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Agenda item 9

HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee

1. The Economic and Social Council, at its 5th plenary meeting, on 13 April 1982, allocated agenda item 9 to the Second (Social) Committee, which considered it at its 8th and 10th to 16th meetings, on 26, 27, 29 and 30 April and 3 May 1982.
2. For its consideration of the item the Committee had before it the following documents:
 - (a) 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/37/188);
 - (b) Note by the Secretariat transmitting the report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office to examine the complaints of alleged infringements of trade union rights in the United States/Puerto Rico (E/1982/7);
 - (c) Report of the Commission on Human Rights on its thirty-eighth session; ^{1/}
 - (d) Note by the Secretariat transmitting parts of 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, prepared in accordance with Council resolution 1981/41 (E/1982/31);

^{1/} Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1).

(e) Note by the Secretariat transmitting 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, prepared in accordance with Council decision 1981/155 (E/1982/47);

(f) Letter dated 16 April 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of Viet Nam to the United Nations addressed to the Secretary-General (E/1982/51);

(g) Statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status, category II, with the Economic and Social Council (E/1982/NGO/1);

(h) Report of the Secretary-General containing a draft plan of action on the provision of expert services in the field of human rights to Equatorial Guinea (E/CN.4/1495).

3. At its 8th meeting, on 26 April, the Committee heard an introductory statement by the Deputy Director of the Division of Human Rights.

CONSIDERATION OF DRAFT PROPOSALS

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

4. Chapter I, section A, of the report of the Commission on Human Rights contained five draft resolutions, and section B 16 draft decisions, which were recommended by the Commission for adoption by the Council. The financial implications of draft resolutions I, II, IV and V and draft decisions 1, 2, 4 to 13 and 15 were reproduced in annex III to the report, and those of draft decision 3 in document E/1982/C.2/L.8.

5. At its 15th and 16th meetings, on 3 May 1982, 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 its 15th meeting, the Committee adopted draft resolution I, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: study of the problem of discrimination against indigenous populations", by 38 votes to none, with 1 abstention (see para. 49 below, draft resolution I).

7. The representative of Brazil made a statement before the adoption of the draft resolution.

Draft resolution II

8. At its 15th meeting, the Committee adopted draft resolution II, 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: summary or arbitrary executions" (see para. 49 below, draft resolution II).

Draft resolution III

9. At its 15th 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: situation in Equatorial Guinea" (see para. 49 below, draft resolution III).

Draft resolution IV

10. At its 15th meeting, the Committee adopted draft resolution IV, entitled "Question of a convention on the rights of the child" (see para. 49 below, draft resolution IV).

Draft resolution V

11. At its 15th meeting, the Committee adopted draft resolution V, 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" (see para. 49 below, draft resolution V).

2. Draft decisions

Draft decision 1

12. At its 15th meeting, the Committee adopted draft decision 1, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", by a recorded vote of 30 to 1, with 12 abstentions ^{2/} (see para. 50 below, draft decision I). The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Ethiopia, Fiji, Greece, Iraq, Jordan, Kenya, Libyan Arab Jamahiriya, Mali, Mexico, Nicaragua, Pakistan, Poland, Qatar, Romania, Thailand, Tunisia, Union of Soviet Socialist Republics, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire.

^{2/} The representative of the Sudan stated that had he been present at the time of the vote, his delegation would have voted in favour of the draft decision.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Italy, Japan, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland.

13. The observer for Israel made a statement.

Draft decision 2

14. At its 15th meeting, the Committee adopted draft decision 2, 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 a recorded vote of 29 to 5, with 9 abstentions 2/ (see para. 50 below, draft decision II). The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Ethiopia, Fiji, Iraq, Jordan, Kenya, Libyan Arab Jamahiriya, Mali, Mexico, Nicaragua, Pakistan, Poland, Qatar, Romania, Thailand, Tunisia, Union of Soviet Socialist Republics, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire.

Against: Belgium, France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Denmark, Greece, Italy, Japan, Norway, Portugal.

Draft decision 3

15. At its 15th and 16th meetings, on 3 May 1982, the Committee had an exchange of views on the statement (E/1982/C.2/L.8) submitted by the Secretary-General of the programme budget implications of draft decision 3, 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".

16. At the 16th meeting, the representative of India orally proposed the addition of the following text:

"Decides that the members of the Working Group of Governmental Experts shall continue to be paid travel and subsistence expenses relating to sessions of the Working Group by the United Nations, in conformity with the implementation of Council decision 1981/149 of 8 May 1981, and further decides that this shall not constitute a precedent for other similar bodies."

17. At the same meeting, the Committee, having heard a statement by the representative of the Legal Office, adopted the draft decision recommended by the Commission on Human Rights, with the amendment proposed by the representative of India and the proposal made orally by the Chairman whereby that decision would be brought to the attention of the General Assembly at its thirty-seventh session (see para. 50 below, draft decision XV).

Draft decision 4

18. At its 15th meeting, the Committee adopted draft decision 4, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism" (see para. 50 below, draft decision III).

Draft decision 5

19. At its 15th meeting, the Committee adopted draft decision 5, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: exploitation of child labour" (see para. 50 below, draft decision IV).

Draft decision 6

20. At its 15th meeting, the Committee adopted draft decision 6, entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular the question of missing and disappeared persons" (see para. 50 below, draft decision V).

Draft decision 7

21. At its 15th meeting, the Committee adopted draft decision 7, entitled "Question of human rights in Chile", by a recorded vote of 32 to 5, with 9 abstentions (see para. 50 below, draft decision VI). The voting was as follows:

In favour: Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Denmark, Ethiopia, France, Germany, Federal Republic of, Greece, India, Iraq, Italy, Japan, Kenya, Liberia, Libyan Arab Jamahiriya, Mali, Mexico, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Sudan, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: Argentina, Brazil, Chile, Pakistan, United States of America.

Abstaining: Bangladesh, Burundi, China, Colombia, Fiji, Nigeria, Thailand, United Republic of Cameroon, Zaire.

22. A statement was made by the representative of Chile before the adoption of the draft decision.

Draft decision 8

23. At its 15th meeting, the Committee adopted draft decision 8, 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: situation of human rights and fundamental freedoms in Poland", by a recorded vote of 20 to 13, with 14 abstentions (see para. 50 below, draft decision VII). The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Chile, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Italy, Japan, Kenya, Mexico, Norway, Portugal, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, India, Iraq, Jordan, Libyan Arab Jamahiriya, Nicaragua, Poland, Romania, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Bangladesh, Brazil, Burundi, Colombia, Liberia, Mali, Nigeria, Pakistan, Qatar, Sudan, Thailand, Tunisia, United Republic of Cameroon, Zaire.

24. Statements were made before the adoption of the draft decision by the representatives of Poland, the Union of Soviet Socialist Republics, Bulgaria and the Byelorussian Soviet Socialist Republic and after the adoption by the representative of Poland.

Draft decision 9

25. At its 15th meeting, the Committee adopted draft decision 9, 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: situation of human rights in El Salvador", by a recorded vote of 27 to 6, with 16 abstentions (see para. 50 below, draft decision VIII). The voting was as follows:

In favour: Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Denmark, Ethiopia, France, Germany, Federal Republic of, Greece, India, Iraq, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mexico, Nicaragua, Norway, Poland, Portugal, Romania, Swaziland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

Against: Argentina, Brazil, Chile, Colombia, Pakistan, Venezuela.

Abstaining: Bahamas, Bangladesh, Burundi, China, Fiji, Jordan, Liberia, Mali, Nigeria, Qatar, Sudan, Thailand, Tunisia, United Republic of Cameroon, United States of America, Zaire.

26. Statements were made by the representatives of Chile and Venezuela before the adoption of the draft decision.

Draft decision 10

27. At its 15th meeting, the Committee adopted draft decision 10, 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: situation of human rights in Guatemala", by a recorded vote of 28 to 2, with 19 abstentions (see para. 50 below, draft decision IX). The voting was as follows:

In favour: Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Denmark, Ethiopia, France, Germany, Federal Republic of, Greece, India, Iraq, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mexico, Nicaragua, Norway, Poland, Portugal, Romania, Swaziland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: Argentina, Chile.

Abstaining: Bahamas, Bangladesh, Brazil, Burundi, China, Colombia, Fiji, Jordan, Liberia, Mali, Nigeria, Pakistan, Qatar, Sudan, Thailand, Tunisia, United Republic of Cameroon, United States of America, Zaire.

Draft decision 11

28. At its 15th 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: human rights and mass exoduses" (see para. 50 below, draft decision X).

Draft decision 12

29. At its 15th 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: situation of human rights in Bolivia (see para. 50 below, draft decision XI).

Draft decision 13

30. At its 15th meeting, the Committee adopted draft decision 13, 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" (see para. 50 below, draft decision XII).

Draft decision 14

31. At its 15th meeting, the Committee adopted draft decision 14, entitled "Advisory services in the field of human rights: assistance to Uganda" (see para. 50 below, draft decision XIII).

Draft decision 15

32. At its 15th meeting, the Committee adopted draft decision 15, 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 those situations of which the Commission is seized" (see para. 50 below, draft decision XIV).

Draft decision 16

33. At its 16th meeting, the Committee adopted draft decision 16, entitled "Report of the Commission on Human Rights" (see para. 50 below, draft decision XVI).

B. Draft decision E/1982/C.2/L.10

34. At the 13th meeting, on 30 April, the representative of Thailand, on behalf of Australia, Belgium, Canada, Fiji, the Federal Republic of Germany, Italy, Japan, Malaysia, 3/ the Netherlands, 3/ New Zealand, 3/ Pakistan, the Philippines, 3/ Portugal, Singapore, 3/ the Sudan, Thailand, the United Kingdom of Great Britain and Northern Ireland and Zaire, introduced a draft decision (E/1982/C.2/L.10), entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". Subsequently, Samoa 3/ and Solomon Islands 3/ joined in sponsoring the draft decision.

35. At its 15th meeting, on 3 May, the Committee adopted the draft decision by a recorded vote of 36 to 7, with 3 abstentions (see para. 50 below, draft decision XVII). The voting was as follows:

In favour: Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Benin, Brazil, Canada, Chile, China, Colombia, Denmark, Fiji,

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

France, Germany, Federal Republic of, Greece, Italy, Japan, Kenya, Liberia, Nigeria, Norway, Pakistan, Portugal, Qatar, Sudan, Swaziland, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela, Yugoslavia, Zaire.

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

Abstaining: Burundi, Mali, Mexico.

36. Statements were made before the adoption of the draft decision by the representatives of the Union of Soviet Socialist Republics, Bulgaria and the Byelorussian Soviet Socialist Republic and after the adoption by the representatives of Poland and China.

C. Draft resolution E/1982/C.2/L.11

37. At the 13th meeting, on 30 April, the representative of France, on behalf of France, Greece and Zaire, introduced a draft resolution (E/1982/C.2/L.11), entitled "Protection of the rights of children and parents in cases of removal or retention of children". Subsequently, Burundi joined in sponsoring the draft resolution.

38. At its 15th meeting, on 3 May, the Committee adopted the draft resolution (see para. 49 below, draft resolution VI).

D. Draft resolution E/1982/C.2/L.12

39. At the 13th meeting, on 30 April, the representative of Nigeria, on behalf of Bangladesh, Benin, Bulgaria, Costa Rica, 3/ India, Kenya, Liberia, Nigeria, Pakistan, Sierra Leone, 3/ the Sudan and Yugoslavia, introduced a draft resolution (E/1982/C.2/L.12), 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". Subsequently, Ethiopia, the Libyan Arab Jamahiriya and Mali joined in sponsoring the draft resolution.

40. At the 16th meeting, on 3 May, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed two amendments to the draft resolution, calling for:

(a) The replacement of the word "increased" by the word "persisted" in the fifth preambular paragraph;

(b) The deletion of the words "in prison" and the insertion of the words "the imprisoned" between the words "all" and "trade unionists" in operative paragraph 4.

41. These amendments were accepted by the sponsors.

42. At the same meeting, the Committee adopted draft resolution E/1982/C.2/L.12, as orally amended (see para. 49 below, draft resolution VII).

OTHERS MATTERS

A. Report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office to examine the complaints of alleged infringements of trade union rights in the United States/Puerto Rico

43. At the 16th meeting, on 3 May 1982, the Chairman of the Committee orally proposed that the Committee recommend to the Council to take note of the report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office to examine the complaints of alleged infringements of trade union rights in the United States/Puerto Rico, attached to the note by the Secretariat (E/1982/7).

44. At the same meeting, following a proposal by the representative of the United States of America, the Committee decided to recommend to the Council that it should take note of the report, which concluded that the allegations of infringements of trade union rights made by the complainant were without foundation (see para. 50 below, draft decision XVIII).

B. Recommendation of the Commission on Human Rights contained in its resolution 1982/40

45. At the 16th meeting, on 3 May 1982, the Chairman drew the attention of the Committee to the recommendation of the Commission on Human Rights, contained in its resolution 1982/40, that the Council should consider the possibility of rescheduling the annual session of the Commission and, if necessary, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to enabling the Commission to meet later in the year.

46. At the same meeting, on the proposal of the Chairman, the Committee decided to recommend to the Council that it should consider this matter at its second regular session of 1982 (see para. 50 below, draft resolution XIX).

C. 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

47. At its 16th meeting, on 3 May, on the proposal of the Chairman, the Committee decided to recommend to the Council that it take 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/37/188) and transmit it to the General Assembly (see para. 50 below, draft decision XX).

D. Meeting services for the Commission on Human Rights

48. At its 15th and 16th meetings, on 3 May, the Committee had an exchange of views on the question of additional meeting services for the Commission on Human Rights during its thirty-ninth session. Having heard a statement by the Deputy Director of the Division of Human Rights, the Committee requested the Secretariat to take into account the views expressed on this matter in the Committee in planning the work of the next session of the Commission.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

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

DRAFT RESOLUTION I

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: study of the problem of discrimination against indigenous populations

The Economic and Social Council,

Recalling its resolution 1589 (L) of 21 May 1971, resolutions 22 (XXXVII) of 10 March 1981 4/ and 1982/19 of 10 March 1982 5/ of the Commission on Human Rights and resolutions 8 (XXIV), 5 (XXXIII) and 2 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the urgent need to promote and to protect the human rights and fundamental freedoms of indigenous populations,

Bearing in mind the concerns expressed in this regard at the World Conference to Combat Racism and Racial Discrimination in 1978, 6/

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights and fundamental freedoms of indigenous populations,

4/ See Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25), chap. XXVIII.

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

6/ See Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978 (United Nations publication, Sales No. E.79.XIV.2).

Mindful of the conclusions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Commission on Human Rights that the plight of indigenous peoples is of a serious and pressing nature and that special measures are urgently needed in order to promote and protect the human rights and fundamental freedom of indigenous populations,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations which shall meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission bearing in mind the report of the Special Rapporteur of the Sub-Commission;

2. Decides that the Working Group shall give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world;

3. Requests the Secretary-General to assist the working group on indigenous populations and make all necessary arrangements to enable it to carry out its functions.

DRAFT RESOLUTION II

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: summary or arbitrary executions

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, 7/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 8/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

7/ General Assembly resolution 217 A (III).

8/ General Assembly resolution 2200 A (XXI), annex.

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

Further recalling Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 ^{9/} concerning the question of violations of human rights and fundamental freedoms in any part of the world,

Mindful of General Assembly resolution 36/22 of 9 November 1981, in which the Assembly condemned the practice of summary executions and arbitrary executions,

Bearing in mind resolution 5 on extra-legal executions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, ^{10/}

Deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as being politically motivated,

Convinced of the need to deal urgently with the question of summary or arbitrary executions,

1. Strongly deplores the increasing number of summary or arbitrary executions taking place in various parts of the world;
2. Decides, therefore, to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;
3. Requests the Chairman of the Commission on Human Rights, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;
4. Considers that the special rapporteur in carrying out his mandate may seek and receive information from Governments as well as specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;
5. Requests the special rapporteur to submit a comprehensive report to the Commission on Human Rights at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations;

^{9/} See Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322), chap. V.

^{10/} Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: Report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

6. Urges all Governments to co-operate with and assist the special rapporteur in the preparation of his report;

7. Requests the Secretary-General to provide all necessary assistance to the special rapporteur;

8. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its thirty-ninth session under the agenda item 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".

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: situation in Equatorial Guinea

The Economic and Social Council,

Recalling its resolution 1981/38 of 8 May 1981 and its decision 1981/167 of 16 July 1981,

Bearing in mind Commission on Human Rights resolution 1982/34 of 11 March 1982, 11/

Mindful of the role that the United Nations could play in the promotion, the protection and the restoration of human rights and fundamental freedoms in the world,

Conscious of the request of the Government of Equatorial Guinea for assistance in the restoration of human rights and fundamental freedoms in that country with a view to ensuring, in particular, the right of the population to participate in the management of public affairs in the country,

1. Takes note of the plan of action proposed by the Secretary-General 12/ on the basis of recommendations 13/ submitted by the expert appointed pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980; 14/

11/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI.

12/ E/CN.4/1495.

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

14/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXIV.

2. Regrets the delay in the implementation of the measures envisaged in the plan of action;

3. Requests the Secretary-General, with expert assistance if necessary, to discuss with the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action;

4. Invites the Government of Equatorial Guinea to co-operate with the Secretary-General in this respect;

5. Requests the Secretary-General to inform the Economic and Social Council at its second regular session of 1982, of the steps taken to implement the present resolution and to report further to the Commission on Human Rights at its thirty-ninth session;

6. Requests the Commission on Human Rights to review this question at its thirty-ninth session.

DRAFT RESOLUTION IV

Question of a convention on the rights of the child

The Economic and Social Council,

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979 and 35/131 of 11 December 1980, as well as resolution 36/57 of 25 November 1981, by which the Assembly requested the Commission on Human Rights to continue to give the highest priority to the question of completing the draft convention on the rights of the child, and Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978 and decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981, by which the Council authorized 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,

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

Taking note of Commission on Human Rights resolution 1982/39 of 11 March 1982, 15/

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to facilitate the completion of the work on a draft convention on the rights of the child;

15/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI.

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session all relevant material relating to the draft convention on the rights of the child.

DRAFT RESOLUTION V

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 36/60 of 25 November 1981, by which the Commission on Human Rights was requested to complete as a matter of highest priority, at its thirty-eighth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1981/37 of 8 May 1981 by which the Council authorized a meeting of an open-ended working group of the Commission for a period of one week prior to the Commission's thirty-eighth session 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 convention during the thirty-eighth session of the Commission,

Taking note of Commission on Human Rights resolution 1982/44 of 11 March 1982, 15/

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

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

DRAFT RESOLUTION VI

Protection of the rights of children and parents in cases of removal or retention of children

The Economic and Social Council,

Bearing in mind the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959,

Recalling that, under the terms of principle 2 of that Declaration, the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially, in conditions of freedom and dignity,

Concerned about the proliferation of conflicts between couples of different nationalities, and at the consequences which result therefrom for children, concerned particularly by their removal from the country of one spouse to the country of the other, without the consent of one of the two spouses, and without or in violation of a judicial or administrative decision, and, lastly, concerned about the cases of child retention in which such situations sometimes end,

Noting the existence of a common interest in the elaboration of a full and detailed international convention on the rights of the child, as already evinced by the representatives of many countries and international organizations,

Recalling that the universally acknowledged standards and principles in the field of human rights impose on States the obligation to protect all individuals under their jurisdiction from infringements of their freedom and dignity by any private person,

1. Calls the attention of States to the proliferation of cases of removal and retention of children and invites them to co-operate actively with a view to preventing the occurrence of such cases and to solving them speedily, out of concern for the interest of the child;

2. Invites States to organize such co-operation through the conclusion of bilateral arrangements or through accession to regional conventions or international conventions such as the Hague Convention on the Civil Aspects of International Child Abduction, of 25 October 1980, which is open to all States;

3. Invites the Commission on Human Rights, when drafting the convention on the rights of the child, to take into consideration the protection of the rights of the child in cases of unauthorized international removal;

4. Requests the Secretary-General to consult with Governments on this problem and to report to the Commission on Human Rights at its thirty-ninth session, under the agenda item entitled "Question of a convention on the rights of the child".

DRAFT RESOLUTION VII

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 1981/41 of 8 May 1981,

Recalling its decision 1981/155 of 8 May 1981 by which it transmitted 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, submitted by the International Confederation of Free Trade Unions,

Having examined the reports of the Ad Hoc Working Group of Experts, 16/

Noting that the Government of South Africa continues to violate, by its legislation, international standards concerning trade union rights,

Noting further with grave concern that police and State interference in industrial disputes and repression against the independent black trade union movement has persisted,

1. Takes note of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council resolution 1981/41; 17/
2. Takes note with appreciation of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council decision 1981/155, 18/ and of the conclusions contained therein;
3. Demands the immediate recognition of the unimpeded exercise of freedom of association and trade union rights by the entire population of South Africa, without discrimination of any kind;
4. Calls once again for the immediate release of all the imprisoned trade unionists and the lifting of all banning orders imposed on persons engaged in trade union activities;
5. Demands the lifting of the ban on fund-raising drives by the Federation of South Africa Trade Unions;
6. Reiterates its demand for the cessation of all government and police interference in labour disputes;
7. 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 Council as appropriate;
8. Also requests the Ad Hoc Working Group of Experts, in the discharge of its mandate, to consult with the International Labour Organisation and the Special Committee against Apartheid, as well as with international and African trade union confederations;

16/ E/1982/31, annex, and E/1982/47, annex.

17/ E/1982/31, annex.

18/ E/1982/47, annex.

9. Decides to consider at its first regular session of 1983 the question of allegations of infringements of trade union rights in South Africa as a subitem under the item entitled "Human rights questions".

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

DRAFT DECISION I

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

The Economic and Social Council, noting Commission on Human Rights resolution 1982/1 A of 11 February 1982, 19/ endorses the Commission's decision that a seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel should be held at the United Nations Office at Geneva and requests the Secretary-General to make the appropriate arrangements for the organization of the seminar and to report to the Commission on Human Rights at its thirty-ninth session.

DRAFT DECISION II

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 takes note of Commission on Human Rights resolution 1982/12 of 25 February 1982, 19/ 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 of banks, transnational corporations and other organizations giving assistance to the racist and colonial régimes of southern Africa and to submit the revised report, through the Sub-Commission, to the Commission.

DRAFT DECISION III

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

The Economic and Social Council, noting Commission on Human Rights resolution 1982/20 of 10 March 1982, 19/ endorses the Commission's decision,

19/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI.

pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs.

DRAFT DECISION IV

Report of the Sub-Commission on Prevention of Discrimination
and Protection of Minorities on its thirty-fourth session:
exploitation of child labour

The Economic and Social Council, noting Commission on Human Rights resolution 1982/21 of 10 March 1982, 19/ endorses the Commission's recommendation that the study prepared by Mr. Abdelwahab Bouhdiba on the exploitation of child labour 20/ should be printed and given the widest possible distribution, including distribution in Arabic.

DRAFT DECISION V

Question of the human rights of all persons subjected to any form
of detention or imprisonment, in particular the question of
missing and disappeared persons

The Economic and Social Council, noting Commission on Human Rights resolution 1982/24 of 10 March 1982, 19/ approves the Commission's decision 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, 21/ 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 VI

Question of human rights in Chile

The Economic and Social Council, noting Commission on Human Rights resolution 1982/25 of 10 March 1982, 19/ approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human

20/ E/CN.4/Sub.2/479.

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

rights in Chile and requests the Secretary-General to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

DRAFT DECISION VII

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 and fundamental freedoms in Poland

The Economic and Social Council, noting Commission on Human Rights resolution 1982/26 of 10 March 1982, 19/ approves the Commission's decision to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland.

DRAFT DECISION VIII

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 El Salvador

The Economic and Social Council, noting Commission on Human Rights resolution 1982/28 of 11 March 1982, 19/ approves the Commission's decision to extend for another year the mandate of the Special Representative on the situation of human rights in El Salvador and the Commission's request to the Special Representative to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session.

DRAFT DECISION IX

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 Guatemala

The Economic and Social Council, noting Commission on Human Rights resolution 1982/31 of 11 March 1982, 19/ approves the Commission's request to its Chairman to appoint, after consultation within the Bureau, a special rapporteur of the Commission whose mandate will be to make a thorough study of the human rights situation in Guatemala, based on all information which he may deem relevant, including any comments and information which the Government of Guatemala may wish to submit, to be presented to the Commission at its thirty-ninth session. The Council requests the Secretary-General to give all necessary assistance to the special rapporteur of the Commission.

DRAFT DECISION X

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

The Economic and Social Council, noting Commission on Human Rights resolution 1982/32 of 11 March 1982, 19/ approves the Commission's request to the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study on human rights and massive exoduses, 22/ to explore further with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study, and to remain available for consultations with the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees as required.

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: situation of human rights in Bolivia

The Economic and Social Council, noting Commission on Human Rights resolution 1982/33 of 11 March 1982, 19/ approves the Commission's decision to extend for another year the mandate of the Special Envoy appointed to carry out a thorough study of the human rights situation in Bolivia and requests the Secretary-General to give all necessary assistance to the Special Envoy.

DRAFT DECISION XII

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

The Economic and Social Council, noting Commission on Human Rights resolution 1982/41 of 11 March 1982, 19/ endorses the Commission's request to the Secretary-General, within the world-wide programme for the dissemination of basic

international instruments on human rights, to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of All Form of Intolerance and of Discrimination Based on Religion or Belief. 23/ The Council also endorses the Commission's request to the Secretary-General to issue, as soon as possible, a pamphlet containing the text of the Declaration, together with relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in the six official languages of the United Nations, and to give the widest dissemination to the pamphlet.

DRAFT DECISION XIII

Advisory services in the field of human rights: assistance to Uganda

The Economic and Social Council approves the decision taken by the Commission on Human Rights, in its resolution 1982/37 of 11 March 1982, 19/ to request the Secretary-General, in response to the interest expressed by the Government of Uganda, to provide consultative advisory services and other forms of appropriate assistance to help the Government of Uganda to take appropriate measures to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the following areas: (a) the need for appropriate assistance to restore a law library for the High Court and Ministry of Justice; (b) the need for a qualified and experienced expert to serve as Commissioner for the revision of Ugandan laws in conformity with recognized norms of human rights and fundamental freedoms, and the printing of consolidated volumes of the revised laws; (c) the need for the training of prison officers with a view to securing the application of recognized norms of treatment of prisoners; and (d) the need for the training of police officials, particularly investigative and scientific experts.

DRAFT DECISION XIV

General decision concerning the establishment of a working group of the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1982/103 of 11 March 1982, 19/ to set up a working group composed of five of its members to meet for one week prior to the thirty-ninth session of the Commission, 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-fifth session under Economic and Social Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review.

23/ General Assembly resolution 36/55.

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, noting Commission on Human Rights resolution 1982/17 of 9 March 1982, 19/ (a) approves the Commission's request to the Working Group of Governmental Experts on the Right to Development to hold two meetings of two weeks each at Geneva, the first in June/July 1982 and the second in September/October 1982; (b) decides that the members of the Working Group of Governmental Experts shall continue to be paid travel and subsistence expenses relating to sessions of the Working Group by the United Nations, in conformity with the implementation of Council decision 1981/149 of 8 May 1981; and (c) further decides that this shall not constitute a precedent for other similar bodies and that the present decision shall be brought to the attention of the General Assembly at its thirty-seventh session.

DRAFT DECISION XVI

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-eighth session. 24/

DRAFT DECISION XVII

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 1982/13 of 25 February 1982 of the Commission on Human Rights, 19/ in which the Commission, inter alia, reaffirmed that the primary violation of human rights in Kampuchea at present was the persistence of foreign occupation which prevented the people of Kampuchea from exercising their right to self-determination. The Council reaffirms its decision 1981/154 of 8 May 1981, and endorses the call for the withdrawal of all foreign forces from Kampuchea, as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981, 25/ in order to allow the people of Kampuchea to exercise their fundamental freedoms and human

24/ Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1).

25/ See Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

rights, including the right to decide their own future through free and fair elections under United Nations supervision without outside interference, subversion or coercion. The Council expresses its grave concern over the continuing activities of the foreign forces in Kampuchea, resulting in the loss of life and property of Kampuchean and forcing large numbers of Kampuchean civilians to flee their homes. 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 efforts to seek a comprehensive solution to the Kampuchean problems within the framework of the Declaration on Kampuchea of 17 July 1981, which was endorsed by the General Assembly in its resolution 36/5 of 21 October 1981, and to co-operate in the work of the Ad Hoc Committee of the International Conference on Kampuchea. The Council notes with appreciation the recent visit to the area by the Special Representative of the Secretary-General.

DRAFT DECISION XVIII

Report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office to examine the complaints of alleged infringements of trade union rights in the United States/Puerto Rico

The Economic and Social Council, recalling its resolution 277 (X) of 17 February 1950 and its decision 1978/41 of 21 July 1978, decides to take note of the report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office, 26/ which concludes that the allegations of infringements of trade union rights made by the complainant are without foundation.

DRAFT DECISION XIX

Scheduling of the annual session of the Commission on Human Rights

The Economic and Social Council, taking note of resolution 1982/40 of 11 March 1982 of the Commission on Human Rights, 19/ in which, inter alia, the Commission recommended the Economic and Social Council to consider the possibility of rescheduling the annual session of the Commission on Human Rights and, if necessary, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to enabling the Commission to meet later in the year, decides to consider this matter at its second regular session of 1982.

26/ See E/1982/7.

DRAFT DECISION XX

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 takes 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 27/ and decides to transmit it to the General Assembly.
