1980. The Council notes with appreciation the recent visit to the area by the Special Representative of the Secretary-General.

## DRAFT DECISION XXI

Allegations regarding infringements of trade union rights  
in South Africa

The Economic and Social Council, noting the allegations regarding infringements of trade union rights submitted by the International Confederation of Free Trade Unions 12/ and noting also that as at 1 May 1981 the Government of South Africa had not replied to the request of the Secretary-General, dated 29 October 1980, for consent by the Government of South Africa to refer the above-mentioned allegations of infringements of trade union rights to the Fact-Finding and Conciliation Commission on Freedom of Association of the International Labour Organisation, in accordance with the provisions of Council resolution 277 (X) of 17 February 1950, decides to transmit to the Ad Hoc Working Group of Experts of the Commission on Human Rights, for consideration, the allegations regarding infringements of trade union rights in South Africa received by the Secretary-General from the International Confederation of Free Trade Unions, and requests the Ad Hoc Working Group to report thereon to the Commission on Human Rights and to the Council in 1982.

## DRAFT DECISION XXII

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 resolution 36 (XXXVII) of 11 March 1981 of the Commission on Human Rights, 3/ endorses the request of the Commission to the Secretary-General to hold at United Nations Headquarters, within the framework of the advisory service programme, the seminar on the relations that exist between human rights, peace and development to be held in August 1981, as decided by the General Assembly in resolution 37/174 of 15 December 1980, and to give priority in the programme of the seminar to the items mentioned in the annex to resolution 36 (XXXVII) of the Commission on Human Rights.

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12/ E/1981/28.

DRAFT DECISION XXIII

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

The Economic and Social Council took note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror 13/ and decided to transmit it to the General Assembly.

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