

**COMMISSION ON HUMAN RIGHTS
REPORT ON THE THIRTY-NINTH SESSION**

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

1/1983/13
1/CN.4/1983/60

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ABBREVIATIONS

ILO	International Labour Organisation
SWAPO	South West Africa People's Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization

I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR
ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

4. Draft resolutions

- J. 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 1/

The Economic and Social Council,

Recalling its resolution 1929 (LVIII) of 6 May 1975, in which it noted that, to be effective, popular participation should be consciously promoted by Governments with full recognition of civil, political, social, economic and cultural rights and through innovative measures, including structural changes and institutional reform and development, as well as through the encouragement of all forms of education designed to involve actively all segments of society,

Recalling further General Assembly resolutions 52/150 of 10 December 1977, 34/46 of 25 November 1979 and 37/55 of 3 December 1982,

1. Requests the Secretary-General to undertake a comprehensive analytical study on "The right to popular participation in its various forms as an important factor in the full realization of all human rights", and to submit a preliminary study to the Commission on Human Rights at its fortieth session and the final study at its forty-first session,

2. Further requests the Secretary-General in the preparation of the study to take account of the work on the concept and practice of popular participation which has been carried out by relevant United Nations organs, specialized agencies and other bodies, as well as of the views expressed at the thirty-ninth session of the Commission on Human Rights and such views on, inter alia, relevant national experiences as may be submitted by Governments in response to General Assembly resolution 37/55 of 3 December 1982 and the present resolution.

II. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session 2/

The Economic and Social Council,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and in particular Commission on Human Rights resolutions 17 (XLVII) of 10 March 1981 and 1982/ 3 of 10 March 1982,

1/ See chap. XXVII, sect. A, resolution 1985/14, and chap. VI.

2/ See chap. XXVII, sect. A, resolution 1985/21, and chap. XVIII.

Recalling in particular that members of the Sub-Commission are elected by the Commission as experts in their individual capacity,

Considering that the same criteria and qualifications should apply to alternates as to members,

Decides that, notwithstanding rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the following rules shall henceforth apply to the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Nominations of candidates for membership of the Sub-Commission may be accompanied by the nomination of an expert of the same nationality, to be elected simultaneously and together with the candidate, and to serve temporarily as an alternate for him if he is unable to attend,

(b) The qualifications for alternates shall be the same as for members,

(c) No person may serve as alternate for a member except the expert elected with him.

III. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Updating of the study on the question of the prevention and punishment of the crime of genocide 3/

The Economic and Social Council,

Mindful of resolution 1902/2 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1963/24 of the Commission on Human Rights, related to the revision and updating of the study on the question of the prevention and punishment of the crime of genocide, 4/

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole, and update the study on the question of the prevention and punishment of the crime of genocide taking into consideration the views expressed by the members of the Sub-Commission and the Commission on Human Rights, as well as replies of Governments, specialized agencies and other organizations of the United Nations system, regional organizations and non-governmental organizations to a questionnaire to be prepared by the Special Rapporteur,

2. Further requests the Sub-Commission to consider and to submit to the Commission on Human Rights at its fortieth session the aforementioned revised and updated study.

3/ See chap. XXVII, sect. A, resolution 1983/24, and chap. XVIII.

4/ E/CN.4/Sub.2/416.

IV. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - The status of the individual and contemporary international law 5/

The Economic and Social Council,

Mindful of resolution 1982/35 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1983/26 of 4 March 1983,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the work she has so far accomplished in connection with the important study in progress on "The status of the individual and contemporary international law",

1. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting, if possible, her final report to the Sub-Commission at its thirty-sixth session,

2. Requests the Secretary-General to transmit a reminder with the relevant questionnaire to Governments, specialized agencies, regional organizations, intergovernmental organizations and non-governmental organizations which have not yet replied, to submit if they wish to do so their comments on and replies to the questionnaire of the Special Rapporteur,

3. Further requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work.

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 - Situation in Equatorial Guinea 6/

The Economic and Social Council,

Recalling its resolution 1982/36 of 7 May 1982,

Bearing in mind Commission on Human Rights resolution 1983/32 of 8 March 1983,

Mindful of the role that the United Nations could play in the promotion, protection and 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,

5/ See chap. XVII, sect. A, resolution 1983/26, and chap. XVIII.

6/ See chap. XVII, sect. A, resolution 1983/32, and chap. I.

1. Takes note of the meetings held between the Permanent Representative of Equatorial Guinea to the United Nations and officials of the United Nations Development Programme,

2. Takes note of the report submitted by two constitutional experts, Mr. Ruben Hernández-Valle and Mr. Jorge Mario Laguardia, who were recruited by the Secretary-General, at the request of the Government of Equatorial Guinea, to assist the Equatorial Guinea National Commission to draft a constitution for that country,

3. Encourages the Government of Equatorial Guinea to continue to display the same spirit of co-operation in implementing the plan of action prepared by the Secretary-General at the request of the Government of Equatorial Guinea,

4. Requests the Secretary-General, in conjunction with the Government of Equatorial Guinea, to consider what further measures could be taken by the United Nations to assist the Government in the continued implementation of the plan of action and to report to the Commission on Human Rights at its fortieth session,

5. Requests the Commission on Human Rights, in the light of the Secretary-General's report, to reconsider this question at its fortieth session under the agenda item "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".

VI. 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 7/

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, 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, which states 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,

Recalling General Assembly resolution 34/175 of 17 December 1979 in which the General Assembly reaffirmed that mass and flagrant violations of human rights were 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,

7/ See chap. XXVII, sect. A, resolution 1983/36, and chap. X.

Mindful of General Assembly resolutions 36/22 of 9 November 1981 and 37/182 of 17 December 1982, which condemn the practice of summary and arbitrary executions,

Bearing in mind resolution 5 on extra-legal executions adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 8/

Taking note of resolutions 1982/10 and 1982/13 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary and arbitrary executions, including extra-legal executions,

Deeply alarmed about the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Convinced of the need to continue to deal urgently with the question of summary or arbitrary executions, including extra-legal executions,

1. Strongly denounces, once again, the increasing number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world,

2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental and humanitarian organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

3. Takes note of the report 9/ of Mr. S.A. Wako, Special Rapporteur, submitted in accordance with its resolution 1982/35 of 7 May 1982;

4. Decides to continue the mandate of the Special Rapporteur, Mr. S.A. Wako, for another year,

5. Requests the Special Rapporteur to review his report in the light of the information received, taking particularly into account any new information, including relevant internal legislation, provided by concerned Governments as well as views expressed in the Commission at its thirty-ninth session and to submit a report to the Commission at its fortieth session;

6. Considers that the Special Rapporteur in carrying out his mandate should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council,

8/ See 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.

9/ E/CN.4/1983/16 and Add.1.

7. Expresses its appreciation to those Governments which have extended invitations to the Special Rapporteur to visit their respective countries and urges the Special Rapporteur to respond positively to such invitations,

8. Urges all Governments and all others concerned to co-operate with and assist the special Rapporteur,

9. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur

10. Decides that the Commission on Human Rights should consider the question of summary or arbitrary executions as a matter of high priority at its fortieth session under the agenda item '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'.

VII. Human rights and scientific and technological developments 10/

The Economic and Social Council,

Mindful of resolution 1982/34 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Commission on Human Rights resolution 1983/44 of 9 March 1983, entitled "Human rights and scientific and technological developments - Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder",

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report, 11/

Noting also with appreciation the report of the Sub-Commission's sessional working group on the question of persons detained on the grounds of mental ill-health, 12/

1. Requests the Special Rapporteur expeditiously to supplement her final report containing the body of principles, guidelines and guarantees as well as the summary compilation of replies received from Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and in the Commission on Human Rights, and to include in the report any new replies from Governments or specialized agencies that might be transmitted in the meantime,

2. Requests the Sub-Commission to establish a sessional working group and to allocate to it appropriate time and facilities for a proper examination, as a matter of the highest priority, of the above-mentioned body of principles, guidelines and guarantees and to submit the revised final report of the Special Rapporteur including the documentation referred to in paragraph 1 above to the Commission on Human Rights at its fortieth session,

10/ See chap. XXVII, sect. A, resolution 1983/44, and chap. XIII.

11/ D/CN.4/Sub.2/1982/16.

12/ E/CN.4/Sub.2/1982/17.

3. Requests the Secretary-General to provide the Special Rapporteur with all assistance needed for the completion of her work.

VIII. 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 13/

The Economic and Social Council,

Recalling General Assembly resolution 51/193 of 18 December 1982, by which the Commission on Human Rights was requested to complete as a matter of the highest priority, at its thirty-ninth session, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1982/38 of 7 May 1982, 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 Commission's thirty-ninth 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 draft convention during the thirty-ninth session of the Commission,

Taking note of Commission on Human Rights resolution 1983/48 of 9 March 1983,

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

IX. Question of a convention on the rights of the child 14/

The Economic and Social Council,

Recalling General Assembly resolution 37/190 of 18 December 1982, by which the General Assembly requested the Commission on Human Rights to continue to give the highest priority at its thirty-ninth session to the question of completing the draft convention on the rights of the child, and Economic and Social Council resolution 1982/37 of 7 May 1982, by which the Council authorized a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission to facilitate the completion of the work on the draft convention on the rights of the child,

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

13/ See chap. XXVII, sect. A, resolution 1983/48, and chap. VIII.

14/ See chap. XXVII, sect. A, resolution 1983/52, and chap. XI.

Taking note of the Commission on Human Rights resolution 1983/52 of 10 March 1983,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission on Human Rights to facilitate and speed up the completion of the work on a draft convention on the rights of the child,

2. Requests the Secretary-General to transmit documents relating to the draft convention on the rights of the child to the Commission on Human Rights at its fortieth session and to extend all facilities to the open-ended working group during its meeting prior to the fortieth session of the Commission.

B. Draft decisions

1. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 15/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/9, of 18 February 1983, endorses the Commission's decisions to renew the mandate of the Ad Hoc Working Group of Experts and to request the Group to submit a report on its findings to the Commission at its forty-first session at the latest and to submit a progress report to the Commission at its fortieth session. The Council also endorses the Commission's decisions to authorize the Ad Hoc Working Group to organize in 1984 a seminar to consider the most effective means of reinforcing the Commission's efforts to eliminate apartheid, racism and racial discrimination and to authorize the Chairman of the Ad Hoc Working Group of Experts to participate in conferences, symposia, seminars or other events connected with the action against apartheid organized under the auspices of the Special Committee against Apartheid and the United Nations Council for Namibia.

The Council further requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with paragraphs 17 and 18 of Commission resolution 1983/9 and with its terms of reference.

2. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 16/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/9 of 18 February 1983, and pursuant to the Commission's request contained in paragraph 22 of that resolution, decides to transmit Commission on Human Rights resolution 1983/9 to the General Assembly, the Security Council, the Special Committee against Apartheid and the United Nations Council for Namibia.

15/ See chap. XXVII, sect. A, resolution 1983/9, and chap. IV.

16/ See chap. XXVII, sect. A, resolution 1983/9, and chap. IV.

3. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa 17/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/11 of 18 February 1983, endorses the Commission's decision to welcome 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 assisting the racist regime in South Africa, subject to annual review, and to submit, through the Sub-Commission, the revised report to the Commission.

4. Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 18/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/13 of 18 February 1983, endorses the Commission's decision to designate its Chairman and the Chairman of the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the second World Conference on Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983.

5. 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 19/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/15 of 22 February 1983, endorses the Commission's decision to reconvene the Working Group of Governmental Experts on the Right to Development with the same mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development. The Council also endorses the Commission's request to the Working Group to hold two meetings of two weeks each in Geneva, the first in June 1983 and the second in November/December 1983, and requests the Secretary-General to provide all necessary assistance to the Working Group.

6. The new international economic order and the promotion of human rights 20/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/16 of 22 February 1983, authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Eade

17/ See chap. XXVII, sect. A, resolution 1983/11, and chap. V.

18/ See chap. XXVII, sect. A, resolution 1983/13, and chap. XVI.

19/ See chap. XXVII, sect. A, resolution 1983/15, and chap. VI.

20/ See chap. XXVII, sect. A, resolution 1983/16, and chap. VI.

with the preparation of a study on the right to adequate food as a human right. The Special Rapporteur, in elaborating his study, should take into account all relevant work being done within the United Nations system and should consult with organs and agencies such as the World Food Council, the Food and Agriculture Organization of the United Nations and the United Nations Conference on Trade and Development and relevant non-governmental organizations in the field. In his study the Special Rapporteur should give special attention to the normative content of the right to food and its significance in relation to the establishment of the new international economic order. The Council further requests the Secretary-General to give the Special Rapporteur all the assistance he may require in his work, and requests the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-sixth session and his final report to the Sub-Commission at its thirty-seventh session.

7. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular, question of enforced or involuntary disappearances 21/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/20 of 22 February 1983, 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, 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 appropriate arrangements to ensure the continuity of the Secretariat's work.

8. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session 22/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/22 of 4 March 1983, endorses the Commission's invitation to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it may designate, at the consideration of its report during the fortieth session of the Commission on Human Rights.

9. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Updating of the Report on Slavery 23/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/25 of 4 March 1983, decides that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966" should be printed and given the widest possible distribution, including distribution in Arabic.

21/ See chap. XXVII, sect. A, resolution 1983/20, and chap. VIII.

22/ See chap. XXVII, sect. A, resolution 1983/22, and chap. XVIII.

23/ See chap. XXVII, sect. A, resolution 1983/25, and chap. XVIII.

10. 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 24/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/29 of 8 March 1983, endorses the Commission's decision to extend the mandate of the Special Representative for another year and to request him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-eighth session and to the Commission on Human Rights at its fortieth session, and requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

11. 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 Poland 25/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/30 of 8 March 1983, endorses the Commission's decision to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in its resolution 1982/26, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its fortieth session.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in Bolivia 26/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/35 of 8 March 1983, endorses the Commission's decision to request the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia.

13. 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 the Islamic Republic of Iran 27/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/34 of 8 March 1983, endorses the Commission's request that the Secretary-General or his representative continue direct contacts with the

24/ See chap. XXVII, sect. A, resolution 1983/29, and chap. A.

25/ See chap. XXVII, sect. A, resolution 1983/30, and chap. X.

26/ See chap. XXVII, sect. A, resolution 1983/33, and chap. X.

27/ See chap. XXVII, sect. A, resolution 1983/34, and chap. X.

Government of the Islamic Republic of Iran on the grave human rights situation prevailing in that country, including the situation of the Baha'is, and that the Secretary-General or his representative submit to the Commission at its fortieth session a comprehensive report on the direct contacts and the human rights situation in the Islamic Republic of Iran including conclusions and suggestions as regards the respect for human rights and fundamental freedoms in that country.

14. 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 28/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/37 of 8 March 1983, endorses the Commission's decision to request once again that the Chairman appoint with the shortest possible delay, after consultation with the Bureau of the Commission, 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, and to request that the Special Rapporteur present an interim report to the General Assembly at its thirty-eighth session and a final report to the Commission at its fortieth session. The Council also requests the Secretary-General to give all necessary assistance to the Special Rapporteur.

15. Question of human rights in Chile 29/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/38 of 8 March 1983, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for a year and requests the Secretary-General to ensure that sufficient financial resources and staff are provided for the implementation of Commission on Human Rights resolution 1983/38.

16. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 30/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/40 of 9 March 1983, endorses the Commission's request to the Secretary-General to hold within the framework of the advisory services programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.

28/ See chap. XXVII, sect. A, resolution 1983/37, and chap. X.

29/ See chap. XXVII, sect. A, resolution 1983/38, and chap. III.

30/ See chap. XXVII, sect. A, resolution 1983/40, and chap. XXIII.

17. Rights of persons belonging to national, ethnic, religious and linguistic minorities 31/

The Economic and Social Council, noting Commission on Human Rights resolution 1983/53 of 10 March 1983, endorses the Commission's decision to establish at its fortieth session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities proposed by Yugoslavia, taking into account all relevant documents.

18. Organization of the work of the session 32/

The Economic and Social Council, noting Commission on Human Rights decision 1983/109 of 10 March 1983, decides to authorize 20 fully-serviced additional meetings, including summary records, for the Commission's fortieth session and endorses the Commission's request to the Chairman of the Commission at its fortieth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings authorized to be utilized only if such meetings prove to be absolutely necessary.

19. 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 (XIVIII) and those situations of which the Commission is seized 33/

The Economic and Social Council approves the decision of the Commission, in its decision 1983/110 of 28 February 1983, to set up a working group composed of five of its members to meet for one week prior to the fortieth 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-sixth session under Economic and Social Council resolution 1503 (XIVIII) and those situations of which the Commission is seized.

20. Report of the Commission on Human Rights 34/

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

31/ See chap. XXVII, sect. A, resolution 1983/53, and chap. XIX.

32/ See chap. XXVII, sect. B, decision 1983/109, and chap. XXVIII.

33/ See chap. XXVII, sect. B, decision 1983/110, and chap. X.

34/ See chap. XXVI.

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

1. The Commission considered agenda item 4 concurrently with item 9 (see chap. VII below) at its 2nd to 6th meetings, held from 1 to 3 February, and at its 21st and 22nd meetings, held on 15 February 1983.
2. By its resolution 1982/1 A of 11 February 1982, the Commission had decided to place that item on the provisional agenda for its thirty-ninth session as a matter of high priority.
3. In accordance with paragraphs 12, 13, 14 and 15 of resolution 1982/1 A, the Commission had before it: a note by the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1985/5), a report of the Secretary-General on the measures taken to bring resolution 1982/1 A to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (E/CN.4/1983/7), and a note by the Secretary-General (E/CN.4/1985/6) listing all United Nations reports issued since the thirty-eighth session of the Commission that deal with the situation of the population of the occupied territories, including Palestine: A/37/13, A/37/35, A/37/427, A/37/425, A/37/485; A/37/541 and A/37/214. In addition, the Commission had before it a report of the Secretary-General on the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel (E/CN.4/1985/8), as well as the report of that seminar (ST/HR/SER.A/14).
4. The Commission heard statements by the observers for Algeria (3rd meeting), Bahrain (4th meeting), the Byelorussian SSR (6th meeting), Democratic Yemen (5th meeting), Egypt (6th meeting), the German Democratic Republic (6th meeting), Hungary (6th meeting), Iraq (6th meeting), Israel (3rd, 5th and 6th meetings), Kuwait (6th meeting), Madagascar (5th meeting), Morocco (6th meeting), Somalia (5th meeting) and the Syrian Arab Republic (5th and 6th meetings). Statements were also made by the representative of the League of Arab States (6th meeting) and the representative of the Palestine Liberation Organization (2nd, 4th, 5th and 6th meetings).
5. The Commission also heard statements by the following non-governmental organizations in consultative status (category II): International Commission of Jurists (4th meeting), International Organization for the Elimination of All Forms of Racial Discrimination (4th meeting), Afro-Asian Peoples' Solidarity Organization (5th meeting).
6. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/495) was referred to by most of the speakers, who commended its objectivity and impartiality and deplored Israel's persistent refusal to co-operate with the Special Committee. The majority of speakers noted that the report reflected a further deterioration of the situation in the occupied Arab territories, as exemplified by Israel's continuing policy of annexation and establishment of Jewish settlements, which led to an increasing number of violent acts by settlers, often resulting in death and serious injuries among the local population. Demolition of houses and dismissal of elected mayors and other representatives of the local population also continued,

as did massive arrests, ill-treatment of detainees and interference with the fundamental freedoms of the population. Some speakers referred to the report's conclusion that the violation of human rights in the occupied territories would cease only when the Palestinian people was allowed to enjoy its right to self-determination and statehood. A majority of speakers also referred to the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, and endorsed its conclusions (ST/HR/SER.A/14, chsp IV).

7. The overwhelming majority of speakers condemned the Israeli invasion of Lebanon and, in particular, the massacre of Palestinian and Lebanese civilians in the Sabra and Shatila camps and elsewhere in Lebanon. Some speakers described this massacre as an act of genocide aimed at the destruction of the Palestinian people as an historic and ethnic entity and stated that it constituted a breach of the Convention on the Prevention and Punishment of the Crime of Genocide, to which Israel was a signatory. Those speakers compared this act to the crimes committed by Nazis during the Second World War. In the view of many delegations, Israel was responsible for this massacre. Some thought that punitive measures should therefore be taken against that country. Several speakers added that the responsibility for the massacre should also be borne by those who put weapons in the aggressor's hands. Several delegations suggested that the Commission should request the General Assembly to declare 18 September a day of commemoration of the victims of the massacre at Sabra and Shatila. Some delegations recognized that Israel had set up a commission of inquiry and that this commission had recommended measures in response to the events in Sabra and Shatila.

8. Various delegations which condemned all partial agreements and separate treaties rejected the Camp David accords in so far as, in their view they violated the inalienable rights of the Palestinian people and contradicted the principles of just and comprehensive solutions to the Middle East problem in accordance with the principles of the Charter of the United Nations and with relevant United Nations resolutions. Several speakers drew a parallel between Zionism and apartheid and condemned the co-operation existing between Israel and the racist regime of South Africa. Various delegations said that the Camp David agreements had a value as a possible step towards a comprehensive peace settlement.

9. The representative of the Palestine Liberation Organization affirmed that Israel was determined to continue flouting the will of the United Nations, as expressed in the relevant General Assembly resolutions aimed at the withdrawal of Israeli forces from the occupied Arab territories. Israel's actions violated the right of the Palestinian people to self-determination. It continued its policy of repression manifested by the destruction of homes, introduction of collective punitive measures, intrusion of armed forces into holy places and deportation of citizens. Israel's aim in invading Lebanon was the annihilation of Palestinian presence in that country and the destruction of the militant spirit of the Palestinian people. The speaker was certain that peace-loving forces of the world would make Israel stop its aggression and help the Palestinian people gain its national rights, in particular, the right to return to its homeland, the right to have its property restored and the right to establish an independent State led by the Palestine Liberation Organization.

10. Several speakers referred to a conference held at Nicosia, Cyprus, in August 1982, where an international commission was set up to investigate Israeli crimes against the Lebanese and Palestinian people. A number of speakers also

referred to the conference of non-aligned countries held recently at Managua, Nicaragua, where support for the Palestine Liberation Organization had been reiterated.

11. Many delegations expressed grave concern at the systematic and constant violations of human rights in the occupied Arab territories, including Palestine, which resulted in the continuous deterioration of the situation in the area. They denounced the assistance, both military and financial, that Israel received from certain countries, and the policy of oppression to which the population of the occupied territories was exposed. The increased settlement drive, in violation of article 49 of the fourth Geneva Convention, combined with the behaviour of extreme Jewish settlers towards the local Arab population, was aimed at effecting a radical change in the demographic structure and political status of the occupied territories, and the local population was left without legal remedies. Several delegations endorsed the conclusion of the Special Committee that the fundamental violation of human rights lay in the very fact of occupation.

12. Many speakers condemned the continuing annexation of the Syrian Golan Heights and Jerusalem, whose character as a holy city for the three monotheistic faiths was being altered by Israel. They denounced Israel's persistent refusal to abide by General Assembly and Security Council resolutions, especially those calling for a complete Israeli withdrawal from the occupied territories, including Jerusalem, and reiterated their conviction that in order to enable the Palestinian people to recover its land the relevant United Nations resolutions should be enforced.

13. A number of speakers, while joining the overwhelming majority of speakers in deploring various Israeli policies and practices, clearly affirmed Israel's right to exist within secure and recognized boundaries as well as the right of the Palestinian people to self-determination.

14. In the view of one representative, the issue under discussion was fundamentally a political one: that of the existence of a state of war between Israel and most of its neighbours since 1948. He referred to previous peace efforts undertaken by his country, which had enabled one Arab country to totally recover its territory, and to a current peace proposal by his country's President, which he urged all countries interested in obtaining peace in that region to join.

15. The observer for Israel described the report of the Special Committee as tendentious, biased and unbalanced, since it had, in his view, ignored many positive aspects of the Israeli administration of the areas. He said that Israel's legal system guaranteed all Palestinian Arabs exactly the same rights as those granted to Israeli citizens, including access to the Supreme Court of Israel. He also pointed out that, despite the gravity of crimes perpetrated against Israeli civilians, there had not been one execution since Israel had administered the territories. He further noted that the local population enjoyed a multitude of civil and political freedoms, and that remarkable advancement had been achieved in the economic, educational and health fields.

16. The representative of the Palestine Liberation Organization rejected the statement made by the observer for Israel as hypocritical and cynical and stated that, despite the paradisiac description by the Israeli observer of the occupation of Arab territories, there was no such thing as a benign occupation. The speaker noted that the Palestinian people under Israeli occupation was subjected to military government regulations which deprived it of any meaningful guarantees, as

had been stressed in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. He affirmed that the allegations of violations of human rights by Israel were corroborated by such objective bodies as Amnesty International and other human rights organizations. He reiterated his organization's commitment to abide by all the pertinent United Nations resolutions and by the resolutions adopted at the Twelfth Arab Summit Conference held at Fez, Morocco.

17. Many delegations favoured the adoption of a strong resolution condemning constant, mass and flagrant violations of human rights in the occupied Arab territories. Some speakers added that the international community should assume its responsibility by proceeding beyond the stage of verbal condemnation and impose sanctions against Israel under Chapter VII of the Charter of the United Nations.

18. Many representatives stated that a comprehensive settlement in the Middle East rested on the immediate withdrawal of all Israeli troops from Lebanon and the occupied Arab territories, the implementation of the inalienable right of the Palestinian people to self-determination and the creation of their own State with the participation of the Palestine Liberation Organization. In their view, the convening of an international conference with the participation of all concerned, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, could achieve that aim.

19. At the 21st meeting, on 15 February 1983, the representative of Senegal introduced draft resolutions A and B in document E/CN.4/1983/L.11 sponsored by Algeria, */ Bahrain, */ Bangladesh, Bulgaria, Cuba, Cyprus, Democratic Yemen, */ the German Democratic Republic, */ India, Iraq, */ Jordan, Kuwait, */ the Libyan Arab Jamahiriya, Madagascar, */ Morocco, */ Mozambique, Nicaragua, Pakistan, Qatar, */ Senegal, the Syrian Arab Republic, */ Tunisia, */ the Ukrainian Soviet Socialist Republic, the United Arab Emirates, */ the United Republic of Tanzania, Viet Nam, */ Yugoslavia and Zimbabwe. Gambia, Czechoslovakia, */ the Congo */ and Afghanistan */ joined the sponsors of the draft resolutions.

20. At the same meeting the representative of Senegal also introduced draft resolution E/CN.4/1983/L.13 sponsored by Algeria, */ Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, */ Cuba, China, Czechoslovakia, */ the German Democratic Republic, */ India, Jordan, Kuwait, */ the Libyan Arab Jamahiriya, Madagascar, */ Morocco, */ Mozambique, Nicaragua, Pakistan, Poland, Senegal, the Sudan, */ Tunisia, */ the Ukrainian Soviet Socialist Republic, the United Arab Emirates, */ Viet Nam, */ Yemen, */ Yugoslavia and Zimbabwe. Gambia and the Congo */ joined the sponsors of the draft resolution.

21. At the same meeting, statements relating to the draft resolutions were made by the representatives of Bangladesh, Canada, Colombia, Jordan and the United States of America, by the observers for Czechoslovakia, Israel and the Syrian Arab Republic, and by the representative of the Palestine Liberation Organization.

22. At the 22nd meeting, on 15 February 1983, draft resolutions E/CN.4/1983/L.11 A and B and draft resolution E/CN.4/1983/L.13 were put to the vote.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

23. At the request of the representative of Colombia, a separate vote was taken on operative paragraph 11 of draft resolution F/CN.4/1983/L.11 A, and at the request of the representative of Jordan the vote was taken by roll-call. The paragraph was adopted by 29 votes to 16, with 5 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Colombia, Costa Rica, Fiji, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Philippines, Rwanda, Zaïre.

24. At the request of the representative of the United States of America, a separate vote was taken on operative paragraph 2 of draft resolution F/CN.4/1983/L.11 B, and at the request of the representative of Jordan the vote was taken by roll-call. The paragraph was adopted by 41 votes to none, with 2 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaïre, Zimbabwe.

Against: None.

Abstaining: Fiji, Philippines.

25. At the request of the representative of the United Kingdom, draft resolutions A and B in document E/CN.4/1983/L.11 were voted upon separately, and at the request of the representative of Jordan, the vote was taken by roll-call.

26. Draft resolution A was adopted by 29 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Rwanda, United Kingdom of Great Britain and Northern Ireland, Zaïre.

27. Draft resolution B was adopted by 39 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Costa Rica, Fiji, 1/ Zaïre.

28. At the request of the representative of Senegal, a roll-call vote was then taken on draft resolutions A and B as a whole as contained in document E/CN.4/1985/L.11. The representative of Canada announced that his delegation would not participate in the vote.

29. The draft resolutions as a whole were adopted by 29 votes to 1, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Rwanda, United Kingdom of Great Britain and Northern Ireland, Zaïre.

30. For the text of the resolutions, see chapter XVIII, section A, resolutions 1985/1 A and B.

31. At the same meeting, at the request of the representative of Brazil, a separate vote was taken on operative paragraph 6 of draft resolution E/CN.4/1985/L.13. At the request of the representative of the United States of America, the vote was taken by roll-call. The paragraph was adopted by 20 votes to 14, with 8 abstentions. The voting was as follows:

1/ The representative of Fiji subsequently informed the Secretariat that his delegation had intended to vote in favour.

In favour: Bangladesh, Bulgaria, China, Cuba, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Brazil, Canada, Colombia, Costa Rica, Fiji, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Cyprus, Finland, Mexico, Rwanda, Togo, Uruguay, Zaare.

32. At the request of the representative of the Libyan Arab Jamahiriya, a vote by roll-call was then taken on draft resolution F/CN.4/1983/L.13. The draft resolution was adopted by 27 votes to 2, with 13 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, United States of America.

Abstaining: Canada, Costa Rica, Fiji, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zaare.

33. The representative of the Philippines announced that his delegation had not participated in the vote.

34. At the 22nd meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Colombia, the United States of America and Togo.

35. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Australia, the Federal Republic of Germany, Mexico and the Netherlands.

36. For the text of the resolution, see chapter XXVII, section A, resolution 1983/2.

II. QUESTION OF HUMAN RIGHTS IN CHILE

37. The Commission examined agenda item 5 at its 48th meeting, on 4 March 1983, and at its 49th meeting, on 8 March 1983.

38. The Commission had before it the report of the Special Rapporteur on the situation of human rights in Chile to the General Assembly (A/37/564) and the additional report of the Special Rapporteur (E/CN.4/1983/9) bringing up to date his report to the General Assembly. The following non-governmental organizations in consultative status (categories I and II) submitted written statements to the Commission. Inter-Parliamentary Union (E/CN.4/1983/NGO/21), Women's International Democratic Federation (E/CN.4/1983/NGO/25), International Indian Treaty Council (E/CN.4/1983/NGO/32), Christian Democratic World Union (E/CN.4/1983/NGO/35), and Pax Christi (E/CN.4/1983/NGO/36).

39. At the 48th meeting the Chairman read out a telegram which he had received on 4 March 1983 from the Special Rapporteur expressing the Special Rapporteur's regret at being unable personally to present his report to the Commission.

40. During the general discussion the Commission heard statements by observers for the following eight States: Algeria, Byelorussian SSR, Czechoslovakia, Denmark, German Democratic Republic, Hungary, Islamic Republic of Iran, Viet Nam. Statements were also made by representatives of the following seven non-governmental organizations in consultative status: Afro-Asian Peoples' Solidarity Organization, International Commission of Jurists, International Confederation of Free Trade Unions, International Indian Treaty Council, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, and Procedural Aspects of International Law Institute.

41. Most of the speakers expressed their appreciation to the Special Rapporteur for his impartial and objective report and the manner in which he had discharged his difficult task. They also expressed regret that the Government of Chile had failed to co-operate with the Special Rapporteur and urged it to change its attitude.

42. Commenting on the report of the Special Rapporteur, most speakers stated that the human rights situation in Chile had deteriorated during 1982. Many of them made reference to the present Chilean constitution and the two types of states of emergency, the maintenance of which implied the institutionalization of a permanent state of emergency. Many speakers drew attention to the increase in the number of accusations of torture and other cruel, inhuman or degrading treatment and the increase in the cases of illegal or arbitrary arrests, particularly during public demonstrations. A number of them also expressed concern at the failure of the authorities to provide information concerning the persons who had disappeared between 1973 and 1977. The problem of exile was still to be resolved. Measures prohibiting entry and providing for expulsion were considered by many speakers to be partly responsible for the persistence of that problem to date. Attention was also drawn to the increase in relegations (internal exile), which affected freedom of movement within the country.

43. The deterioration in economic, social and cultural rights, limitations on trade union rights and the situation of indigenous populations were also matters of concern to several speakers. Some speakers also referred to the assistance extended by some countries to the present regime in Chile.

44. Most speakers were in favour of renewing the mandate of the Special Rapporteur and called upon the Chilean authorities to co-operate with him. Several speakers said that the Commission should continue to examine the situation of human rights in Chile as a separate agenda item with high priority.

45. At the 52nd meeting, on 8 March 1983, the representative of Mexico introduced a draft resolution (E/CN.4/1983/L.49/Rev.1) sponsored by Algeria, ^{*/}/ Bolivia, ^{*/}/ Cuba, France, Ireland, Mexico, Mozambique, Nicaragua, the Netherlands and Yugoslavia. The Commission had also before it an estimate of the programme budget implications (E/CN.4/1983/L.54) ^{1/} of draft resolution E/CN.4/1983/L.49/Rev.1.

46. Before the vote on the draft resolution, statements in explanation of vote were made by the representatives of Uruguay, the Federal Republic of Germany, Colombia and the United States of America.

47. At the same meeting, the draft resolution was put to the vote. At the request of the representative of Mexico, the vote was taken by roll call. Draft resolution E/CN.4/1983/L.49/Rev.1 was adopted by 29 votes to 6, with 8 abstentions. The voting was as follows:

In favour: Australia, Bulgaria, Canada, Cuba, Cyprus, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Brazil, Pakistan, Philippines, United States of America, Uruguay.

Abstaining: Bangladesh, China, Colombia, Costa Rica, Fiji, Japan, Jordan, Zaire.

48. After the vote on the draft resolution, statements in explanation of vote were made by the representatives of the United Kingdom and Costa Rica.

49. For the text of the resolution, see chapter XXVII, section A, resolution 1983/38.

^{*/} In conformity with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{1/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

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

50. The Commission considered agenda item 6 together with items 7, 16 and 18 (see chaps. V, XIV and XVI) at its 11th to 16th meetings, held from 8 to 10 February 1983, and at its 28th meeting, held on 18 February 1983.

51. By its resolution 5 (XXXVII) of 23 February 1981, the Commission on Human Rights had decided that the Ad Hoc Working Group of Experts should continue to examine policies and practices which violate human rights in South Africa and Namibia.

52. Subsequently, by its resolution 1982/8 of 25 February 1982 the Commission requested the Group to continue to study the policies and practices which violate human rights in South Africa and Namibia and to submit its findings and recommendations to the Commission at its thirty-ninth session.

53. The Economic and Social Council, by its decision 1981/155 of 8 May 1981, had requested the Group to continue to study allegations regarding infringement of trade union rights in South Africa, and to report thereon to the Commission and to the Economic and Social Council in 1982.

54. For its consideration of the item, the Commission had before it the following documents:

A report on policies and practices which violate human rights in South Africa and Namibia (E/CN.4/1983/10), prepared by the Ad Hoc Working Group of Experts pursuant to Commission resolutions 5 (XXVII), 1982/8 and 1982/9.

A report prepared by the Ad Hoc Working Group of Experts on apartheid as a collective form of slavery (E/CN.4/1983/37) prepared in accordance with the Commission's resolution 5 (XXXVII),

A report prepared by the Ad Hoc Working Group of Experts containing additional information on the effects of the policy of apartheid on black women and children in South Africa (E/CN.4/1983/38)

A report on torture and ill-treatment of detainees by the racist regime of South Africa in 1982 submitted by the Special Committee against apartheid (A/AC.115/L.586).

The report of the International Conference on Women and Apartheid, held in Brussels, Belgium, from 17 to 19 May 1982 (A/AC.115/L.571).

55. In connection with item 6, the Commission heard statements by the observers for the following States: Afghanistan, Algeria (16th meeting), Byelorussian SSR (14th and 16th meetings), Congo (14th meeting), Czechoslovakia, Egypt, Ethiopia (16th meeting), German Democratic Republic (13th meeting), Hungary, Madagascar, Morocco, Somalia (16th meeting), Syrian Arab Republic (13th meeting) and Viet Nam (16th meeting).

56. At the 11th meeting, Mr. R.J. Rithore, representative of the Special Committee against apartheid, made a statement on behalf of the Chairman of that Committee. At the same meeting, Mr. Lucille Eliebi (Zaire), Christian Rapporteur of the group

consisting of three members of the Commission established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, introduced the report of the group

57. The Commission also heard statements by the representatives of the United Nations Council for Namibia (16th meeting), the United Nations Educational, Scientific and Cultural Organization (14th meeting), the League of Arab States (12th meeting), the Organization of African Unity (12th meeting), the Palestine Liberation Organization (14th meeting) and the Pan Africanist Congress of Azania (13th meeting)

58. The Commission also heard statements by the representatives of the following non governmental organizations in consultative status: Afro-Asian Peoples' Solidarity Organization (15th meeting), Amnesty International (14th meeting), Bahá'í International Community (14th meeting), International Commission of Jurists (12th meeting), International Confederation of Free Trade Unions (16th meeting), International Indian Treaty Council (16th meeting), and International Organization for the Elimination of All Forms of Racial Discrimination (12th meeting)

59. At the Commission's 11th meeting, Mr. Annon A. Coto, Chairman-Reporteur of the Ad Hoc Working Group of Experts, introduced the reports contained in documents E/CN.4/1983/10, E/CN.4/1983/37 and E/CN.4/1983/38. He informed the Commission that the period under review had been marked by serious acts of barbarism in southern Africa and by the reckless attempt by South Africa to statutorily deprive 21 million blacks of their South African citizenship. He drew attention to the fact that the Government of South Africa continued to withhold its co-operation from the Group. In highlighting some aspects of the situation in South Africa, he referred to the torture and ill treatment of political prisoners and detainees, the increasing number of deaths in detention, the homelands policy and the mass removals of population, the appalling conditions of black workers, the infringements of trade union rights, the persecution of students and the ill-treatment and detention of black women and children. He informed the Commission that a new bill before the South African Parliament, the so-called Orderly Movement and Settlement of Black Persons Bill, sought to reinforce the homelands policy and to reduce further the number of blacks qualifying for permanent residence in urban areas. Mr. Coto pointed out that the report of the Ad Hoc Working Group also showed the many ways in which South Africa, which continued to occupy Namibia illegally, had tried and managed so far to stall negotiations towards Namibia's independence. The report also showed how, in Namibia, South Africa continued to employ methods of torture against political prisoners and SWAPO freedom fighters. He drew attention to the dangers posed by South Africa's frequent raids into neighbouring countries, the aim being to intimidate, brutalize and destabilize the African front-line States.

60. The majority of speakers praised the reports of the Ad Hoc Working Group of Experts for their impartiality and objectivity and unreservedly supported the recommendations contained therein. They noted that the reports reflected a further deterioration of the situation in South Africa and provided additional information on the oppressive and inhuman nature of the South African regime which continued to deny the peoples of South Africa and Namibia their right to self-determination.

61. Many speakers vigorously denounced apartheid and the repressive measures used to enforce it, stressing that it was a crime against humanity and a threat to international peace and security. In reference to apartheid as a collective form of slavery, it was stated that the treatment of the non-white population in South Africa was equivalent to genocide and that apartheid could not be reformed but must be eliminated.

62. With regard to the so-called 'bantustanization' policy, all the speakers stated that their respective Governments did not recognize the so-called independent homelands and deemed the bantustan policy a further manifestation of apartheid. They stated that the creation of such enclaves deprived millions of Africans of their homes and violated the principle of the territorial integrity of States recognized in the Charter of the United Nations and General Assembly resolution 1514 ('V).

63. Referring to the question of collaboration with South Africa, many speakers condemned the continued collaboration of certain States with the apartheid regime. It was stated that without the assistance and support in economic, military, nuclear and other fields afforded by some Western countries and Israel, the racist regime would be unable to continue its policy of repression and perpetrate its acts of aggression against independent African States. Those speakers favoured the application of economic sanctions under Chapter VII of the Charter of the United Nations and called for strict implementation of the relevant United Nations resolutions. Other speakers, however, stated that while abhorring the system of apartheid, they did not consider it appropriate to break off economic relations with South Africa. In their view, those activities were of a private nature and could not be considered as aiding or supporting South Africa. According to those speakers, their Governments fully implemented Security Council resolution 418 (1978) and exported to South Africa nothing which could assist the military

64. Some speakers considered that efforts were being made to improve the economic and social situation of the black workers of South Africa through the European economic codes of conduct. However, according to other speakers, in so far as the apartheid regime remained intact, the various codes of conduct were ineffective, had little impact on the conditions of black workers employed by foreign companies and only contributed to the perpetuation of that regime.

65. Most speakers denounced South Africa's illegal occupation of Namibia and repressive measures against SWAPO in defiance of United Nations resolutions. The South African regime not only continued to prevent the Namibian people from gaining their independence but used their territory for aggression against neighbouring States. It was pointed out that the contact group of five² had not only failed to assist in solving the problem but had facilitated South Africa's continued occupation of the country. On the other hand, several speakers supported the efforts of the contact group of five and stated that the United Nations plan endorsed by the Security Council provided a good possibility of a peaceful transition to internationally recognized independence for Namibia.

66. Many speakers drew the attention of the Commission to the acts of aggression committed by the South African security forces against Angola, Mozambique, Zimbabwe and, more recently, Lesotho. They noted that armed invasions into neighbouring States had intensified, thus posing a real threat to peace and security in Africa and throughout the world.

67. Referring to the promotion of the International Convention on the Suppression and Punishment of the Crime of Apartheid, several representatives supported the recommendation of the Ad Hoc Working Group of Experts that inquiries should continue to be instituted in respect of any person who had been suspected to be guilty of the crime of apartheid, or of a serious violation of human rights, in accordance with article II of the Convention. In that connection, some speakers favoured the creation of an international penal tribunal competent to try crimes of apartheid as provided in the interim report presented by the Ad Hoc Working Group of Experts (E/CN.4/1426).

68. At the 28th meeting, on 18 February 1983, the representative of Zimbabwe introduced a draft resolution (E/CN.4/1983/L.19/Rev.1) sponsored by Algeria, / the Congo, / Cuba, Cyprus, Egypt, / Ethiopia, / Ghana, the Libyan Arab Jamahiriya, Madagascar, / Morocco, / Mozambique, Senegal, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe. Gambia, Pakistan, the Syrian Arab Republic / and Viet Nam / joined the sponsors.

69. The Commission's attention was drawn to a statement of the administrative and programme budget implications (E/CN.4/1983/L.24) / of draft resolution E/CN.4/1983/L.19/Rev.1.

70. The Commission considered the draft resolution at the same meeting. The representatives of Canada and the United States of America made statements in explanation of vote before the vote. Separate votes were requested by the representative of the United States of America on operative paragraphs 5(c) and 12. At the request of the representative of Zimbabwe, the votes on operative paragraphs 5(c) and 12 on the draft resolution as a whole were taken by roll-call.

71. At the same meeting, the Commission decided on the draft resolution as follows.

(a) Operative paragraph 5(c) was adopted by 33 votes to 1, with 8 abstentions. The voting was as follows:

<u>In favour</u>	Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, Gambia, Ghana, India, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.
<u>Against</u>	United States of America.
<u>Abstaining</u>	Australia, Canada, France, Germany, Federal Republic of, Ireland, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland.

/ In accordance with rule 69, paragraph 5, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

(b) Operative paragraph 12 was adopted by 40 votes to 1, with 1 abstained. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Benin, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Canada.

(c) Draft resolution E/CN.4/1983/L.19/Rev.1 as a whole was adopted by 42 votes to none. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

72. At the 26th meeting, on 18 February 1983, the representative of Zimbabwe introduced a second draft resolution (E/CN.4/1983/L.20) sponsored by Algeria, ^{2/} Congo, ^{3/} Cuba, Cyprus, Egypt, ^{4/} Ethiopia, ^{5/} Ghana, India, the Libyan Arab Jamahiriya, Madagascar, ^{6/} Morocco, ^{7/} Mozambique, Senegal, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe. Gabon, Pakistan, Rwanda, Somalia, ^{8/} the Syrian Arab Republic ^{9/} and Viet Nam ^{10/} joined the sponsors.

73. The Commission considered the draft resolution at the same meeting. The representative of Canada, on behalf of the contact group of five, made a statement in explanation of vote before the vote. The representative of Zimbabwe requested a roll-call vote on the draft resolution.

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^{11/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

74. The Commission adopted the draft resolution by 37 votes to none, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, Gambia, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

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

75. At the same meeting, the representatives of the United States of America and Canada, on behalf of the contact group of five, made statements in explanation of vote on the draft resolutions adopted on item 6.

76. For the text of the resolutions, see chapter XXVII, section A, resolutions 1983/9 and 1983/10.

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

77. The Commission considered agenda item 7 together with items 6, 16 and 18 (see chaps. IV, XIV and XVI) at its 11th to 16th meetings, held from 8 to 10 February 1985, and at its 28th meeting, on 18 February 1985.

78. The Commission had before it, for its consideration of the item, a Report by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1982/10). This report, which had been submitted to the Sub-Commission at its thirty-fifth session, supplements the information provided in the previous reports by the Special Rapporteur - the revised report containing a provisional general list of banks, firms and other organizations which give assistance to South Africa (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7), and an updated report (E/CN.4/Sub.2/469 and Corr.1 and Add.1) containing additions to the provisional general list. The Commission also had before it a written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1983/NGO/17).

79. In connection with the item under consideration, the Commission heard statements by the observers for the following States: Afghanistan (16th meeting), Algeria (16th meeting), Byelorussian SSR (14th and 16th meetings), Congo (14th meeting), Czechoslovakia (16th meeting), Egypt (16th meeting), Ethiopia, (16th meeting), German Democratic Republic (15th meeting), Hungary (16th meeting), Israel (28th meeting), Madagascar (16th meeting), Morocco (16th meeting), Peru (15th meeting), Senegal (16th meeting), Syrian Arab Republic (15th meeting) and Viet Nam (16th meeting). The United Nations Council for Namibia, representing Namibia, made a statement at the 16th meeting. The Commission also heard statements by the representative of UNESCO (14th meeting), by the representatives of the League of Arab States (12th meeting) and the Organization of African Unity (12th meeting), and by the representatives of the Palestine Liberation Organization (14th meeting) and the Pan Africanist Congress of Azania (15th meeting).

80. The Commission heard statements by the representative of the Special Committee against Apartheid at the 11th and 16th meetings.

81. Statements were also made by the representatives of the following non-governmental organizations in consultative status: Afro-Asian Peoples' Solidarity Organization (15th meeting), Amnesty International (14th meeting), Bahá'í International Community (14th meeting), International Commission of Jurists (12th meeting), International Confederation of Free Trade Unions (16th meeting), International Indian Treaty Council (16th meeting), International Organization for the Elimination of All Forms of Racial Discrimination (12th meeting).

82. Many speakers welcomed the report submitted by the Special Rapporteur to the Sub-Commission. The list contained in that report, it was said, represented evidence of the continuing and increasing foreign support the racist regime continued to receive, and there was an obvious link between the political, economic, military and nuclear assistance that some Western countries, transnational corporations and Israel provided to South Africa and the ability of the racist regime to persist in defying world public opinion and all the United Nations efforts towards the elimination of apartheid. Such assistance, it was pointed out, had enabled South Africa to strengthen its military arsenal and

nuclear potential, thus posing an alarming threat to international peace and security; it had helped the racist regime delay the solution of the problem of Namibia and continue and intensify its unlawful suppression of the liberation movement in illegally occupied Namibia and its destabilization of and aggression against the front-line States; it had also enabled that regime to take more repressive measures against the black population.

83. In this connection, the new Security Laws enforced by the Pretoria regime were mentioned. Some speakers felt that those who profited from links with the racist regime were guilty of collusion and complicity with the apartheid system. Many speakers mentioned with deep concern the recent loan provided by the International Monetary Fund to the South African regime and recalled the need for comprehensive mandatory sanctions against South Africa, under Chapter VII of the Charter of the United Nations, and for the effective implementation of Security Council resolution 418 (1977) calling for an arms embargo against South Africa.

84. Some speakers, however, expressed the opinion that not all contacts with South Africa were necessarily detrimental to the cause of fighting apartheid which, they said, could only be suppressed through peaceful means. Diplomatic pressures, selective economic measures, and the effective implementation of codes of conduct aimed at improving the working conditions of the black population in South Africa and Namibia were mentioned as measures to be used in the struggle against apartheid. Those speakers, referring to the criteria used by the Special Rapporteur in establishing his list, further stated that a more accurate evaluation should be made of the kind of relations with South Africa which bore a negative impact on the black population. Some speakers expressed their dissatisfaction with the report and questioned its usefulness. Some speakers expressed the view that the possible usefulness of the list was impaired by the fact that it merely indicated names, without specifying the nature and extent of the activities involved. A factual error in the list was pointed out by one delegation.

85. At the 28th meeting, on 18 February 1983, the representative of Zimbabwe introduced a draft resolution (E/CN.4/1983/L.21) sponsored by Algeria, ^{*/} the Congo, ^{*/} Cuba, Ethiopia, ^{*/} Ghana, the Libyan Arab Jamahiriya, Madagascar, ^{*/} Mozambique, Senegal, Uganda, the United Republic of Tanzania, Yugoslavia and Zimbabwe. Gambia, Pakistan, Somalia, ^{*/} the Syrian Arab Republic ^{*/} and Viet Nam ^{*/} joined the sponsors of the draft resolution.

86. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1983/L.26) ^{1/} of draft resolution E/CN.4/1983/L.21.

87. The Commission considered the draft resolution at the same meeting. The observer for Israel made a statement relating to the draft resolution. An explanation of vote before the vote was given by the representative of Canada, who

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{1/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

requested a separate vote on the eighth and ninth preambular paragraphs of the draft resolution. The representative of Zimbabwe requested that the votes on those two preambular paragraphs and on the draft resolution as a whole should be taken by roll-call.

86. At the 28th meeting the Commission decided on the draft resolution as follows:

(a) The eighth preambular paragraph was adopted by 26 votes to 10, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zaire, Zimbabwe.

Against: Australia, Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Fiji, Finland, Japan, Philippines, Uruguay.

(b) The ninth preambular paragraph was adopted by 24 votes to 9, with 9 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Fiji, Finland, Ireland, Japan, Philippines, Uruguay, Zaire.

(c) Draft resolution E/CN.4/1983/L.21 as a whole was adopted by 30 votes to 4, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

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

Abstaining: Australia, Canada, Finland, Iceland, Italy, Japan, Netherlands, Philippines.

89. Statements in explanation of vote after the vote were made by the representatives of Brazil, Costa Rica and the Federal Republic of Germany.

90. For the text of the resolution, see chapter XXVII, section A, resolution 1983/11.

- VI. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:
- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) THE RIGHT OF POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE REALIZATION OF HUMAN RIGHTS

91. The Commission considered agenda item 8 together with item 19 (see chap. XVII) at its 17th to 20th meetings, held on 11 and 14 February 1983, and at its 31st meeting, on 22 February 1983.

92. The Commission had before it the following documents:

Report of the Secretary-General on the international dimensions of the right to development as a human right (E/CN.4/L.334), prepared in accordance with Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977 and Economic and Social Council decision 229 (LXII) of 13 May 1977;

Study by the Secretary-General on the regional and national dimensions of the right to development as a human right (E/CN.4/L.421 and E/CN.4/L.488), prepared in accordance with Commission resolutions 4 (XXXV) of 2 March 1979, 7 (XXXVI) of 21 February 1980 and 36 (XXXVII) of 11 March 1981, and Economic and Social Council decision 1979/29 of 10 May 1979;

Report of the Working Group of Governmental Experts on the Right to Development submitted in accordance with Commission resolution 1982/17 (E/CN.4/1983/11);

Report of the Secretary-General on the International Seminar on Popular Participation (L/37/442).

93. The Commission heard statements by the observers for Algeria (20th meeting), Austria (18th meeting), the Byelorussian SSR, the Congo and Ethiopia (20th meeting), Peru and the Syrian Arab Republic (18th meeting).

94. The Commission also heard statements by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council (category II): Bahá'í International Community, International Commission of Jurists, International Federation of Human Rights.

95. The representative of Senegal, speaking in his capacity as Chairman of the Working Group of Governmental Experts on the Right to Development, introduced the report of the Group on its two sessions held during 1982 (E/CN.4/1983/11).

96. Many speakers expressed their appreciation for the work of the Working Group and the progress achieved. It was said that the complexity and diversity of the proposals contained in the Working Group's compilation attested to the magnitude of the task ahead. The hope was expressed that a spirit of co-operation would continue to prevail within the Group, and several speakers noted the importance of achieving consensus on a text. There was broad agreement that the mandate of the Working Group should be renewed in order to enable it to complete its task.

97. With respect to the nature of the right to development, a variety of views was expressed. It was said to be a comprehensive right the enjoyment of which involved material well-being as well as the moral and intellectual progress of individuals, societies and the international community. The view was expressed that it was a "synthesis right" embracing the sum of the conditions and obligations which would permit the effective realization of other fundamental human rights. Other speakers described it as a right of solidarity and as a right that might be classified as belonging to a "third generation of human rights".

98. Several speakers expressed the view that the right to development had both individual and collective dimensions. For some delegates, the latter was of particular importance in so far as genuine development and personal fulfilment could only be achieved in a social context and through the realization by the people of rights such as the rights to self-determination and permanent sovereignty over natural resources. In this regard reference was made to article 28 of the Universal Declaration of Human Rights, which provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. Some other speakers stated that, in their view, human rights, including the right to development, could not be possessed or exercised by States and that the ultimate beneficiary and subject of the right to development must always be the individual. In their opinion, individual rights could be, and had been, abused in the name of collective rights, and particularly in the name of the State.

99. With respect to the reports of the Secretary-General on the right to development as a human right (D/CN.4/1334, E/CN.4/1421 and D/CN.4/1488), one speaker expressed the view that sufficient account had not been taken of the differences between the capitalist and socialist systems. In his opinion the role of property and ownership of the means of production and the diverse role of transnational corporations in developing countries would have warranted special consideration. Another speaker was of the opinion that, despite the thoroughness and the very high quality of the Secretary-General's reports, the recent resolutions of the Commission had not taken them sufficiently into account.

100. The right to development was said by some speakers to be a reflection or an extension of the right of peoples and nations to self-determination and to rest upon recognition of the right to life in peace as a basic human right. The evolutionary nature of the concept of the right to development was also noted. Several representatives expressed the view that the declaration on the right to development would, when completed, constitute a valuable contribution to the codification and progressive development of international law.

101. Many speakers emphasized the interdependence, indivisibility and equal importance of all human rights, including the right to development. However, it was said that, in the past, economic, social and cultural rights had not always been accorded a degree of attention equal to that granted to civil and political rights.

102. The importance of achieving a new international economic order and of restructuring and democratizing international economic relations was underlined by several speakers. It was stressed by several speakers that among the main obstacles to the right to development were colonialism, neo-colonialism, apartheid, racial discrimination, foreign aggression, foreign occupation and interference in the internal affairs of nations. For the realization of the right to development it was also said to be essential to guarantee international peace and security, to

cease the arms race and to advance towards global disarmament. In the view of some representatives, social and economic reforms within the developing countries were essential concomitants to the establishment of a new international economic order.

103. Several speakers noted the importance of popular participation as a human right in itself and as an important factor in the realization of all human rights, including the right to development. It was said that popular participation took many different forms in different societies, ranging from a strategy to mobilize national human resources for development to a transfer of power to people by virtue of their involvement in all decision-making on matters affecting their well-being and their role in society. In this regard reference was made to the conclusions and recommendations adopted by the International Seminar on Popular Participation held at Ljubljana, Yugoslavia, from 17 to 25 May 1982 (A/37/442) and to the need for a comprehensive study emphasizing the human rights aspects of the various forms of popular participation.

104. At the 31st meeting, on 22 February 1983, the representative of Yugoslavia introduced a draft resolution (E/CN.4/1983/L.30) sponsored by Algeria, ^{*/} Bangladesh, China, Colombia, Costa Rica, Cuba, Cyprus, Ethiopia, ^{*/} Ghana, India, Iraq, ^{*/} the Libyan Arab Jamahiriya, Madagascar, ^{*/} Mexico, Mozambique, Nicaragua, Peru, ^{*/} the Philippines, Poland, the Syrian Arab Republic, ^{*/} Uganda, Venezuela, ^{*/} Yugoslavia and Zimbabwe.

105. At the same meeting the draft resolution was revised on the proposal of the representative of Ireland, accepted by the sponsors, so that the word "persons" at the end of the fifth preambular paragraph would read "person". On the proposal of the representative of Australia, also accepted by the sponsors, the draft resolution was further revised so that the word "Recognizes" in operative paragraph 2 of the Commission's draft resolution was replaced by "Considers".

106. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1983/L.41) ^{1/} of the draft resolution.

107. The representatives of Australia, Canada, Ireland and the United Kingdom made statements in explanation of vote before the vote.

108. Also at the same meeting the representative of the United Kingdom requested a separate vote on the words "the right to" contained in operative paragraph 2 of the Commission's draft resolution and operative paragraph 1 of the draft resolution for adoption by the Council. By 27 votes to 3, with 13 abstentions, the Commission decided to retain these words. The draft resolution was then adopted by 42 votes to 1.

109. The representatives of the Federal Republic of Germany and the United States of America made statements in explanation of vote after the vote.

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{1/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

110. For the text of the resolution, see chapter XXVII, section L, resolution 1983/14.

111. At the 31st meeting, on 22 February 1983, the representative of Senegal introduced a draft resolution (E/CN.4/1983/L.33) sponsored by Algeria, ^{*/} Argentina, Bangladesh, Belgium, ^{*/} Brazil, Bulgaria, China, Colombia, the Congo, ^{*/} Costa Rica, Cuba, Ethiopia, ^{*/} France, Gambia, Ghana, Greece, ^{*/} India, Iraq, ^{*/} the Ivory Coast, ^{*/} the Libyan Arab Jamahiriya, Madagascar, ^{*/} Mexico, Morocco, ^{*/} Mozambique, the Netherlands, Nicaragua, Panama, ^{*/} Peru, ^{*/} the Philippines, Poland, Rwanda, Senegal, the Syrian Arab Republic, ^{*/} Togo, Uganda, the United Republic of Tanzania, Venezuela, ^{*/} Viet Nam, ^{*/} Yugoslavia, Zaïre and Zanzibar. At the same time the sponsors orally revised the ninth preambular paragraph to read as follows: "Taking into account General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979 and all other relevant resolutions of the General Assembly".

112. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1983/L.40) ^{2/} of the draft resolution.

113. The representatives of Australia, Canada and Finland made statements in explanation of the vote before the vote.

114. At the same meeting, draft resolution E/CN.4/1983/L.33, as orally revised, was adopted by a roll-call vote, requested by the representative of Senegal, of 40 to none, with 3 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, India, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaïre, Zanzibar.

Against: None.

Abstaining: Finland, Ireland, United States of America.

115. The representatives of Bulgaria, Ireland, the Federal Republic of Germany, the USSR and the United Kingdom made statements in explanation of vote after the vote.

116. For the text of the resolution, see chapter XXVII, section A, resolution 1983/15.

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{2/} An estimate of administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

117. At the 31st meeting, on 22 February 1983, the Commission considered draft resolution II proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission, contained in the report of the Sub-Commission (E/CW.4/1983/4, chap. I, sect. A). The draft resolution was adopted by the Commission by 36 votes to none, with 5 abstentions. The representatives of Brazil, Colombia, the Federal Republic of Germany, Japan and the United Kingdom made statements in explanation of vote after the vote.

118. For the text of the resolution, see chapter XXVII, section 4, resolution 1983/16.

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

119. The Commission considered agenda item 9 jointly with item 4 (see chap. II above) at its 2nd to 11th meetings, held from 1 to 8 February 1983. Item 9 was further considered by the Commission at its 21st to 23rd meetings, held on 15 and 16 February 1983.

120. For its consideration of the item, the Commission had before it the following documentation:

Note by the Secretary-General containing a list of studies and publications prepared by the Division on Palestinian Rights (E/CN.4/1983/2 and Add.1);

Note by the Secretary-General transmitting the review of materials and the summary records of the Sub-Commission relating to the situation in Kampuchea, pursuant to resolution 1982/22 of the Sub-Commission (E/CN.4/1983/12);

Letter dated 1 February 1983 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1983/40);

Letter dated 2 February 1983 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1983/41);

Note verbale dated 3 February 1983 from the Permanent Mission of Indonesia to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1983/42);

Letter dated 7 February 1983 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1983/46);

Letter dated 8 February 1983 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1983/49);

Report of the Secretary-General on legislation against mercenaries, submitted pursuant to Commission resolution 1982/16 (E/CN.4/1983/13);

Report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, organized by the Centre for Human Rights (ST/HR/SER.A/14).

121. The Commission heard statements by the observers for the following States: Afghanistan (9th, 10th and 11th meetings), Algeria (3rd, 9th and 10th meetings), Bahrain (4th meeting), Byelorussian SSR (6th and 9th meetings), Czechoslovakia (7th and 10th meetings), Democratic Kampuchea (9th and 10th meetings), Democratic Yemen (5th meeting), Egypt (6th meeting), Ethiopia (11th meeting), German Democratic Republic (6th and 9th meetings), Honduras (11th meeting), Hungary (6th and 10th meetings), Indonesia (10th and 11th meetings), Iran (Islamic Republic of) (4th, 6th and 9th meetings), Israel (3rd, 5th, 6th and 10th meetings), Kuwait (6th meeting),

Madagascar (5th meeting), Malaysia (10th meeting), Morocco (6th, 9th and 11th meetings), Portugal (10th and 11th meetings), Somalia (5th meeting), Sudan (9th meeting), Syrian Arab Republic (5th, 6th, 7th and 10th meetings), Tunisia (6th meeting), Viet Nam (6th, 9th and 10th meetings), Yemen (9th meeting). The representative of the Palestine Liberation Organization made statements at the 2nd, 4th, 5th, 6th, 8th and 10th meetings. The representative of the League of Arab States made a statement at the 6th meeting. The representative of the African National Congress made a statement at the 9th meeting.

122. The Commission also heard statements by the following non-governmental organizations in consultative status: category I - World Muslim Congress (7th meeting), category II - Afro-Asian Peoples' Solidarity Organization (5th meeting), International Commission of Jurists (4th meeting), International Indian Treaty Council (7th meeting), International League for the Rights and Liberation of Peoples (10th meeting), International Organization for the Elimination of All forms of Racial Discrimination (4th meeting), Pax Christi (10th meeting), Pax Romana (10th meeting).

123. During the debate on the item, most speakers recognized respect for the right to self-determination as one of the fundamental principles of contemporary international law and as a prerequisite for the exercise of other human rights and fundamental freedoms. The Declaration on the Granting of Independence to Colonial Countries and Peoples was referred to by many delegations and the necessity for its speediest and complete implementation was stressed. References were also made in this respect to the Charter of the United Nations, article 1 of the International Covenant on Human Rights, General Assembly resolutions 37/42 and 37/43, and other pertinent decisions of United Nations organs. Several delegations referred to the broader meaning of self-determination and in this connection reiterated that full enjoyment of this right required also the holding by States of free, fair and regular elections to ensure fully representative government.

124. A profound concern was expressed by many speakers at the fact that foreign occupation, colonialism and neo-colonialism, apartheid and racial discrimination still existed in parts of Africa, the Middle East, Asia and other regions. They pointed out that the Commission should focus its efforts on working out new and effective measures to achieve the speedy liberation of peoples under colonial or alien domination or foreign occupation.

125. Most of the speakers condemned the continued denial by Israel to the Palestinian people of its right to self-determination. It was emphasized that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region could be achieved without the full exercise by the Palestinian people of its inalienable rights, including the right to return to the homes and property from which it had been displaced and uprooted, and the rights to self-determination, national independence and the establishment of its own fully independent and sovereign State in Palestine. Some delegations made reference to the fundamental principles for a peace settlement embodied in the Venice Declaration of June 1980 by the Member States of the European Economic Community, namely, the right to existence and security of all States in the region, including Israel, and justice for all the peoples in the area, which implied recognition of the legitimate rights of the Palestinian people, including its right to self-determination. Some delegations referred to the Arab peace plan adopted at the Twelfth Arab Summit Conference, held at Fez, Morocco. It was also stressed that the existing situation in the Middle East continued to constitute a dangerous threat to international peace and security.

126. Many speakers pointed out that the future of the Palestinian people could only be considered with the participation of that people and that a comprehensive political settlement of the situation in the Middle East was only possible through negotiations in which all interested parties, including the Palestine Liberation Organization, would be represented.

127. Grave concern and indignation were expressed at recent Israeli aggression against sovereign Lebanon which had caused a considerable number of new victims among a peaceful population and meant that Israel had undertaken further steps towards escalation and expansion of the conflict in the region. Many speakers drew the attention of the Commission to the atrocities of Israeli aggressors against refugees in the Palestinian camps of Sabra and Shatila which in their view constituted an act of genocide.

128. Many representatives deplored the persistence of Israel in carrying out measures designed to change the legal status, geographical nature and demographic composition of the occupied territories. It was stated that such measures had no legal validity and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constituted a violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was applicable to all Arab territories occupied since 1967, including Jerusalem. References were made in that connection to Security Council resolutions 446 (1979) and 465 (1980) and to the recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, as well as to the conclusions of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982 (SI/HR/SER.A/14).

129. Speaking as an observer, the representative of Israel regretted that the issue of Palestinian Arabs had been raised in the context of self-determination. In his view, calls for Palestinian self-determination were ploys aimed at Israel's elimination. He said that the main reason for the continuous tension in the Middle East was the refusal of the majority of Arab States to accept Israel's right to exist and that in June 1982 Israel had been obliged to exercise its legitimate right to self-defence. Israel remained committed to the process of peace initiated by the Camp David accords, which, in his view, provided a practical framework for a just and comprehensive settlement to the Arab-Israeli conflict.

130. The representative of the Palestine Liberation Organization stated that, as a result of continuous escalation of the Israeli aggressive policy, the situation of the Palestinian people was constantly deteriorating. Having ignored all the decisions of the United Nations and other international forums, Israel continued to refuse to recognize the basic human rights of the Palestinian people and to pursue its plans to annex the occupied territories through the continuing establishment of settlements, the number of which exceeded 150. Although many Palestinians lived in several neighbouring countries of Israel, their wish was to return to their homeland. He also pointed out that the Palestinian people relied on its own struggle, and on the support of friendly peoples, to achieve self-determination, national independence and the full enjoyment of human rights.

131. The inalienable right of the people of Namibia to self-determination and independence in a united Namibia was stressed by many speakers. They deplored the continuing repression and exploitation of the Namibian people and their natural resources and the attempts to destroy the national unit and territorial integrity

of Namibia by the regime of South Africa. Many representatives expressed their support for the struggle of the Namibian people, under the leadership of the South West Africa People's Organization, to achieve self-determination, freedom and national independence. Reference was also made to the necessity of the immediate and unconditional implementation of the United Nations decisions on Namibia, particularly Security Council resolution 435 (1978). Referring to the activities of the "contact group of five" on Namibia, certain speakers condemned the manoeuvres of one of its members, which, in their view, were aimed at a neo-colonialist solution of the Namibian problem. On the other hand, some speakers stressed their support for the efforts of the "contact group of five" to achieve a prompt accession of Namibia to independence in accordance with the United Nations plan embodied in Security Council resolution 435 (1978), which in their view offered the best prospects for a negotiated solution.

132. Touching upon the situation in southern Africa, many representatives condemned the policies and actions of the apartheid regime of South Africa for its repeated acts of aggression, subversion and terrorism against independent African States, for its continued illegal occupation of Namibia and for its persistent refusal to comply with resolutions of the United Nations. It was also stressed that "bantustanization" was incompatible with genuine independence and national unity and was unacceptable because it deprived the black population of South Africa of their right to citizenship of their country and was contrary to the principle of self-determination. Collaboration of certain Western countries with the Government of South Africa in the nuclear, economic and military fields was condemned.

133. Many representatives expressed their profound concern at the continuing presence of Soviet military troops in Afghanistan which they considered to be in contravention of the purposes and principles of the Charter of the United Nations and the basic principles governing international relations. In the view of those representatives, that military presence constituted a flagrant violation of the fundamental freedoms and human rights as well as of the right to self-determination of the Afghan people. The opinion was also expressed that the Soviet military presence posed a serious threat to peace and security in that part of the world, remained a constant source of destabilization in South Asia and a grave obstacle to the improvement of international relations. It was emphasized that the current situation in Afghanistan was a direct result of the policy of hegemony. Those speakers expressed regret that the repeated appeals by the international community for the withdrawal of Soviet troops from Afghanistan remained unheeded. In the view of those speakers, the lasting settlement of the problem resided in the total withdrawal of foreign forces from Afghanistan. Reference was made to the initiatives of the Organization of the Islamic Conference and the efforts of the members of the Movement of Non-Aligned Countries. Appreciation was expressed for the efforts and constructive steps taken by the Secretary-General of the United Nations to commence and continue a diplomatic process to achieve a just political settlement of the Afghan problem.

134. Concern was also expressed about the problem of the millions of refugees from Afghanistan, which, in the view of several speakers, posed serious social and economic difficulties to the neighbouring countries. It was said that since the foreign military intervention in Afghanistan, the number of such refugees was constantly increasing. Divergent views were expressed about the number of refugees, the character and causes of the problem and possible solutions to it. The urgent need for a political solution of the situation in Afghanistan on the basis of the total withdrawal of foreign forces from that country was stressed by many speakers.

135. Some delegations rejected the above-mentioned statements concerning the situation in Afghanistan and stated that discussion of the situation in that country constituted a flagrant interference in the internal affairs of Afghanistan, and was contrary to the principles of international law as embodied in the Charter of the United Nations. It was further indicated that the assistance rendered by the Soviet Union at the request of the Government of Afghanistan was in accordance with the Afghan-Soviet treaty of friendship and in strict conformity with the Charter of the United Nations. The Soviet assistance was required to help Afghanistan in defending its security and national independence against continued armed incursions from outside. It was stated that the so-called "Afghan question" had been deliberately invented to cover an undeclared but real war against Afghanistan and its people waged by imperialist, hegemonist and other reactionary forces. It was also stated that the only realistic basis for the political settlement of the situation in that region resided in the proposals made by the Government of Afghanistan which provided for the cessation of all armed and any other interference in the internal affairs of that country and in the creation of conditions for preventing such interference in the future.

136. Referring to the situation in Kampuchea, several speakers deplored the continued Vietnamese military occupation of Kampuchea as a flagrant violation of the right to self-determination of the Kampuchean people, which, in their view, constituted a serious threat to international peace and security, particularly in South-East Asia. An urgent need for a comprehensive political solution to the Kampuchean problem, as envisaged in General Assembly resolutions 34/22, 35/16, 35/15 and 37/16, was stressed by several speakers. Such a solution should, in their view, provide for the withdrawal of all foreign military forces and the exercise of the right to self-determination by the Kampuchean people in a free election under the supervision of the United Nations. According to those speakers, that would enable the Kampuchean refugees to return to their homeland safely. They said that the formation of the Democratic Kampuchea coalition was a positive development.

137. On the other hand, some speakers rejected what, in their view, constituted attempts to use the Commission on Human Rights as a platform for interfering in the internal affairs of Kampuchea, whose people had exercised its right to self-determination in January 1979 when it had overthrown the regime of Pol Pot. It was stated that the presence of Vietnamese troops in Kampuchea was part of the fraternal assistance given to Kampuchea by Viet Nam and stemmed from a valid agreement between Kampuchea and the Socialist Republic of Viet Nam, two independent sovereign countries, and that those troops would be withdrawn just as soon as peace and security were restored in the region. Similarly, some speakers said that the formation of the so-called governmental coalition was an attempt to reimpose the Pol Pot regime. They stressed that the aforementioned resolutions were illegal.

138. On the question of Western Sahara, several representatives expressed their concern regarding the decolonization of that territory and the right of peoples living there to self-determination and independence. References were made in that connection to General Assembly resolution 37/42 of 3 December 1982, General Assembly decision 37/411 of 25 November 1982 and Commission resolutions 12 (XXXVII) of 6 March 1981 and 1982/15 of 25 February 1982. Several speakers expressed their support for the resolutions of various international bodies, the Organization of African Unity in particular, concerning the organization throughout the territory of Western Sahara of a general and free referendum of the people of Western Sahara on self-determination. It was stressed that only through negotiations could a just and lasting peace be established in that part of Africa. Appeals were made to the parties to the conflict to observe a cease-fire in accordance with relevant resolutions.

139. Several delegations expressed their support for draft resolution VII submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1983/4, chap. I, sect. 4), concerning the problem of self-determination of the people of East Timor, and requested the Commission to adopt it. Others objected and stated that the people of East Timor had already obtained its self-determination and that there was no need to adopt any resolution on the matter.

140. Some representatives drew the attention of the Commission to the fact that many small colonial territories in the Pacific, Indian and Atlantic oceans were still denied their right to self-determination. It was stated that, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, such small territories were fully entitled to self-determination and independence as former colonial countries, irrespective of their size, population and geographic location. The colonial Powers, it was added, were trying to perpetuate their hold on such territories, mainly for strategic military purposes. References were made in that connection to Diego Garcia, Guantánamo, Micronesia, Puerto Rico and other territories. According to other speakers, self-determination could properly be achieved only if paramount importance was accorded to the wishes of the population of those territories.

141. An exchange of views was also held with regard to some other countries and territories.

142. Six draft resolutions on item 9, (E/CN.4/1983/L.12, E/CN.4/1983/L.14, E/CN.4/1983/L.15, E/CN.4/1983/L.16, E/CN.4/1983/L.17 and draft resolution VII recommended by the Sub-Commission) were submitted to the Commission.

143. At the 21st meeting the representative of Senegal introduced a draft resolution (E/CN.4/1983/L.12) sponsored by Algeria, / Bahrain, / Bangladesh, Bulgaria, Cuba, Democratic Yemen, / the German Democratic Republic, / Iraq, / Jordan, Kuwait, / Madagascar, / Morocco, / Mozambique, Nicaragua, Pakistan, Qatar, / Senegal, the Syrian Arab Republic, / Tunisia, / the Ukrainian Soviet Socialist Republic, the United Arab Emirates, / the United Republic of Tanzania, Viet Nam, / Yugoslavia and Zimbabwe. Afghanistan, / the Congo, / Czechoslovakia, / and the Gambia joined the sponsors.

144. At the same meeting the representative of Senegal, on behalf of the sponsors, orally revised the draft resolution as follows: at the end of operative paragraph 3 the words "for which the responsibility of the Israeli Government has been established" were added; and operative paragraph 4 was redrafted to form the following two new paragraphs 4 and 5

"4. Decides that the massacre was an act of genocide,

"5. Requests the General Assembly to declare 17 September a day to commemorate the memory of the victims of Sabra and Shatila,"

the following paragraphs being renumbered accordingly. Following the introduction of these revisions, the United Republic of Tanzania withdrew its sponsorship of the draft resolution.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

145. The Commission considered the draft resolution at its 21st and 22nd meetings. At the 21st meeting statements relating to the draft resolution were made by the representative of Bangladesh, the observers for Czechoslovakia, Israel, the Syrian Arab Republic and the representative of the Palestine Liberation Organization. At the 22nd meeting the representatives of Colombia and Canada made statements in explanation of vote before the vote. Separate votes were requested on operative paragraphs 3, 11 and 12. The votes on all of these paragraphs and on the draft resolution as a whole were taken by roll-call.

146. At the 22nd meeting the Commission decided on draft resolution E/CN.4/1983/L.12 as follows:

(a) Operative paragraph 3 was adopted by 22 votes to 10, with 9 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Cuba, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Costa Rica, Fiji, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Finland, France, Ireland, Japan, Mexico, Philippines, Zaire.

The representatives of Colombia and Cyprus did not participate in the vote.

(b) Operative paragraph 11 was adopted by 24 votes to 10, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Abstaining: Brazil, Fiji, Finland, Ireland, Japan, Mexico, Philippines, Rwanda, Uruguay.

(c) Operative paragraph 12 was adopted by 19 votes to 13, with 11 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Abstaining: Argentina, Brazil, China, Fiji, Finland, Mexico, Philippines, Rwanda, Togo, United Republic of Tanzania, Uruguay.

(d) Draft resolution E/CN.4/1983/L.12 as a whole was adopted by 26 votes to 7, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Fiji, Finland, France, Ireland, Japan, Mexico, Philippines, Uruguay, Zaire.

147. For the text of the resolution, see chapter XXVII, section 4, resolution 1983/3.

148. At the 21st meeting, the representative of Zimbabwe introduced a draft resolution (E/CN.4/1983/L.14/Rev.1) sponsored by Afghanistan, ^{1/} Algeria, ^{2/} the Congo, ^{3/} Costa Rica, Cuba, Cyprus, Democratic Yemen, ^{4/} Ghana, Iran (Islamic Republic of), ^{5/} the Libyan Arab Jamahiriya, Madagascar, ^{6/} Mexico, Mozambique, Nicaragua, Rwanda, Uganda, the United Republic of Tanzania, Viet Nam, ^{7/} Yugoslavia and Zimbabwe. Panama ^{8/} and Venezuela ^{9/} joined the sponsors. At the same meeting the representatives of Morocco and Zimbabwe and the observer for Viet Nam made statements relating to the draft resolution.

149. The Commission considered the draft resolution at its 23rd meeting. The representative of Canada made a statement in explanation of vote before the vote.

150. At the same meeting the Commission adopted draft resolution E/CN.4/1983/L.14/Rev.1 by 16 votes to 2, with 15 abstentions. The representatives of Costa Rica, Ghana, India, Mozambique, Rwanda, Senegal, the United Republic of Tanzania, Uruguay, Zaire and Zimbabwe were absent at the time of voting. Later, the representatives of those States made statements to the effect that if they had been present at the time of voting they would have voted as follows: Costa Rica, Ghana, India, Mozambique, Rwanda, the United Republic of Tanzania and Zimbabwe would have voted in favour; Senegal and Zaire would have voted against; and Uruguay would have abstained.

^{1/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

151. For the text of the resolution, see chapter XXVII, section A, resolution 1983/6.

152. At the 21st meeting the representative of Uganda introduced a draft resolution (E/CN.4/1983/L.15) sponsored by Algeria, ^{*/} the Congo, ^{*/} Cuba, Egypt, ^{*/} Ethiopia, ^{*/} Ghana, Madagascar, ^{*/} Mozambique, Rwanda, Somalia, ^{*/} the Sudan, ^{*/} Uganda, the United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe. Afghanistan, ^{*/} Bangladesh, the Libyan Arab Jamahiriya, Nicaragua, Pakistan, the Syrian Arab Republic, ^{*/} Tunisia ^{*/} and Viet Nam ^{*/} joined the sponsors. The representatives of Czechoslovakia and Viet Nam made general comments on the draft resolution.

153. The Commission considered the draft resolution at its 22nd meeting. Roll-call votes were requested on operative paragraph 3 of the draft resolution and on the draft resolution as a whole.

154. At the same meeting the Commission decided on draft resolution E/CN.4/1983/L.15 as follows:

(a) Operative paragraph 3 was adopted by 27 votes to 12, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zaire, Zimbabwe.

Against: Australia, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Fiji, Japan, Philippines, Uruguay.

(b) The draft resolution as a whole was adopted by 31 votes to 7, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

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

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Abstaining: Finland, Ireland, Japan, Netherlands.

The representative of Costa Rica did not participate in the vote.

155. For the text of the resolution, see chapter XXVII, section A, resolution 1983/4.

156. At the 21st meeting the representative of the Philippines introduced a draft resolution (E/CN.4/1983/L.16) sponsored by Australia, Canada, Costa Rica, Germany, Federal Republic of, Fiji, Italy, Japan, Malaysia, ^{*}/ the Netherlands, New Zealand, ^{*}/ Pakistan, Peru, ^{*}/ the Philippines, Singapore, ^{*}/ Somalia, ^{*}/ Thailand, ¹/ The United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire. Belgium ^{*}/ and the Gambia joined the sponsors. At the same meeting the representative of Bangladesh and the observers for Democratic Kampuchea and Viet Nam made statements relating to the draft resolution.

157. The Commission considered the draft resolution at its 22nd meeting. The representatives of the Soviet Union, Bulgaria, Cuba and the Ukrainian SSR made statements in explanation of vote before the vote. A roll-call vote was requested on the draft resolution as a whole.

158. The Commission adopted draft resolution E/CN.4/1983/L.16 by 26 votes to 9, with 4 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: Bulgaria, Cuba, India, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Mexico, Uganda, United Republic of Tanzania.

The representative of Cyprus did not participate in the vote.

159. For the text of the resolution, see chapter XXVII, section A, resolution 1983/5.

160. At the 21st meeting the representative of Pakistan introduced a draft resolution (E/CN.4/1983/L.17) sponsored by Bahrain, ^{*}/ Bangladesh, Costa Rica, Egypt, ^{*}/ Fiji, Jordan, Malaysia, ^{*}/ Morocco, ^{*}/ Oman, ^{*}/ Pakistan, the Philippines, Qatar, ^{*}/ Saudi Arabia, ^{*}/ Senegal, Singapore, ^{*}/ Somalia, ^{*}/ the Sudan, ^{*}/ Thailand, ^{*}/ Tunisia, ^{*}/ Turkey, ^{*}/ the United Arab Emirates ^{*}/ and Uruguay. The Gambia and Zaire joined the sponsors. At the same meeting the representatives of Afghanistan, Bangladesh, Czechoslovakia and Viet Nam made general comments on the draft resolution.

^{*}/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

161. The Commission considered the draft resolution at its 23rd meeting. The representatives of the Soviet Union, Bulgaria, China and the Ukrainian SSR made statements in explanation of vote before the vote. A roll-call vote was requested on the draft resolution as a whole.

162. At the same meeting the Commission adopted draft resolution E/CN.4/1983/L.17 by 29 votes to 7, with 5 abstentions. The voting was as follows:

In favour Argentina, Australia, Bangladesh, Brazil, Canada, China, Colombia, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zimbabwe.

Against Bulgaria, Cuba, Libyan Arab Jamahiriya, Mozambique, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining Cyprus, Finland, India, Nicaragua, Uganda.

163. The representatives of Costa Rica and Zaire were absent at the time of the voting. Later they said that if they had been present, they would have voted in favour.

164. For the text of the resolution, see chapter XXVII, section A, resolution 1983/7.

165. At its 23rd meeting the Commission considered draft resolution VII recommended to the Commission for adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1983/4, chap. I, sect. A). The representatives of Bangladesh and Canada made statements in explanation of vote before the vote. The representative of Bangladesh requested a roll-call vote on the draft resolution as a whole.

166. At the same meeting the Commission adopted the draft resolution by 16 votes to 14, with 10 abstentions. The voting was as follows:

In favour Brazil, China, Cuba, Cyprus, Ghana, Ireland, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Zimbabwe.

Against Argentina, Australia, Bangladesh, Canada, Colombia, Fiji, Gambia, India, Japan, Jordan, Pakistan, Philippines, United States of America, Uruguay.

Abstaining Finland, France, Germany, Federal Republic of, Italy, Netherlands, Poland, Rwanda, Senegal, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

The representative of Bulgaria did not participate in the vote.

167. The representative of Zaire later stated that if he had been present at the time of the voting, he would have abstained.

168. For the text of the resolution, see chapter XXVII, section A, resolution 1983/8.

169. At the 23rd meeting the representatives of Brazil, the United Kingdom, Australia, Finland, Argentina, France, Ireland, Cuba, the Netherlands, the Libyan Arab Jamahiriya, the Federal Republic of Germany and Italy made statements in explanation of vote after the vote on draft resolutions E/CN.4/1983/L.12, E/CN.4/1983/L.14/Rev.1, E/CN.4/1983/L.15, E/CN.4/1983/L.16 and E/CN.4/1983/L.17 and on draft resolution VII recommended by the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A).

VIII QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR (a) TORTURE AND OTHER CRUEL, INHUMAN OR DegrADING TREATMENT OR PUNISHMENT, (b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

170. The Commission considered agenda item 10 jointly with subitem 10 (b) at its 20th, 23rd to 25th, 28th, 31st and 32nd meetings, held on 14, 16, 17, 21 and 22 February 1983, and at its 49th meeting, on 7 March 1983. Item 10 (a) was considered at the 31st and 32nd meetings, on 22 February, and at the 54th meeting, on 9 March 1983.

171. The Assistant Secretary-General, Centre for Human Rights, introduced the item at the 20th meeting, on 14 February 1983.

172. At the 32nd meeting, on 22 February 1983, a draft resolution (E/CN.4/1983/L.29/Rev.1) sponsored by Canada, Peru / and Senegal was introduced by the representative of Canada, who, on behalf of the sponsors, revised the text by deleting operative paragraph 3.

173. At the same meeting, draft resolution E/CN.4/1983/L.29/Rev.1, as orally revised, was adopted without a vote.

174. For the text of the resolution, see chapter XXVII, section A, resolution 1983/13.

175. At the 49th meeting, on 7 March 1983, the representative of Cuba introduced a draft resolution (E/CN.4/1983/L.31/Rev.1) sponsored by Algeria, / Bahrain, / Bangladesh, China, Congo, / Cuba, Cyprus, Egypt, / India, Iraq, / Jordan, the Libyan Arab Jamahiriya, Morocco, / Mozambique, Nicaragua, Senegal, Tunisia / and Yugoslavia.

176. At the same meeting, the representatives of the Gambia and Pakistan announced that they had joined the sponsors of the draft resolution, and the representative of the Libyan Arab Jamahiriya withdrew from the list of sponsors. Statements concerning the draft resolution were made by the representatives of Bangladesh and Jordan and by the observers for Israel and the Syrian Arab Republic. The representative of the Palestine Liberation Organization also made a statement. Explanations of votes before the vote were made by the representatives of the Libyan Arab Jamahiriya and the United States of America.

177. At the same meeting draft resolution E/CN.4/1983/L.31/Rev.1 was put to the vote. At the request of the representative of Cuba, the vote was taken by roll-call. The draft resolution was adopted by 40 votes to none, with 2 abstentions. The voting was as follows

In favour Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan,

/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Philippines, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against None.

Abstaining Libyan Arab Jamahiriya, United States of America.

178. For the text of the resolution, see chapter XXVII, section A, resolution 1983/27.

A. Torture and other cruel, inhuman or degrading treatment or punishment

179. The Commission had before it the report of the informal open-ended working group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1983/L.2).

180. At the 54th meeting, on 9 March 1983, the Chairman-Rapporteur introduced the Working Group's report. At the same meeting the Commission heard statements by the representatives of Australia, Canada, Colombia, Iran (Islamic Republic of) and Iraq.

181. At the same meeting, the Commission took note of the report of the Working Group (E/CN.4/1983/L.2). 1/

182. At the 31st meeting, on 22 February 1983, the representative of Finland introduced a draft resolution (E/CN.4/1983/L.32) sponsored by Denmark, 1/ Finland, Norway 1/ and Sweden, 2/ concerning the United Nations Voluntary Fund for Victims of Torture.

183. At the 32nd meeting, on 22 February 1983, draft resolution E/CN.4/1983/L.32 was adopted without a vote.

184. For the text of the resolution, see chapter XXVII, section A, resolution 1983/19.

185. At the 54th meeting, on 9 March 1983, the representative of Finland introduced a draft resolution (E/CN.4/1983/L.62), sponsored by Cuba, Denmark, 1/ Finland, France, Greece, 4/ India, the Netherlands, Norway, 1/ Senegal and Sweden. 2/ Colombia and Australia joined the sponsors. The Commission's attention was drawn to an estimate (E/CN.4/1983/L.84) of the programme budget implications of the draft resolution. 2/

186. At the same meeting, draft resolution E/CN.4/1983/L.62 was adopted without a vote.

1/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ To be reissued under the symbol E/CN.4/1983/63.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

187. For the text of the resolution, see chapter XXVII, section A, resolution 1983/48

B. Question of enforced or involuntary disappearances

188. In connection with its consideration of subitem 10 (b) of its agenda, the Commission had before it the following documents: report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1983/14), a written statement submitted by the International Committee of the Red Cross, a non-governmental organization in consultative status (category II) (E/CN.4/1983/1860/34), a written statement submitted by the Christian Democratic World Union, a non-governmental organization in consultative status (category II) (D/CN.4/1983/1860/37).

189. At the 20th meeting the Chairman-Reporteur of the Working Group on Enforced or Involuntary Disappearances introduced the Group's report (E/CN.4/1983/14). He referred to the new format of the report but emphasized that in summarizing what had been said by those attending the meetings of the Group there was no question of the Group exercising any judgement. He also drew attention to the figures included in the report and urged that these should not be regarded as the sole test of the Group's work and the response to it. He further made reference to General Assembly resolutions 37/180 and 37/181 of 17 December 1982.

190. At its 24th and 25th meetings, the Commission heard statements by the observers for Austria, Bolivia, Cuba, El Salvador, Ethiopia, Guatemala, Iran (Islamic Republic of), Iraq, Peru, Spain, Sweden, Switzerland and the Syrian Arab Republic. At the 24th meeting a representative of the Centre for Social Development and Humanitarian Affairs made a statement, and at the 25th meeting the representative of the Palestine Liberation Organization made a statement.

191. The representatives of the following non-governmental organizations in consultative status with the Economic and Social Council made statements: Amnesty International (category II), Baha'i International Community (category II), Christian Democratic World Union (category II), International Commission of Jurists (category II), International Federation of Rural Adult Catholic Movements (Roster), International Federation of Human Rights (category II), International Indian Treaty Council (category II), International League for the Rights and Liberation of Peoples (Roster), International Movement for Fraternal Union among Races and Peoples (category II), Pax Christi (category II), Pax Romana (category II), Arab Lawyers Union (category II) and Women's International League for Peace and Freedom (category II).

192. Many speakers praised the impartial and humanitarian work of the Working Group and expressed appreciation for its report. They also supported the renewal of the Working Group's mandate. Many speakers underlined the fact that disappearances continued to occur throughout the world and some requested the Commission to extend the terms of reference of the Group and devise ways and means by which more effective action could be taken. Some speakers suggested that a thorough analysis of the phenomenon of disappeared persons and its causes would be useful, others stated that the phenomenon of missing persons and the practice of enforced disappearances constituted an international crime and called for the drafting of an international convention. Many speakers stressed that the co-operation of Governments was important to the success of the Group's work, and many speakers welcomed the increased co-operation by Governments. In the view of various speakers, all Governments should be urged to co-operate fully with the Group. Emphasis was laid by several speakers on the urgent need to show results and some speakers

expressed concern that only a few cases had been clarified. Governments were urged to do their utmost to clarify whether cases had been solved.

193. At the 1st meeting, on 22 February 1983, the representative of France introduced draft resolution E/CN.4/1983/L.28.

194. At the 32nd meeting, on 22 February 1983, the Commission's attention was drawn to the estimate of the programme budget implications (E/CN.4/1982/L.44) ^{2/} of draft resolution E/CN.4/1983/L.28.

195. Before the adoption of the draft resolution, a statement was made by the representative of Nicaragua.

196. At the same meeting, draft resolution E/CN.4/1983/L.28 was adopted without a vote.

197. After the adoption of the resolution, statements were made by the representatives of Cyprus, Italy and the United States of America.

198. For the text of the resolution, see chapter XXVII, section A, resolution 1983/20.

199. At the 32nd meeting, on 22 February 1983, on the proposal of the representative of Yugoslavia, the Commission decided by 41 votes to none to postpone to its fortieth session consideration of draft resolution V recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1983/4, chap. I, sect. A).

200. For the text of the decision, see chapter XXVII, section B, decision 1983/112.

^{2/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

201. The Commission considered its agenda item 11 at its 54th, 55th and 56th meetings, on 9 and 10 March 1983.

202. The Commission had before it the following documents: the report of the informal open-ended working group established at the thirty-eighth session of the Commission, contained in section B of the addendum (E/1982/12/Add.1) to the Commission's report on its thirty-eighth session; the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session (E/CN.4/1983/4) containing Sub-Commission resolution 1982/27, the report (E/CN.4/1983/L.3) of the open-ended working group established under Commission resolution 1982/40, the report (E/CN.4/1983/L.4) of the informal working group of 10 members established under Commission resolution 1982/40.

203. At the 54th meeting, the Assistant Secretary-General, Centre for Human Rights, introduced the item.

204. The Commission heard a statement by the observer for Peru (35th meeting).

205. The representatives of the following non-governmental organizations in consultative status with the Economic and Social Council made statements: Christian Democratic World Union, International Law Association, World Council of Indigenous Peoples.

206. At the same meeting, Mrs. L. Puri (India), who had been elected Chairman-Rapporteur of the open-ended working group, introduced the report on the group's session (E/CN.4/1983/L.3), which she orally revised. Mr. Declan O'Donovan (Ireland), who had been elected Chairman-Rapporteur of the informal working group of 10 members, also introduced the report of that group (E/CN.4/1983/L.4).

207. Various delegations suggested that the Commission should increase its efforts, as regards the question of public information activities in particular, for the dissemination of the international instruments in the field of human rights.

208. At the 54th meeting, on 9 March 1983, the representative of Costa Rica introduced a draft resolution (E/CN.4/1983/L.61) sponsored by Colombia, Costa Rica, Germany, Federal Republic of, Fiji, Finland, Ireland, Italy, Netherlands, Norway, ^{1/} Peru, ^{2/} Senegal and Uruguay. Bolivia ^{3/} joined the sponsors.

209. At the same meeting, the representative of Australia introduced a draft resolution (E/CN.4/1983/L.73) sponsored by Australia, Colombia, Fiji, Gambia, India, Jordan and Yugoslavia, subsequently joined by Costa Rica, Peru ^{4/} and Bolivia. ^{5/}

210. At the same meeting, the representative of Brazil introduced an amendment (E/CN.4/1983/L.92) to draft resolution E/CN.4/1983/L.61.

^{1/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional Commissions of the Economic and Social Council.

211. At the same meeting, the Chairman-Rapporteur of the informal working group of 10 members introduced a draft decision (E/CN.4/1983/L.80) adopted by the Working Group.

212. At the 56th meeting, on 10 March 1983, the sponsors of draft resolution E/CN.4/1983/L.61 accepted the amendments contained in document E/CN.4/1983/L.92, which was subsequently withdrawn, and orally revised the text of draft resolution E/CN.4/1983/L.61 as follows:

(a) A final preambular paragraph was inserted (E/CN.4/1983/L.92, amendment 1, as modified), reading:

"Recognizing once again the desirability that major decisions concerning the organization and operation of the United Nations system for the promotion and protection of human rights should be adopted on the basis of the widest possible agreement which takes account of different views expressed by Member States, in order to ensure their effectiveness";

(b) Operative paragraph 4 was reworded (E/CN.4/1983/L.92, amendment 4, as modified), reading:

"Decides to continue consideration of the question of the establishment of a United Nations High Commissioner for Human Rights at its fortieth session with a view to reaching a decision on this matter at the earliest possible time";

(c) An oral amendment by the representative of Bangladesh was incorporated, adding the following words to operative paragraph 4: "including the manner of election in case such post is established";

(d) Operative paragraphs 2 and 3 were replaced by the following text (E/CN.4/1983/L.92, amendments 2 and 3, as modified):

"Considers these proposals as a valuable contribution to the further consideration of this important question and invites the Sub-Commission to resubmit them to the Commission at its fortieth session taking fully into account the elements in paragraph 1 of Commission resolution 1982/22, the comments made in the Commission at its thirty-ninth session and the present resolution, together with any further comments and recommendations that it deems appropriate";

213. At the same meeting, the representative of Argentina proposed an amendment which consisted in deleting the words "with appreciation" in operative paragraph 1 of draft resolution E/CN.4/1983/L.61. The Commission rejected the amendment by 20 votes to 14, with 7 abstentions.

214. At the same meeting, the representative of Cuba introduced an amendment to the revised text of draft resolution E/CN.4/1983/L.61. The amendment consisted in replacing the first part of the second preambular paragraph by a new text, so that the paragraph would read as follows:

"Recalling General Assembly resolution 32/150 of 16 December 1977 and in particular paragraphs 1(e) and 1(f) thereof, in which the Assembly decided that the approach to the future work with respect to human rights should take into account, inter alia, that in approaching human rights questions within the United Nations system, the international community

should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, and that the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority, and bearing in mind the study carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on possible terms of reference for the draft mandate of a United Nations High Commissioner for Human Rights⁴.

215. At the request of the representative of Cuba, a vote by roll call was taken on his oral amendment, which was adopted by 19 votes to 12, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, China, Cuba, Gambia, Ghana, India, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Brazil, Colombia, Costa Rica, Cyprus, Jordan, Philippines, Rwanda, Togo, United Republic of Tanzania, Zaire.

216. At the same meeting, at the request of the representative of the USSR, a vote by roll-call was taken on the draft resolution as a whole. The draft resolution, as amended, was adopted by 24 votes to 11, with 7 abstentions. The voting was as follows:

In favour: Australia, Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, Finland, France, Gambia, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Jordan, Netherlands, Philippines, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay.

Against: Argentina, Bulgaria, Cuba, India, Libyan Arab Jamahiriya, Nicaragua, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Cyprus, Mexico, Mozambique, Rwanda, Uganda, Zaire, Zimbabwe.

217. For the text of the resolution, see chapter XXVII, section A, resolution 1983/49.

218. At the same meeting, the Commission adopted draft resolution E/CN.4/1983/L.73 without a vote.

219. For the text of the resolution, see chapter XXVII, Section A, resolution 1983/50.

220. The Commission decided to take note of the report of the open ended working group (E/CN.4/1983/L.3) 1/ and adopted the draft resolution contained in paragraph 18 of that document without a vote.

221. For the text of the resolution, see chapter XXVII, section A, resolution 1983/51.

222. The Commission also decided to take note of the report of the working group of 10 (E/CN.4/1983/L.4) 2/ and adopted draft decision E/CN.4/1983/L.80.

223. For the text of the decision, see chapter XXVII, section B, decision 1983/100.

1/ To be reissued under the symbol E/CN.4/1983/64.

2/ To be reissued under the symbol E/CN.4/1983/65.

J. 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

224. The Commission considered agenda item 12 and its subitems at its 33rd to 40th (closed) meetings from 13 to 28 February 1983, at its 40th to 48th public meetings from 28 February to 4 March 1983, and at its 51st and 52nd public meetings, on 8 March 1983.

Consideration of item 12 as a whole

225. At the Commission's 40th meeting, on 28 February 1983, and before opening the public debate on item 12 as a whole, the Chairman reminded the Commission that it had taken decisions in private session under Economic and Social Council resolution 1503 (XIVIII) of 27 May 1970 concerning Afghanistan, Argentina, the German Democratic Republic, Haiti, Indonesia (in relation to East Timor), Iran (Islamic Republic of), Paraguay, Turkey and Uruguay, and that in conformity with paragraph 8 of that resolution, members and delegations should make no reference in the public debate to those decisions nor to any confidential material relating thereto.

226. During the debate on item 12 as a whole and subitem 12 (a), statements were made by the observers for: Afghanistan, Algeria, Austria, Bolivia, Burundi, Byelorussian SSR, Czechoslovakia, Denmark, El Salvador, Ethiopia, German Democratic Republic, Greece, Guatemala, Holy See, Honduras, Hungary, Iran (Islamic Republic of), Iraq, Israel, Malaysia, Mongolia, Norway, Peru, Somalia, Suriname, Sweden, Syrian Arab Republic, Turkey, Viet Nam.

227. The representative of the South West Africa People's Organization (SWAPO) made a statement, and the Commission also heard statements by representatives of the following non-governmental organizations in consultative status: Afro-Asian Peoples' Solidarity Organization, Amnesty International, Baha'i International Community, Christian Democratic World Union, Commission of the Churches on International Affairs, Indian Law Resource Center, Inter-Parliamentary Union, International Association of Democratic Lawyers, International Commission of Jurists, International Confederation of Free Trade Unions, International Federation of Human Rights, International Federation of Rural Adult Catholic Movements, International Indian Treaty Council, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, Minority Rights Group, Pax Christi, Pax Romana, Procedural Aspects of International Law Institute, Women's International Zionist Organization, World Association for the School as an Instrument of Peace, World Confederation of Labour, World Council of Indigenous Peoples, World Jewish Congress.

228. The Commission had before it the following documents in connection with its consideration of item 12

Report on summary or arbitrary executions, by the Special Rapporteur, Mr. S. Amos Wako, appointed pursuant to Economic and Social Council resolution 1982/55 (E/CN.4/1983/16 and Add.1),

Report of the Secretary-General on the provision of expert services in the field of human rights to Equatorial Guinea (E/CN.4/1983/17),

Report on the situation in Poland presented by United States Special Representative
Hugo Gobbi (E/CN.4/1983/18),

Report on the situation of human rights in the Islamic Republic of Iran,
submitted by the Secretary-General (E/CN.4/1983/19),

Report on the situation of human rights in El Salvador, by Mr. Jose Antonio
Pastor Radrucco, Special Representative of the Commission on Human Rights,
submitted pursuant to Commission resolution 1982/28 (E/CN.4/1983/20),

Report on the situation of human rights in Bolivia prepared by the Special Envoy
of the Commission on Human Rights, Mr. Hector Gros Espinell, appointed pursuant
to Commission resolution 1982/33 (E/CN.4/1983/22 and Add.1),

Note by the Secretary-General on human rights and massive exoduses submitted
pursuant to General Assembly resolution 37/186 (E/CN.4/1983/53),

Note by the Chairman of the Commission on Human Rights at its thirty-eighth
session concerning the appointment of a special rapporteur on Guatemala
(E/CN.4/1983/43),

Note by the Secretariat listing material received concerning the situation of
human rights and fundamental freedoms in Guatemala (E/CN.4/1983/47),

Letter dated 16 February 1983 from the delegation of Viet Nam addressed to the
Secretary-General relating to human rights and massive exoduses (E/CN.4/1983/51)

Report of the Secretary-General on direct contacts with the Government of the
Islamic Republic of Iran prepared pursuant to paragraph 3 of Commission
resolution 1982/27 (E/CN.4/1983/52),

Letter dated 23 February 1983 from the Permanent Representative of Democratic
Kampuchea to the United Nations Office at Geneva addressed to the Chairman of
the thirty-ninth session of the Commission on Human Rights (E/CN.4/1983/53),

Letter dated 7 February 1983 from the Permanent Representative of Viet Nam to
the United Nations Office at Geneva addressed to the Chairman of the
thirty-ninth session of the Commission on Human Rights (E/CN.4/1983/54),

Letter dated 23 February 1983 from the representative of the Netherlands to the
Chairman of the thirty-ninth session of the Commission on Human Rights
concerning Suriname (E/CN.4/1983/55),

Written statement submitted by Amnesty International, a non-governmental
organization in consultative status (category II) (E/CN.4/1983/NGO/2),

Written statement submitted by the International Commission of Jurists, a
non-governmental organization in consultative status (category II)
(E/CN.4/1983/NGO/4),

Written statement submitted by the World Peace Council, a non-governmental
organization in consultative status (Roster) (E/CN.4/1983/NGO/6),

Written statement submitted by the World Peace Council, a non-governmental
organization in consultative status (Roster) (E/CN.4/1983/NGO/5),

Written statement submitted by International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/10);

Written statement submitted by Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/11);

Written statement submitted by Paz Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/12);

Written statement submitted by 16 non-governmental organizations in consultative status (E/CN.4/1983/NGO/13);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/14);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1983/NGO/15);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1983/NGO/21);

Written statement submitted by the Commission of the Churches on International Affairs, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/27);

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I) (E/CN.4/1983/NGO/28);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/29);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/30);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/31);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/38);

Written statement submitted by the Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/39);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/41);

Written statement submitted by the International Bar Association, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/42);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/45);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/46);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization in consultative status (Roster) (E/CN.4/1983/NGO/47);

Written statement submitted by the World Council of Indigenous Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/50);

Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1983/NGO/54);

Written statement submitted by 14 non-governmental organizations in consultative status (E/CN.4/1983/NGO/55).

229. During the debate on item 12, speakers referred to the role of the Commission in the promotion and protection of human rights and to the Commission's methods and procedures in that regard. It was stressed that the Commission had a high degree of responsibility both in the field of standard setting and in adopting effective measures regarding human rights violations.

230. Many statements were made concerning alleged violations of human rights in specific countries or territories; those statements and the replies made by representatives of Governments are summarized in the records of the meetings.

Situation of human rights in El Salvador

231. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/20, E/CN.4/1983/NGO/9, E/CN.4/1983/NGO/15, E/CN.4/1983/NGO/46. At the Commission's 40th meeting, on 28 February 1983, the Special Representative appointed pursuant to Commission resolution 32 (XXXVII), Mr. José Antonio Pastor Ridruejo, introduced his report (E/CN.4/1983/20) to the Commission.

232. At the 51st meeting, on 8 March 1983, the representative of Canada requested and was granted permission to postpone his introduction of draft resolution E/CN.4/1983/L.18 to the 52nd meeting, when he would submit for consideration a revised version of that draft resolution. The representative of Mexico then introduced draft resolution E/CN.4/1983/L.48, sponsored by Algeria, ^{2/} France, Mexico and Yugoslavia, together with amendments (E/CN.4/1983/L.53) to draft resolution E/CN.4/1983/L.18 submitted by the same sponsors. Bolivia ^{3/} and Nicaragua joined the sponsors of draft resolution E/CN.4/1983/L.48.

^{2/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

235. At the same meeting, and prior to a vote on draft resolution L/CM.4/1983/L.48, the attention of the Commission was drawn to an estimate of the programme budget implications (L/CM.4/1983/L.36). 1/

234. The revised version of draft resolution L/CM.4/1983/L.18 was not considered by the Commission since at the 52nd meeting, on 8 March 1983, the representative of Mexico proposed, under rule 65 of the rules of procedure of the functional commissions of the Economic and Social Council, that a decision be taken on draft resolution L/CM.4/1983/L.36.

235. At the same meeting, at the request of the representative of Mexico, the vote on his motion was taken by roll-call. The proposal was adopted by 18 votes to 17, with 7 abstentions. The voting was as follows.

In favour Bulgaria, Cuba, Cyprus, France, Ghana, India, Ireland, Libyan Arab Jamahuriya, Mexico, Mozambique, Nicaragua, Poland, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against Argentina, Australia, Bangladesh, Brazil, Canada, Colombia, Costa Rica, Finland, Germany, Federal Republic of, Japan, Netherlands, Pakistan, Philippines, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining. China, Fiji, Gambia, Italy, Jordan, Togo, Zaïre.

236. The representatives of Argentina, Canada, the United Kingdom, Uruguay, Colombia, Costa Rica, Cuba, the United States of America, Finland, the Netherlands, Senegal and the Federal Republic of Germany made statements in explanation of vote before the vote.

237. At the same meeting the representative of the United Kingdom requested a separate vote on operative paragraph 11 of the draft resolution. By a roll-call vote requested by the representative of Mexico, the Commission adopted this paragraph by 34 votes to none, with 6 abstentions. The voting was as follows

In favour Australia, Bangladesh, Bulgaria, Canada, Cuba, Cyprus, Finland, France, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahuriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zimbabwe.

Against None.

Abstaining. Argentina, Brazil, China, Fiji, Gambia, Zaïre.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

239. At the same meeting draft resolution E/CN.4/1983/L.40 as a whole was adopted by a roll-call vote requested by the representative of Mexico by 27 votes to 0, with 10 abstentions. The voting was as follows:

In favour: Bulgaria, Cuba, Cyprus, Finland, France, Ghana, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Bangladesh, Brazil, Pakistan, United States of America, Uruguay.

Abstaining: Australia, China, Fiji, Gambia, Germany, Federal Republic of, Japan, Jordan, Philippines, United Kingdom of Great Britain and Northern Ireland, Zaare.

After the vote, statements were made by the representatives of Mexico, Canada and France. An explanation of vote was given by the representative of Australia.

239. In the light of the vote on draft resolution E/CN.4/1983/L.40, no action was taken on draft resolution E/CN.4/1983/L.18 or on the amendments thereto (E/CN.4/1983/L.53).

240. For the text of the resolution, see chapter XXVII, section 1, resolution 1983/29.

Situation of human rights in Poland

241. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/18, E/CN.4/1983/WG0/11, E/CN.4/1983/WG0/28 and E/CN.4/1983/WG0/29. At the 40th meeting, on 28 February 1983, Under-Secretary-General Hugo Gobbu introduced his report to the Commission.

242. At the 51st meeting, on 8 March 1983, the representative of the Netherlands introduced a draft resolution (E/CN.4/1983/L.37) sponsored by the Federal Republic of Germany, Ireland, Italy and the Netherlands.

243. At the same meeting, and prior to the vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.88) 2/ of draft resolution E/CN.4/1983/L.37.

244. The representatives of Poland, Bulgaria and Mozambique made statements relating to draft resolution E/CN.4/1983/L.37.

245. At the 52nd meeting, on 8 March 1983, the representative of Mozambique proposed the following decision under rule 65, paragraph 1, of the rules of procedure: "The Commission decides to defer consideration of draft resolution E/CN.4/1983/L.37 concerning the situation of human rights and fundamental freedoms in Poland to its fortieth session", and moved that his proposal receive priority.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

246. At the same meeting, the representative of Nicaragua proposed, under rule 49 of the Rules of Procedure, that the debate on draft resolution D/CN.4/1983/L.37 dealing with the situation of human rights in Poland should be adjourned until the fortieth session of the Commission. This proposal was rejected by 19 votes to 14, with 10 abstentions.

247. The motion by Mozambique concerning priority for its proposal was then put to a vote and was rejected by 18 votes to 13, with 10 abstentions.

248. At the same meeting the representative of Cuba proposed an oral amendment to operative paragraph 5 of draft resolution E/CN.4/1983/L.37, which would read as follows.

"Decides to postpone until its fortieth session the decision to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in its resolution 1982/26, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide".

By a roll-call vote requested by the representative of Yugoslavia, the amendment was rejected by 19 votes to 12, with 11 abstentions. The voting was as follows:

In favour. Bulgaria, Cuba, India, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Colombia, Costa Rica, Fiji, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Netherlands, Philippines, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining. Argentina, Bangladesh, Brazil, Cyprus, Finland, Ghana, Jordan, Pakistan, Rwanda, Uganda, Zaire.

249. By a roll-call vote requested by the representative of Poland, draft resolution E/CN.4/1983/L.37 was adopted by 19 votes to 14, with 10 abstentions. The voting was as follows:

In favour: Australia, Canada, Colombia, Costa Rica, Fiji, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Netherlands, Philippines, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bulgaria, China, Cuba, Ghana, India, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Abstaining Argentina, Bangladesh, Brazil, Cyprus, Finland, Jordan, Pakistan, Rwanda, Uganda, Zaire.

250. Explanations of vote before the vote on the draft resolution were made by the representatives of the following States. Yugoslavia, Finland, Argentina, Bulgaria, Zimbabwe, USSR, Togo, Ukrainian SSR, France, Australia, Cuba, Mozambique, Gambia and Iceland.

251. After the vote a statement was made by the representative of Poland. Statements in explanation of vote after the vote on the draft resolution were made by the representatives of China and the Libyan Arab Jamahiriya.

252. For the text of the resolution, see chapter XXVII, section A, resolution 1983/30.

The right and responsibility to promote respect for human rights and fundamental freedoms

253. At the 51st meeting, on 8 March 1983, the representative of Canada introduced a draft resolution (E/CN.4/1983/L.58) sponsored by Canada and Senegal. The following amendments proposed by the representative of Brazil were accepted by the sponsors. (a) to delete the words "at its fortieth session" in operative paragraph 2, (b) to replace "fortieth" by "forty-first" in operative paragraph 3.

254. At the 52nd meeting, on 8 March 1983, the Commission adopted the draft resolution without a vote.

255. The representative of Yugoslavia made a statement after the adoption of the resolution.

256. For the text of the resolution, see chapter XXVII, section A, resolution 1983/31.

Situation of human rights in Equatorial Guinea

257. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/17, E/CN.4/1983/NGO/4 and E/CN.4/1983/MCO/54. At the 51st meeting, on 8 March 1983, the representative of Canada introduced a draft resolution (E/CN.4/1983/L.66/Rev.1). At the same meeting the draft resolution was adopted without a vote.

258. For the text of the resolution, see chapter XXVII, section A, resolution 1982/32.

Situation of human rights in Bolivia

259. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/22 and Add.1. At the 40th meeting, on 26 February 1983, the Special Envoy of the Commission appointed pursuant to Commission resolution 34 (XXXVII), Mr. Héctor Gros Espinell, introduced his report. At the 44th meeting, on 2 March 1983, the Commission heard a statement by Mr. Mario Roncal Antezana, Minister of the Interior, Migration and Justice of Bolivia.

260. At the 51st meeting on 8 March 1983, the representative of Canada introduced a draft resolution (E/CN.4/1983/L.69) sponsored by Belgium, Brazil, Canada, Colombia, Costa Rica, Ecuador, France, Gambia, Germany, Federal Republic of, Ireland, Mexico,

^{4/} In accordance with rule 69, paragraph 5, of the rules of procedure of the functional commissions of the Economic and Social Council.

the Netherlands, Peru, / Spain, / Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay, and Yugoslavia. Algeria, / Venezuela, / Nicaragua, the Dominican Republic / and Cyprus joined the sponsors.

261. At the same meeting and prior to a vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/1.81) 3/ of the draft resolution.

262. At the 52nd meeting, on 8 March 1983, the draft resolution was adopted without a vote.

263. After the adoption of the resolution, a statement was made by the representative of Bolivia.

264. For the text of the resolution, see chapter XXVII, section A, resolution 1983/33.

Situation of human rights in the Islamic Republic of Iran

265. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/19 and E/CN.4/1983/50.

266. At the 52nd meeting, on 8 March 1983, the representative of the Netherlands introduced a draft resolution (E/CN.4/1983/L.70/Rev.1), sponsored by Australia, Belgium, / Canada, Costa Rica, Ireland, the Netherlands, Panama / and the United Kingdom of Great Britain and Northern Ireland.

267. At the same meeting, and prior to the vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.94) 3/ of the draft resolution.

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

269. At the same meeting the representative of Pakistan moved, under rule 55 of the rules of procedure, that draft resolution E/CN.4/1983/L.70/Rev.1 be reconsidered. This motion was put to a vote and was carried by 11 votes to 10, with 18 abstentions.

270. At the request of the Libyan Arab Jamahiriya, draft resolution E/CN.4/1983/L.70/Rev.1 was put to a vote by roll-call and was adopted by 17 votes to 6, with 19 abstentions. The voting was as follows:

In favour: Australia, Canada, Costa Rica, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Ireland, Italy, Jordan, Netherlands, Rwanda, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America.

1/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

Against: Bangladesh, Cuba, Libyan Arab Jamahiriya, Mozambique, Pakistan, United Republic of Tanzania.

Abstaining: Argentina, Brazil, Bulgaria, China, Colombia, Cyprus, Gambia, India, Japan, Mexico, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaïre, Zimbabwe.

271. The observer for the Islamic Republic of Iran made a statement after the vote.

272. For the text of the resolution, see chapter XXVII, section A, resolution 1983/34.

Human rights and massive exoduses

273. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/33 and E/CN.4/1983/WCO/45. At the 40th meeting, on 28 February 1982, the Special Rapporteur on human rights and massive exoduses appointed pursuant to Commission resolution 29 (XXXVII), France Sadruddin Aga Khan, made a statement.

274. At the 51st meeting, on 8 March 1983, the representative of Canada introduced a draft resolution (E/CN.4/1983/L.71) sponsored by Argentina, Australia, Bangladesh, Canada, Costa Rica, Germany, Federal Republic of, Fiji, the Gambia, Ghana, Ireland, Japan, Jordan, Nicaragua, Pakistan, the Philippines, Senegal, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Colombia joined the sponsors, and Nicaragua withdrew its sponsorship of the draft resolution.

275. At the same meeting the representative of Cuba introduced amendments (E/CN.4/1983/L.89), sponsored also by Mozambique and Nicaragua, to draft resolution E/CN.4/1983/L.71.

276. At the 52nd meeting, on 8 March 1983, the representative of Australia, on behalf of the sponsors of draft resolution E/CN.4/1983/L.71, accepted the following amendments contained in document E/CN.4/1983/L.89:

- (a) Amendments 2 and 3 to the preamble, as set out in E/CN.4/1983/L.89;
- (b) Amendment 1 to the preamble, revised to read as follows: "Recalling further General Assembly resolution 32/130 of 16 December 1977";
- (c) Amendment 4 to the preamble, revised to read as follows: "Mindful of the value, in view of the importance of the subject, of the largest possible number of Governments expressing their opinions on the study";
- (d) Amendments 2 and 4 to the operative part, as set out in E/CN.4/1983/L.89;
- (e) Amendment 3 to the operative part revised to read as follows:

"Invites the Secretary-General, in his report pursuant to General Assembly resolution 37/186, to propose on the basis of its consideration of the recommendations as well as such opinions as Governments have submitted and may submit, the deliberations of the Commission at its thirty-ninth session and of the Group of Governmental Experts on International Co-operation to avert New Flows of Refugees, effective international co-operative arrangements to address

and alleviate those root causes of mass movements of population related to violations or suppression of human rights, taking into account existing arrangements, skills and resources in the United Nations system".

Amendment 1 to the operative part was withdrawn. The representative of Australia further revised operative paragraph 4 of draft resolution E/CN.4/1983/L.71 to read as follows. "Acknowledges that the recommendations in the Special Rapporteur's study could possibly contribute to the prevention of further mass movements of population and to the mitigation of their consequences".

277. At the same meeting draft resolution E/CN.4/1983/L.71, as amended, was adopted without a vote.

278. For the text of the resolution, see chapter XXVII, section A, resolution 1983/55.

Summary of arbitrary executions

279. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/16, E/CN.4/1983/NGO/2, and E/CN.4/1983/NGO/27. At the 40th meeting, on 20 February 1983, the Special Rapporteur on summary or arbitrary executions appointed pursuant to Economic and Social Council resolution 1982/35, Mr. S. Amos Wako, introduced his report to the Commission. At the 48th meeting, on 4 March 1983, at the end of the debate on the matter, the Special Rapporteur made a statement responding to points raised during the discussion.

280. At the 51st meeting, on 8 March 1983, the representative of Finland introduced a draft resolution (E/CN.4/1983/L.74) sponsored by Costa Rica, Cyprus, Denmark, ^{2/} Finland, France, the Gambia and Mexico. The Netherlands joined the sponsors. The words "including relevant internal legislation" were added by the sponsors in operative paragraph 5 of the draft resolution recommended to the Economic and Social Council for adoption after the words "new information".

281. At the same meeting and prior to the vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.83) ^{4/} of draft resolution E/CN.4/1983/L.74.

282. The representative of Argentina further proposed that operative paragraph 5 of the draft resolution recommended for adoption by the Council be further amended as follows.

"Requests the Special Rapporteur to review his report in the light of the information received, taking particularly into account any new information, including relevant internal legislation, provided by concerned Governments as well as views expressed in the Commission at its thirty-ninth session and to submit a report to the Commission at its fortieth session".

^{2/} In conformity with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{4/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

263. At the same meeting draft resolution E/CN.4/1983/L.74, as thus amended, was adopted without a vote.

264. Statements after the adoption of the resolution were made by the representative of Australia and the observer for Denmark.

265. For the text of the resolution, see chapter XXVII, section A, resolution 1983/36.

Situation of human rights in Guatemala

266. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1983/47, E/CN.4/1983/NGO/18, L/CN.4/1983/NGO/12, E/CN.4/1983/NGO/13, E/CN.4/1983/NGO/14, D/CN.4/1983/NGO/30, E/CN.4/1983/NGO/38 and E/CN.4/1983/NGO/55.

267. At the 52nd meeting, on 8 March 1983, the representative of the Netherlands introduced a draft resolution (E/CN.4/1983/L.79/Rev.1) sponsored by Canada and the Netherlands.

268. At the same meeting, and prior to the vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.86) 5/ of the draft resolution.

269. The representatives of Argentina and Uruguay made statements in explanation of vote before the vote.

290. The representative of Cuba introduced amendments (E/CN.4/1983/L.93), sponsored also by Nicaragua, to draft resolution E/CN.4/1983/L.79/Rev.1, withdrawing at the same time amendment (a). The amendment was put to the vote by roll-call, at the request of the representative of the Netherlands, and was adopted by 24 votes to 8, with 11 abstentions. The voting was as follows:

In favour: Bulgaria, Canada, Cuba, Finland, France, Gambia, Ghana, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Poland, Senegal, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Brazil, Colombia, Costa Rica, Germany, Federal Republic of, Pakistan, United States of America, Uruguay.

Abstaining: Australia, Bangladesh, China, Cyprus, Fiji, India, Japan, Jordan, Philippines, Rwanda, Zaire.

291. Separate votes were requested by Colombia on operative paragraphs 3, 4 and 5 of draft resolution D/CN.4/1983/L.79/Rev.1 and by Costa Rica on operative paragraph 7. The result of the voting was as follows:

5/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

- (a) Operative paragraph 3 was adopted by 32 votes to 1, with 6 abstentions.
- (b) Operative paragraph 4 was adopted by 32 votes to 1, with 6 abstentions.
- (c) Operative paragraph 5 was adopted by 33 votes to 1, with 7 abstentions.
- (d) Operative paragraph 7 was adopted by 33 votes to 1, with 7 abstentions.

292. Draft resolution E/CN.4/1983/L.79/Rev.1 as a whole was adopted by a roll-call vote, taken at the request of Uruguay, of 27 to 0, with 12 abstentions. The voting was as follows:

In favour. Australia, Bulgaria, Canada, Cuba, Finland, France, Gambia, Ghana, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Poland, Rwanda, Senegal, Togo, Uganda, U.S.S.R., Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Pakistan, United States of America, Uruguay.

Abstaining Bangladesh, Brazil, China, Colombia, Costa Rica, Cyprus, Fiji, Germany, Federal Republic of, Japan, Jordan, Philippines, Zaïre.

293. After the vote the observer for Guatemala made a statement.

294. For the text of the resolution see chapter XXVII, section A, resolution 1983/37.

Other matters

295. The Commission had before it a draft resolution proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A, draft resolution IV).

296. At the 52nd meeting, on 6 March 1983, the representative of Yugoslavia proposed that the Commission should decide to send back the draft resolution to the Sub-Commission in the light of the comments made by the Commission at its thirty-ninth session.

297. A motion for priority by the representative of Yugoslavia concerning his proposal was adopted by 38 votes to none, with 1 abstention.

298. The Commission then approved the decision proposed by Yugoslavia without a vote.

299. After the adoption of this decision, a statement was made by the representative of the Netherlands.

300. For the text of the decision, see chapter XXVII, section B, decision 1983/106.

A. Question of human rights in Cyprus

301. The Commission had before it the report of the Secretary-General (D/CN.4/1983/23) prepared pursuant to Commission decision 1982/102.

302. At the 52nd meeting, on 8 March 1983, the Chairman proposed, after consultations with the interested parties, that item 12 (a) be postponed to the fortieth session of the Commission, with due priority at that session. The Commission adopted that proposal without a vote, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

303. For the text of the decision, see chapter XXVII, section B, decision 1983/107.

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

304. The Commission considered item 12 (b) at its 33rd to 40th (closed) meetings. The Commission had before it confidential documents containing material referred to it under Economic and Social Council resolution 1503 (XLVIII) and observations thereon received from Governments, and a confidential report submitted to the Commission by the working group established by Commission decision 1982/103 of 5 March 1982.

305. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the actions taken by the Commission during the consideration of the item in closed sessions were confidential until such time as the Commission might decide to make recommendations to the Economic and Social Council.

306. At its 40th (closed) meeting, the Commission adopted a general decision that a working group of five of its members should be established to meet for one week prior to the Commission's fortieth session, to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) by the thirty-sixth session of the Sub-Commission and those situations of which the Commission was seized. At that same meeting it was decided that the general decision should be made public.

307. For the text of the decision, see chapter XXVII, section B, decision 1983/110.

308. At the 53th meeting, on 11 March 1983, the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been nominated to serve in their personal capacity on the working group on situations of violations of human rights:

Mr. Francis Mahon Hayes (Ireland)
Mr. Borislav Konstantinov (Bulgaria)
Mr. E.F.C. Mtango (United Republic of Tanzania)
Mrs. Sadako Ogata (Japan).

The Chairman announced that the member from the Latin American group would be designated in due course, upon completion of consultations.

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

309. The Commission considered agenda item 13 at its 56th and 58th meetings, on 10 and 11 March 1983

310. The Commission had before it the replies received from Governments in accordance with Economic and Social Council resolution 1982/39 (E/CN.4/1983/32 and Add. 1-4) concerning the proliferation of cases of the international removal of children by one of the parents, and the report of the open-ended working group on a draft convention on the rights of the child (E/CN.4/1983/L.1 and Add.1).

311. At the 56th meeting, on 10 March 1983, the representative of France made a statement

312. At the same meeting, the representative of Poland introduced a draft resolution (E/CN.4/1983/L.51) sponsored by Argentina, Australia, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, ^{2/} Canada, China, Cuba, Czechoslovakia, ^{*/} France, Ghana, Iran (Islamic Republic of), ^{1/} Italy, the Libyan Arab Jamahiriya, the Netherlands, Mexico, Mozambique, Nicaragua, Peru, ^{*/} the Philippines, Poland, the Syrian Arab Republic, ^{1/} the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Yugoslavia and Zimbabwe. Bolivia, ^{*/} Colombia, India, Senegal and Togo joined the sponsors.

313. The Commission's attention was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.52) of the draft resolution. ^{1/}

314. The draft resolution was adopted without a vote.

315. For the text of the resolution, see chapter XXVII, section A, resolution 1983/52.

316. At its 58th meeting, on 11 March 1983, the Commission took note of the report of the working group (E/CN.4/1983/L.1 and Add.1). ^{2/} In that connection, the representative of Australia expressed reservations with regard to the approach taken in the presentation of the report.

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

^{1/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

^{2/} To be reissued under the symbol E/CN.4/1983/62.

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

317. The Commission considered agenda item 14 at its 55th meeting, held on 9 March 1983. The item was introduced by the Assistant Secretary-General, Centre for Human Rights.

318. The Commission had before it the reports of the General Assembly's open-ended working group on the elaboration of an international convention on the protection of the rights of all migrant workers and their families (A/C.3/37/1, A/C.3/37/7 and Corr.1 and 2).

319. During the debate, speakers paid tribute to the Chairman of the General Assembly's open-ended working group and expressed their appreciation of the progress so far made by the working group. Reference was made to the economic crises affecting various countries which had often worsened the situation of migrant workers and members of their families. However, it was stressed that such economic crises should not be used as a justification for mass expulsions of migrant workers nor turn them into refugees. In that connection, it was emphasized that the Commission should pay more attention to the present situation of migrant workers.

320. At the same meeting, the representative of Yugoslavia introduced a draft resolution (E/CN.4/1983/L.65), sponsored by Algeria, ^{*/} Canada, Colombia, Egypt, ^{*/} Finland, France, the Gambia, Ghana, Greece, ^{*/} India, Italy, Mexico, Morocco, ^{*/} Pakistan, the Philippines, Portugal, ^{*/} Spain, ^{*/} Turkey ^{*/} and Yugoslavia. The draft resolution was adopted without a vote.

321. For the text of the resolution, see chapter XXVII, section A, resolution 1983/45.

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND
TECHNOLOGICAL DEVELOPMENTS

322. The Commission considered agenda item 15 at its 50th, 51st and 52nd meetings, on 7 and 8 March 1983.

323. The Commission had before it the following documents:

Preliminary report (E/CN.4/Sub.2/474) on guidelines and principles for the protection of persons detained on the grounds of mental ill-health or suffering from mental disorder, prepared by Mrs. Erica-Irene Doss, Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

Report (E/CN.4/Sub.2/1982/16) on guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder, prepared by Mrs. Erica-Irene Doss,

Report (E/CN.4/Sub.2/1982/17) of the sessional Working Group on the question of persons detained on the grounds of mental ill-health established by the Sub-Commission at its thirty-fifth session,

Written statement (E/CN.4/1983/NGO/1) submitted by the International Association of Penal Law, a non-governmental organization in consultative status (category II);

Written statement (E/CN.4/1983/NGO/19) submitted by the women's International Democratic Federation, a non-governmental organization in consultative status (category I).

324. The Commission heard statements by the observers for the Byelorussian SSR, the Congo, the German Democratic Republic and Viet Nam (50th meeting). It also heard statements by the representatives of two non-governmental organizations in consultative status, Pax Romana and the World Council of Indigenous Peoples (51st meeting).

325. Most speakers referred to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975, and stressed the necessity to implement its provisions, in order to make full use of scientific and technological developments for the welfare of man and in the interests of strengthening international peace and security. Reference was also made to General Assembly resolutions 35/130, 36/56 and 37/189, in which the importance of implementing the provisions and principles contained in the Declaration in order to promote human rights is stressed.

326. Many speakers, while mentioning the valuable contribution that scientific and technological achievements could make to the realization of economic and social progress, expressed their deep concern that developments in science and technology could also bear a negative impact on human rights and even, in the case of the arms race and in particular the nuclear arms race, pose a direct and global threat to the very right to life. It was further stated that a huge amount of resources was devoted to military research and development, and that measures should be taken to ensure that the results of scientific and

technological progress were used exclusively for peaceful purposes. It was recalled that, in its resolutions 38 (XXXVII) and 1982/4, the Commission had previously requested the Sub-Commission to undertake a study on the use of the achievements of scientific and technological progress to ensure the right to work and development, and the necessity to carry out such a study was once again stressed.

327. A number of representatives welcomed the study on guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder. Other aspects of the negative use that could be made of progress in science and technology were also mentioned, such as threats to the right to privacy of individuals. The study being prepared by Mrs. Nicole Questiaux on relevant guidelines in the field of computerized personal files was cited in that connection.

328. At the 54th meeting, on 9 March 1983, the representative of Yugoslavia introduced a draft resolution (E/CN.4/1983/L.75) sponsored by Japan and Yugoslavia and revised it orally by changing the word "forty-first" in operative paragraph 2 to "fortieth". The representative of Japan made a statement in relation to the draft resolution. The Commission adopted the draft resolution without a vote.

329. For the text of the resolution, see chapter XXVII, section A, resolution 1983/41.

330. At the same meeting, the observer for the Byelorussian SSR introduced a draft resolution (E/CN.4/1983/L.77) sponsored by Bulgaria and the Byelorussian Soviet Socialist Republic. */ Czechoslovakia */ joined the sponsors of the draft resolution.

331. The Commission adopted the draft resolution by 32 votes to none, with 9 abstentions.

332. For the text of the resolution, see chapter XXVII, section A, resolution 1983/42.

333. At the same meeting, the representative of the USSR introduced a draft resolution (E/CN.4/1983/L.78) sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, */ Cuba, Ethiopia, */ the German Democratic Republic, */ Ghana, Hungary, */ India, Mozambique, Nicaragua, Poland, the Syrian Arab Republic, */ the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Viet Nam */ and Zimbabwe. The Congo */ joined the sponsors of the draft resolution.

334. The representative of Ireland orally proposed the addition to the draft resolution of a new (thirteenth) preambular paragraph, which would read:

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

"Affirming the particular importance of ensuring that everyone shall have the right to freedom of expression, peaceful assembly and freedom of association, and to take part in public affairs, in all matters relating to the right to life".

This amendment was adopted by 27 votes to 9, with 7 abstentions.

335. The representative of Ireland also proposed the addition of a new operative paragraph 4 to the draft resolution, to read as follows:

"Urges all States to ensure that in matters relating to the right to life, everyone shall have the right to freedom of expression, peaceful assembly and freedom of association, and to take part in public affairs".

the subsequent operative paragraphs to be renumbered accordingly.

336. The amendment was adopted by 27 votes to 9, with 7 abstentions.

337. Statements relating to the draft resolution were made by the representatives of Bangladesh, Bulgaria, India, Poland, Senegal and the USSR.

338. A roll-call vote was taken on draft resolution E/CN.4/1983/L.78 as a whole. The draft resolution, as amended, was adopted by 32 votes to none, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Ireland, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

Abstaining: Australia, Canada, Finland, France, Germany, Federal Republic of, Italy, Japan, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

339. Statements in explanation of vote after the vote were made by the representatives of China, Finland and the United States of America.

340. For the text of the resolution, see chapter XXVII, section A, resolution 1983/43.

341. At the same meeting the Commission considered draft resolution IX proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A). At the same meeting,

and prior to the vote on the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1983/L.56). 1/

342. The representative of the United Kingdom proposed that the fourth preambular paragraph of draft resolution IX should be replaced by the following:

"Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report including the draft body of principles, guidelines and guarantees".

343. The representative of the United Kingdom also proposed that the second preambular paragraph of the draft resolution recommended in draft resolution IX for adoption by the Economic and Social Council should be replaced by the following paragraphs:

"Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report,

"Noting also with appreciation the report of the sessional working group on the question of persons detained on the grounds of mental ill-health".

344. An explanation of vote before the vote was made by the representative of Bangladesh.

345. The amendments proposed by the United Kingdom were adopted without a vote.

346. Draft resolution IX recommended by the Sub-Commission was adopted without a vote.

347. For the text of the resolution, see chapter XXVII, section A, resolution 1983/44.

348. The representative of the United States of America made a statement after the adoption of the resolution.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

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

349. The Commission considered agenda item 16 together with items 6, 7 and 18 (see chaps. IV, V and XVI) at its 11th to 16th meetings, held from 8 to 10 February 1983 and at its 28th meeting, on 18 February 1983.

350. In accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid and General Assembly resolution 31/80 of 13 December 1976, the Chairman of the Commission on Human Rights at its thirty-eighth session appointed a group of three members of the Commission, consisting of the representatives of Bulgaria, Mexico and Zaire, who were also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII of the Convention.

351. By its resolution 1982/10 of 25 February 1982, the Commission decided, inter alia, that the group appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-ninth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention. The Group held its sixth (1983) session from 24 to 28 January 1983. It considered reports submitted by 12 States parties to the Convention and submitted a report on its activities to the Commission at its thirty-ninth session together with conclusions and recommendations based on its consideration of reports submitted by States parties.

352. The Commission had before it, at its thirty-ninth session, the report and recommendations of the Group to the Commission (E/CN.4/1983/25) and a note by the Secretary-General (E/CN.4/1983/24) concerning the status of the Convention and of the submission of reports by States parties under article VII of the Convention. Reports transmitted to the Secretary-General by the following 13 States parties to the Convention were made available to the Commission: Cuba (E/CN.4/1983/24/Add.1), Ecuador (E/CN.4/1983/24/Add.2), Cape Verde (E/CN.4/1983/24/Add.3), St. Vincent and the Grenadines (E/CN.4/1983/24/Add.4), Czechoslovakia (E/CN.4/1983/24/Add.5), India (E/CN.4/1983/24/Add.6), Yugoslavia (E/CN.4/1983/24/Add.7), Bulgaria (E/CN.4/1983/24/Add.8), Poland (E/CN.4/1983/24/Add.9), Iraq (E/CN.4/1983/24/Add.10), the Ukrainian SSR (E/CN.4/1983/24/Add.11), Peru (E/CN.4/1983/24/Add.12) and the Byelorussian SSR (E/CN.4/1983/24/Add.13). The Commission also had before it the report prepared by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1983/10) under Commission resolution 5 (XXXVII), which included information concerning persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights.

353. At the 11th meeting of the Commission, Mr. Annan Arkyin Cato (Ghana), Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the report of that Group. At the same meeting Mr. Lisombe Elebu (Zaire), Chairman-Rapporteur of the Group consisting of three members of the Commission, established under article IX of the Convention, introduced the report of the Group on its sixth session.

354. During the ensuing discussion, several speakers referred to the Convention as an important international means in the struggle against apartheid. Most representatives recalled the fact that only 69 States were so far parties to the Convention and that Western countries, especially those whose role was particularly

important for the developments in southern Africa, had not yet adhered to it. They stressed once again that universal adherence to the Convention as well as implementation of its provisions would greatly contribute to the elimination of apartheid, especially in view of the worsening conditions in southern Africa. In that connection, the hope was expressed that the thirty-ninth session of the Commission would enhance adherence to the Convention. A speaker addressed a special appeal to the members of the Security Council which were not parties to the Convention to adhere to it as soon as possible.

355. Some representatives referred to the difficulties which in their view prevented their countries from becoming parties to the Convention. A representative stated, in that connection, that his Government could not subscribe to the Convention because the definition of the crime of apartheid was, in his Government's view, too vague and thus did not conform to the juridical principle according to which crimes should be defined with precision. Another representative announced the decision of his Government to accede to the Convention.

356. Some members referred in detail to the measures taken by their Governments to implement the provisions of the Convention. With respect to the interim study of the Ad Hoc Working Group of Experts concerning the possibility of establishing an international penal tribunal, a few members spoke in favour of the establishment of such a tribunal which would be competent to try persons responsible for the crime of apartheid. It was pointed out, however, that, pending the establishment of such a tribunal, those guilty of the crime of apartheid should be prosecuted in accordance with the Convention and the principles of international law. Referring to the list of persons deemed responsible for the crime of apartheid established by the Ad Hoc Working Group of Experts, a speaker suggested that that list should be circulated to States parties for appropriate action.

357. Referring to the report of the Group consisting of three members of the Commission (E/CN.4/1983/25), many speakers praised the Group for promoting implementation of the Convention and expressed their full support for its conclusions and recommendations.

358. At the 28th meeting on 18 February 1983, the representative of Zaire introduced a draft resolution (E/CN.4/1983/L.22) sponsored by Bulgaria, the Congo, ^{2/} Costa Rica, Cuba, Egypt, ^{3/} Ghana, Madagascar, ^{2/} Mexico, Nicaragua, Poland, Senegal, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe. The Gambia, India, the Syrian Arab Republic ^{5/} and Viet Nam ^{6/} joined the sponsors of the draft resolution. A roll-call vote was requested on the draft resolution.

359. At the same meeting, the Commission adopted the draft resolution by 31 votes to 1, with 10 abstentions. The voting was as follows:

^{2/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Canada, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

360. For the text of the resolution, see chapter XXVII, section A, resolution 1983/12.

361. At the same meeting, the representative of Brazil made a statement in explanation of vote after the vote.

362. At the 58th meeting, on 11 March 1985, the Chairman announced that the group consisting of three members of the Commission who were also representatives of States parties to the Convention, appointed in accordance with article IX of the Convention to consider reports submitted by States parties under article VII, was composed as follows: Bulgaria, Mexico and Zaire.

363. For the text of the decision, see chapter XXVII, section B, decision 1983/111.

XV. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

364. The Commission considered agenda item 17 at its 54th meeting, on 9 March 1983.

365. The Commission had before it the following documents: a report of the Secretary General on the implementation of the programme of measures and activities in connection with International Youth Year (E/CN.4/1983/26), and a preliminary report on the question of conscientious objection to military service (E/CN.4/Sub.2/1982/24) prepared by Mr. Mubanga-Chipoya and Mr. Eid and submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session.

366. The item was introduced by the Assistant Secretary-General, Centre for Human Rights.

367. The observer for the Byelorussian SSR introduced a draft resolution (E/CN.4/1983/L.76) sponsored by Bulgaria and the Byelorussian Soviet Socialist Republic^{2/} and revised it orally so that the word 'forty-th' in the first line of operative paragraph 4 was changed to "forty-first". Czechoslovakia^{2/} joined the sponsors of the draft resolution.

368. A statement relating to the draft resolution was made by the representative of the World Association for the School as an Instrument of Peace, a non-governmental organization in consultative status (category II).

369. Draft resolution E/CN.4/1983/L.76 was adopted without a vote.

370. A statement was made by the representative of the Federal Republic of Germany after the adoption of the resolution.

371. For the text of the resolution, see chapter XXVII, section A, resolution 1983/46.

^{2/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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

372. The Commission considered agenda item 18 together with items 6, 7 and 16 (see chaps. IV, V and XIV) at its 11th to 16th meetings, from 8 to 10 February 1983, and at its 28th meeting, on 18 February 1983.

373. The Assistant Secretary-General, Centre for Human Rights, introduced the item at the 11th meeting.

374. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session (E/CN.4/1983/4), the annual reports on racial discrimination submitted by the International Labour Organization (E/CN.4/1983/27) and the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1983/28) prepared in accordance with Economic and Social Council resolution 1588 (L) of 21 May 1971 and General Assembly resolution 2785 (XXVI) of 6 December 1971, and the study entitled "Discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice" (E/CN.4/Sub.2/1982/7).

375. The Commission heard statements by the observers for the following States: Afghanistan, Algeria (16th meeting), Byelorussian SSR, Congo (14th meeting), Czechoslovakia, Egypt, Ethiopia (16th meeting), German Democratic Republic (13th meeting), Hungary, Madagascar, Morocco (16th meeting), Peru (13th meeting), Somalia (16th meeting), Syrian Arab Republic (13th meeting), and Viet Nam (16th meeting). It also heard statements by the representative of UNESCO (14th meeting) and by representatives of the League of Arab States, the Organization of African Unity (12th meeting), the Pan Africanist Congress of Azania (13th meeting), and the Palestine Liberation Organization (14th meeting).

376. The Commission also heard statements by the representatives of the International Confederation of Free Trade Unions (16th meeting), a non-governmental organization in consultative status (category I), and by the representatives of the International Commission of Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (12th meeting), the Afro-Asian Peoples' Solidarity Organization (13th meeting), Amnesty International (14th meeting), the Baha'i International Community and the International Indian Treaty Council (16th meeting), non-governmental organizations in consultative status (category II).

377. Referring to the efforts of the international community to combat all forms of racial discrimination, a number of speakers cited activities undertaken within the context of the Decade for Action to Combat Racism and Racial Discrimination. Many speakers stressed the importance of the implementation by all States of the provisions of the Programme for the Decade, particularly its calls for international isolation and a boycott of the South African racist regime, and

criticized those who were collaborating with the racists. They underlined the role of United Nations organs, such as the Committee on the Elimination of Racial Discrimination, and specialized agencies, such as UNESCO and ILO. They noted, however, that racism and racial discrimination continued to exist in many forms, such as prejudicial treatment of migrant workers and indigenous populations. It was said that the practices of the apartheid regime in South Africa and Namibia and the denial of the right of peoples to self-determination were the most abhorrent forms of racism and racial discrimination.

376. While condemning apartheid, many speakers stated that racial discrimination harmed its practitioners as well as its victims, aggravated tensions at the national level and threatened peace and security at the regional and international levels. They attributed the persistence of racism and racial discrimination to social, cultural, economic and political factors. They emphasized the importance of concerted and continuous action to eliminate the root causes and the symptoms of racism.

379. Reviewing measures taken or contemplated to combat racism and racial discrimination, many speakers underlined the importance of acceding to or ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Covenants on Human Rights. Several speakers welcomed the entry into force of the optional article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on the right of individuals or groups of individuals to petition the Committee on the Elimination of Racial Discrimination on alleged violations of rights set forth in the said Convention. Some speakers referred to national actions to transform legal equality into real social, economic and political equality. They also referred to assistance given to victims of discrimination.

380. It was noted that ignorance, lack of communication and economic competition caused fears and tensions among individuals and groups. In this regard, several delegations emphasized the importance of realizing a more equitable social order and a new international economic order. They also underlined the role of information, education and the media.

381. All speakers welcomed the convening of the Second World Conference to Combat Racism and Racial Discrimination to be held at Geneva from 1 to 12 August 1983. They expressed the hope that the Conference would further the goals of the Decade. Some delegations stated that the Conference should conduct its work in the spirit of consensus which had prevailed in the adoption of General Assembly resolutions 3057 (XXVIII) and 37/41. Several speakers criticized the unwillingness of certain countries to participate in the preparatory work for the Conference.

382. It was said that the Conference should evaluate the situation in regard to combating racial discrimination in the world and set goals and measures for future action. It was also suggested that States should find a common ground to effectively combat racism and racial discrimination at the national and international levels. In that connection, speakers stated that the Conference should benefit from reports of seminars and studies conducted within the context of the Decade, such as the study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups in the administration of criminal

justice and factors leading to it (E/CN.4/Sub.2/1982/7). Several speakers hoped that the Conference would make a significant step toward the full implementation of United Nations resolutions on racism, racial discrimination and apartheid. One speaker suggested that a Second Decade for Action to Combat Racism and Racial Discrimination was needed to follow up the first Decade.

383. At the 28th meeting, on 18 February 1983, the representative of Zimbabwe introduced draft resolution E/CN.4/1983/L.23, sponsored by Algeria, */ the Congo */ Cuba, Egypt, */ Ethiopia, */ Ghana, the Libyan Arab Jamahiriya, Madagascar, */ Morocco, */ Mozambique, Senegal, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire, Zimbabwe. The Gambia, India, Nicaragua, Pakistan, Somalia, */ the Syrian Arab Republic, */ Venezuela */ and Viet Nam */ joined the sponsors of the draft resolution. In introducing the draft, the representative of Zimbabwe, on behalf of the sponsors, orally revised operative paragraph 4 to read as follows:

"Requests the Economic and Social Council's Preparatory Sub-Committee of the Second World Conference to consider recommending to the Conference the inclusion in the programme of activities to be undertaken at the end of the Decade of ways and means to ensure the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid".

384. At the same meeting draft resolution E/CN.4/1983/L.23 was put to a vote. The representative of the United States of America stated that he would not participate in the vote.

385. At the request of the representative of Cuba, a vote by roll-call was taken. The draft resolution was adopted by 41 votes to none. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Columbia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire and Zimbabwe.

Against: None.

386. For the text of the resolution, see chapter XXVII, section A, resolution 1983/13.

387. In explanation of vote after the vote, the following delegations made statements: Brazil, United Kingdom, France and Federal Republic of Germany.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

388. The Commission considered agenda item 19 together with item 8 (see chap. VI) at its 17th to 20th meetings, held on 11 and 14 February 1963, and at its 31st meeting, held on 22 February 1963.

389. In its resolution 1962/18 of 9 March 1962, the Commission had requested the Secretary-General to submit to it at its thirty-ninth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in that report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. The Commission had before it the report of the Secretary-General (E/CN.4/1963/29) prepared in response to that request. Moreover, the Secretary-General, in compliance with General Assembly resolution 37/191 of 18 December 1962, made available to the members of the Commission copies of the last annual report of the Human Rights Committee ^{1/} established under the International Covenant on Civil and Political Rights.

390. By General Assembly resolution 37/192 of 18 December 1962 the Commission had been requested to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, at its thirty-ninth and fortieth sessions and to submit a report to the General Assembly at its thirty-ninth session. The Commission had before it the text of the proposal initiated at the thirty-fifth session of the General Assembly in 1960 by the Federal Republic of Germany together with Austria, Costa Rica, the Dominican Republic, Italy, Portugal and Sweden, contained in document A/C.3/35/L.15, and as the reports prepared by the Secretary-General (A/36/441 and Add.1 and 2 and A/37/407 and Add.1) in the light of comments received from Governments.

391. The representatives who spoke on the item expressed their appreciation of the fact that several States had ratified or acceded to both Covenants and to the Optional Protocol since the thirty-eighth session of the Commission and hoped that this trend would lead to a more universal acceptance of the Covenants and to further protection and promotion of human rights and fundamental freedoms throughout the world. However, some speakers regretted the fact that more than half of the States Members of the United Nations had not yet acceded to the Covenants, including a number of States which often declared their strong commitment to the cause of human rights, and that over four fifths of the United Nations membership still hesitated to ratify the Optional Protocol. According to some representatives, the effectiveness of the Covenants required not only universal adherence to them but also the implementation of their provisions and the withdrawal of reservations attached to them by some States parties, for instance with regard to article 1 of both Covenants concerning the right of all peoples to self-determination.

^{1/} Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40 (A/37/40).

392. The speakers commended the serious and constructive manner in which the Human Rights Committee conducted its work, the tradition of independence and close co-operation that had been established among its members as well as the fruitful dialogue which the Committee had developed with States parties to the Covenant, as reflected in its comprehensive annual report. Some members pointed out that the Committee still experienced certain difficulties with the reporting obligations of States parties, particularly with long delays in the submission of initial reports, insufficiency of content or non-compliance with the guidelines and the lack of effective dialogue between States' representatives and the Committee. It was pointed out that in their reports States parties should refer not only to their constitutions, basic laws or substantive provisions but also to how effectively in practice human rights were protected and promoted.

393. Several representatives emphasized that there was a clear need to create the conditions for holding meetings of the Committee elsewhere than in New York or Geneva, for instance in the developing countries, where there was a crying need for people to be acquainted with the mechanisms for human rights protection. A strong plea was made for the widest possible publicity to be given to the Human Rights Committee's activities, and for more co-ordination and co-operation between the various organs, procedures and expert bodies dealing with human rights.

394. Many delegations devoted their statements to the implementation of the International Covenant on Economic, Social and Cultural Rights. It was noted that the revised arrangements provided for in Economic and Social Council resolution 1982/33 of 6 May 1982 held out potential for real improvement in the international monitoring and for the implementation by States parties of their obligations under that Covenant. The machinery was in place but its effectiveness depended on how seriously States approached their own responsibilities in that connection. It was important not only that States should send experts to present their reports but also that persons with an extensive human rights, and preferably a legal, background should be nominated for election to membership of the Sessional Working Group of Governmental Experts established under the Council resolution.

395. Some speakers expressed their grave concern over the fact that the death penalty still existed in many countries and, not infrequently, provided a pretext for summary or arbitrary executions. Several representatives felt that the main objective to be pursued in the field of capital punishment was to progressively restrict the number of offences for which the death penalty might be imposed.

396. A number of representatives supported the idea of elaborating a second optional protocol to the International Covenant on Civil and Political Rights to which those countries that wished to make an open commitment to abolish capital punishment or not to reintroduce it could accede. Some speakers stressed that adoption of the new optional protocol should in no way serve as a pretext to consider observance of article 6 of the Covenant as optional.

397. Some speakers considered that the question of capital punishment was highly controversial in view of the great variety of legal systems, socio-economic conditions and cultural traditions in the world and required, therefore, the most careful consideration.

398. At the 31st meeting, on 22 February 1983, the representative of Finland introduced a draft resolution (E/CN.4/1983/L.27) sponsored by Canada, Costa Rica, Cyprus, Finland, the Netherlands, Nicaragua, Peru, */ Senegal and the United Kingdom of Great Britain and Northern Ireland. Colombia joined the sponsors of the draft resolution. The observer for Belgium made a statement relating to the draft resolution.

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

400. The representatives of the USSR and Bulgaria made statements after the adoption of the draft resolution.

401. For the text of the resolution, see chapter XXVII, section A, resolution 1983/17.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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

402. The Commission considered agenda item 20 at its 25th to 28th meetings, on 17 and 18 February 1983, and at its 48th meeting, on 4 March 1983.
403. The Commission had before it: the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session (E/CN.4/1983/4), the report of the Special Rapporteur, Mr. Benjamin Whitaker, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966" in accordance with Sub-Commission resolution 1982/9 (E/CN.4/Sub.2/1982/20 and Add.1), a note by the Special Rapporteur, Mr. Abdalwahab Bouhdide, entitled "Concrete programmes of action to combat violations of human rights through the exploitation of child labour" submitted in accordance with Sub-Commission resolution 1982/33 (E/CN.4/Sub.2/1982/29).
404. The item was introduced by the Assistant Secretary-General, Centre for Human Rights.
405. At its 28th meeting on 18 February 1983, the Commission heard statements by observers from Austria, German Democratic Republic, Syrian Arab Republic and Turkey.
406. The following non-governmental organizations also made statements: Afro-Asian Peoples' Solidarity Organization, Baha'i International Community, International Federation for Human Rights, International Indian Treaty Council, International Movement for Fraternal Union Among Races and Peoples (category II); Indian Law Resource Centre (Roster).
407. In the course of the debate, many speakers paid tribute to the important and useful role played by the Sub-Commission, as a body of members elected in an independent and expert capacity, in promoting and encouraging respect for human rights and fundamental freedoms. They welcomed the increasing priority being given by the Commission to discussion of the Sub-Commission's report.
408. Most speakers generally emphasized that the activities of the Sub-Commission must complement and supplement those of the Commission. In that connection, referring to the role and nature of the Sub-Commission, many speakers emphasized that the Sub-Commission was a subsidiary body of the Commission and the idea that it might become a parallel body to the Commission or could report directly to the Economic and Social Council could not be supported. Reference was also made to the need for co-ordination between the Commission and the Sub-Commission.
409. Referring to the procedure dealing with communications under Economic and Social Council resolution 1503 (XIVIII), some delegations observed that the Sub-Commission should abide by the decisions of the Commission in order to avoid any violation of the confidential nature of the procedure.
410. Concern was expressed by a number of delegations about what they described as a growing tendency of the Sub-Commission to exceed its mandate. It was pointed out that the Sub-Commission had not always fulfilled specific tasks entrusted to it by the Commission. These speakers also stressed that the Sub-Commission should

confine itself to the tasks assigned to it by the Commission. Other speakers with approval that the Sub-Commission's discussions encompassed a wide range of human rights issues. 21

411. Different views were expressed about the title of the Sub-Commission. Some delegations supported changing the name of that body in a way which would reflect more accurately the range of its activities, whilst others stressed that its present title reflected the specialized nature of the tasks entrusted to the Sub-Commission.

412. Many speakers referred to the question of the designation of alternates for replacing absent members of the Sub-Commission, expressing reservations about the practice of appointing alternates and, in that connection, particularly about the designation of members of permanent missions as alternates. In their view, in order to maintain the independent and expert character of the Sub-Commission, it was essential for the alternates to possess the same qualities of independence and expertise as the elected members. Other speakers noted that the replacement of alternates was directly provided for in rule 13 of the rules of procedure of the functional commissions of the Economic and Social Council and it was inappropriate to change those rules for the Sub-Commission, which was only one of several subsidiary organs of functional commissions of the Economic and Social Council.

413. Referring to Sub-Commission decision 1982/12, some speakers stressed the importance of the participation of government observers in the debates of the Sub-Commission on matters of concern to them. Others observed that, given that the Sub-Commission was a body of independent experts, and that there were a variety of other forums in which Governments particularly had many opportunities to make their views known, discretion should be exercised both by observers and by the Sub-Commission to ensure that statements by observers remained within reasonable limits.

414. A number of delegations commented on particular issues covered in the Sub-Commission's report. Among them, the first session of the Working Group on Indigenous Populations was praised by some delegations for the constructive manner in which it had been chaired and for the valuable start it had made with its primary task of identifying and developing a set of standards. Other delegations praised Sub-Commission members for the useful studies completed or being undertaken.

415. At the 48th meeting, on 4 March 1983, the representative of the United Kingdom introduced a draft resolution (E/CN.4/1983/L.34) sponsored by Australia, Colombia, Costa Rica, Fiji, Gambia, India, Mexico and the United Kingdom of Great Britain and Northern Ireland. Senegal joined the sponsors of the draft resolution.

416. The representatives of Bangladesh, Brazil, Bulgaria, Canada, Cuba, Jordan, Mexico, Poland, Senegal and the United Kingdom made statements relating to the draft resolution.

417. At the same meeting, the representative of the Soviet Union introduced an amendment to draft resolution E/CN.4/1983/L.34 contained in document E/CN.4/1983/L.67, to which the representatives of Mexico and Cuba proposed oral amendments. By the Cuban amendment, which was accepted by the USSR, the

proposal in document E/CN.4/1983/L.67 was reformulated to read as follows:
“(c) Members of the Sub-Commission are called upon under exceptional circumstances to designate alternates other than those that were elected”.

418. The representative of Mexico subsequently withdrew his amendment.

419. The amended proposal in document E/CN.4/1983/L.67 was put to a vote and was rejected by 22 votes to 12, with 8 abstentions.

420. At the request of the representative of the United Republic of Tanzania, a separate vote was taken on subparagraph (c) of document D/CN.4/1983/L.34. Subparagraph (c) was adopted by 23 votes to 8, with 11 abstentions.

421. A separate vote was then requested by the representative of Bulgaria on the words “notwithstanding rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council” in t + v-
to agrair of h ref r... at r. h y d i e s c 9 c l o t e t i r , ^
Commission decided to retain t - p a . c a g r a i r a t - e . h o c .

422. The Commission then voted by roll-call on draft resolution E/CN.4/1983/L.34 as a whole. The draft resolution was adopted by 31 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Australia, Brazil, Canada, Colombia, Costa Rica, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Mexico, Netherlands, Philippines, Rwanda, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaire, Zimbabwe.

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

Abstaining: Argentina, Bangladesh, China, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan.

423. For the text of the resolution, see chapter XXVII, section A, resolution 1983/21.

424. The representatives of Brazil and Canada made statements in explanation of vote before the vote and the representative of Bulgaria and the USSR made statements in explanation of vote after the vote on draft resolution E/CN.4/1983/L.34.

425. At the same meeting, the representative of Bangladesh introduced a draft resolution (E/CN.4/1983/L.67), which was adopted without a vote.

426. For the text of the resolution, see chapter XXVII, section A, resolution 1983/22.

427. The draft resolution contained in document E/CN.4/1983/L.35/Rev.1, the amendment thereto contained in document E/CN.4/1983/L.36 and the draft resolution contained in document E/CN.4/1983/L.42 were withdrawn.

428. An amendment (E/CN.4/1983/L.82) submitted by Brazil and Uruguay to draft resolution E/CN.4/1983/L.35/Rev.1 was adopted without a vote as a separate decision.

429. For the text of the decision, see chapter XXVII, section B, decision 1983/104.

430. At the same meeting, the representative of the Netherlands introduced a draft resolution (E/CN.4/1983/L.43/Rev.1) sponsored by Australia, Canada, Denmark, * / Finland, the Netherlands, Norway * / and Sweden. * / Colombia and Peru * / joined the sponsors of the draft resolution, which was adopted, with the insertion of the word "voluntary" before the word "fund" in the last preambular paragraph, without a vote.

431. For the text of the resolution, see chapter XXVII, section A, resolution 1983/23.

432. The representative of Brazil made a statement after the adoption of the resolution.

433. At the same meeting, the Commission considered a draft resolution proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A, draft resolution I). Statements relating to this draft resolution were made by the representatives of Bangladesh, Pakistan, the United States of America and Yugoslavia. The attention of the Commission was drawn to the estimate of the administrative and programme budget implications (E/CN.4/1983/L.57) 1/ of the draft resolution.

434. The draft resolution was adopted without a vote.

435. For the text of the resolution, see chapter XXVII, section A, resolution 1983/24.

436. After the adoption of the resolution, statements were made by the representatives of Brazil, Canada and France.

437. At the same meeting, the Commission considered draft resolution III, proposed for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A).

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

439. For the text of the resolution, see chapter XXVII, section A, resolution 1983/25.

440. At the same meeting, the Commission considered draft resolution VI, proposed for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A).

* / In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

441. On the proposal of the representative of Yugoslavia, the Commission decided without a vote to postpone consideration of draft resolution VI,
442. For the text of the decision, see chapter XXVII, section B, decision 1983/105.
443. At the same meeting, the Commission considered draft resolution X, proposed for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1983/4, chap. I, sect. A).
444. At the same meeting, the draft resolution was adopted without a vote.
445. For the text of the resolution, see chapter XXVII, section A, resolution 1983/26.

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

446. The Commission considered agenda item 21 at its 56th meeting, on 10 March 1983.
447. The Commission had before it the following documents: the report of the informal open-ended working group set up by the Commission at its thirty-eighth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1982/L.42) as reproduced in chapter D of the addendum to the report of the Commission on its thirty-eighth session (E/1982/L2/Add.1); a note by the Secretary-General incorporating all provisions relevant to the rights of persons belonging to national, ethnic, religious or linguistic minorities, as contained in international instruments (E/CN.4/Sub.2/L.735); and a note by the Secretariat containing a revised and consolidated text of the draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities (E/CN.4/Sub.2/L.734).
448. An informal open-ended working group was established by the Commission in order to consider further the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. Mr. Bozović (Yugoslavia) was unanimously elected Chairman-Rapporteur of the working group.
449. At the 56th meeting, the Chairman-Rapporteur introduced the report of the working group (E/CN.4/1983/L.5). 1/
450. At the same meeting, the Commission took note of the report of the working group.
451. At the same meeting, the representative of Yugoslavia introduced a draft resolution (E/CN.4/1983/L.60) and orally revised it so that the second preambular paragraph started with the words "Having taken note with appreciation".
452. Prior to the adoption of the resolution, its administrative and programme budget implications were submitted to the Commission in document E/CN.4/1983/L.67, 2/
453. Draft resolution E/CN.4/1983/L.60 was adopted without a vote.
454. For the text of the resolution, see chapter XXVII, section A, resolution 1983/53.

1/ To be reissued under the symbol E/CN.4/1983/66.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XX MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED AND/OR SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

455 The Commission considered item 22 at its 29th and 30th meetings on 21 February 1983 and at its 39th meeting, on 7 March 1985

456 The item was introduced at the 29th meeting by the Deputy Director of the Centre for Human Rights

457 The Commission heard statements by the observers for Algeria, the Byelorussian SSR, the German Democratic Republic and Israel

458 The Commission also heard statements by the following non-governmental organizations in consultative status: International Commission of Jurists and the International Movement for Fraternal Union among Races and Peoples (category II)

459 A representative who participated in the debate unanimously condemned all totalitarian ideologies and practices, including nazism, fascism and neo-fascism, based on racial or ethnic exclusiveness or intolerance, hatred and terror, systematic denial of human rights and fundamental freedoms. Some speakers linked extremist ideologies with international terrorism, which was also identified as a totalitarian ideology. In their view, terrorists used the freedoms granted by democratic systems to destroy them, and murder, kidnapping and torture were the methods regularly used to attack pluralistic societies.

460 It was deeply deplored that the year which commemorated the rise to power of nazism at the same time witnessed activities in certain countries of groups and organizations propagating such ideologies and practices, endangering not only peace and stability but also jeopardizing a full realization of human rights and fundamental freedoms. Several delegations also denounced the activities of those groups aimed at falsifying the history of the Second World War and justifying the crimes perpetrated by Nazi Germany.

461 A number of speakers recalled the sufferings inflicted upon their respective countries during the Second World War in their struggle against nazism and fascism. In order to counteract the re-emergence of Nazi and Fascist-like practices, measures should be taken by the international community, such as the universal ratification of and accession to all relevant human rights instruments, in particular the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. The fact that former war criminals had found refuge in certain countries was deplored. It was recalled with satisfaction that a former war criminal had been apprehended and would be put on trial.

462 Some delegations said that nazism and fascism were only one of the forms of totalitarian ideologies and practices and therefore efforts, particularly preventive efforts, were required against all such phenomena. In the view of some speakers, nazism and fascism were the product of a certain socio-economic system. Others expressed reservations as regards that view, noting that it was wrong to think that certain peoples were definitely immune from that evil simply because they had opted for a particular type of social structure.

463. It was argued by some delegations that the resurgence of fascism in some parts of the world could not be viewed in isolation from persistent totalitarianism in other parts of the world. In that connection references were made to the ideologies and practices of zionism in Israel and the occupied Arab territories, the racial system of apartheid in South Africa and in illegally occupied Namibia, repressive regimes in Chile and other countries. The observer for Israel rejected the allegation that zionism was a form of racism and denounced that allegation as being part of an anti-Semitic campaign against the Jewish people. The representative of the Libyan Arab Jamahiriya replied that zionism was condemned by the international community as a form of racial discrimination, practising terrorism in the occupied Arab territories and the neighbouring Arab countries.

464. Some delegations said that if the discussion under this agenda item were to be most effective it should deal with the general phenomenon of totalitarianism and not only with one historical manifestation of that phenomenon. The title of the agenda item justified this wide-ranging approach, which also gave the discussion greater contemporary relevance. In their view, all manifestations of totalitarianism had one thing in common, namely the suppression of individual rights.

465. At the 49th meeting on 7 March 1985, the representative of the Ukrainian SSR introduced a draft resolution (E/CN.4/1985/L.50) sponsored by Afghanistan, ^{*/} Bulgaria, the Byelorussian Soviet Socialist Republic, ^{*/} Cuba, Czechoslovakia, ^{*/} the German Democratic Republic, ^{*/} Hungary, ^{*/} the Libyan Arab Jamahiriya, Mongolia, ^{*/} Mozambique, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam. ^{*/}

466. An oral amendment to draft resolution E/CN.4/1985/L.50 was put forward by the representative of Zimbabwe, who proposed that the third preambular paragraph should read as follows: "Recalling that the victory over nazism and fascism in the Second World War contributed to and promoted the ultimate collapse of the colonial system".

467. Amendments (E/CN.4/1985/L.59) to draft resolution E/CN.4/1985/L.50 were submitted by Australia, Canada and the Netherlands. The representative of the Ukrainian SSR, on behalf of the sponsors of the draft resolution, accepted the following amendments contained in document E/CN.4/1985/L.59:

- (a) amendments 2, 4, 5, 7 and 9, as contained in document E/CN.4/1985/L.59;
- (b) Amendment 3, revised to read as follows:

"Considering that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize efforts of the world community in its struggle against Nazi, Fascist and neo-Fascist and all other totalitarian ideologies and practices";

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

(c) Amendment 11, revised to read as follows:

"Notes that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against the ideologies and practices described in paragraph 1 above;"

(d) Amendment 1, with a further amendment proposed by Yugoslavia and accepted by the sponsors, reading as follows:

"Recalling the victory over nazism and fascism in the Second World War,

"Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms"

468. Amendments 6, 8 and 10 were withdrawn by their sponsors, but the term "inter alia" was inserted in the last preambular paragraph of the draft resolution, between the words "inherited" and "by".

469. The representatives of the Soviet Union, the United States of America and Yugoslavia made statements in explanation of vote before the vote on draft resolution E/CN.4/1983/L.50.

470. A separate vote on the two paragraphs contained in amendment 1 of document E/CN.4/1983/L.59, as further amended, was requested by Canada.

471. The first paragraph of amendment 1 was adopted by 15 votes to 14, with 9 abstentions.

472. The second paragraph of amendment 1 was adopted by 25 votes to none, with 13 abstentions.

473. Draft resolution E/CN.4/1983/L.50, as a whole, as amended, was adopted without a vote.

474. The representatives of the United Kingdom and Japan made statements after the adoption of the resolution.

475. For the text of the resolution, see chapter XXVII, section 4, resolution 1983/26.

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

476. The Commission considered item 23 at its 54th meeting, on 9 March 1983. It had before it the report of the Secretary-General on the programme of advisory services in the field of human rights for 1982 (E/CN.4/1983/30), the report of the seminar on nation 1, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo, Sri Lanka, from 21 June to 2 July 1982 (SI/HR/SER.A/12) and the report of the Secretary General on assistance to Uganda (E/CN.4/1983/31 and Add.1).

477. The item was introduced by the Assistant Secretary-General, Centre for Human Rights.

478. Statements were made by the representative of Uganda and by the representative of the United Towns Organization, a non-governmental organization in consultative status (category I).

479. At the same meeting the representative of Uganda introduced a draft resolution (E/CN.4/1983/L.91) sponsored by Gambia, Ghana, Mozambique, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zimbabwe.

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

481. For the text of the resolution, see chapter XXVII, section A, resolution 1983/41.

XIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

482. The Commission considered agenda item 24 at its 52nd and 53rd meetings, held on 8 and 9 March 1983.
483. Confidential lists of communications (E/CN.4/CCR/82/1-12), replies of Governments (E/CN.4/GR.82/1-12) and a confidential document of a statistical nature (E/CN.4/CCR/Stat.24) were made available to the members of the Commission.
484. The Economic and Social Council, by its resolution 1980/39 of 2 May 1980, requested the Commission on Human Rights to submit to the Council, at the first regular session of 1982, its views on how communications relating to the status of women should be handled, taking into account the procedures of the Commission. The Commission did not give consideration to this matter at its thirty-eighth session and the Economic and Social Council decided at its first regular session of 1982 to request the Commission at its thirty-ninth session, in response to Council resolution 1980/39, to provide its views on how communications relating to the status of women should be handled, taking into account its own procedures, and to submit its views to the Council at its first regular session of 1983 (Economic and Social Council decision 1982/122 of 4 May 1982).
485. For its consideration of this matter, the Commission had before it the following documents: a note by Secretary-General containing background information regarding existing procedures on communications within the United Nations system (E/1982/34 and Corr.1 and Add.1 and 2); a draft resolution contained in the report of the Commission on the Status of Women on its twenty-ninth session (E/1982/14, chap. I, sect. A, draft resolution X); Economic and Social Council resolution 1980/39 and Economic and Social Council decision 1982/122.
486. At the 52nd meeting, on 8 March 1983, the representative of Canada introduced a draft resolution (E/CN.4/1983/L.72) sponsored by Canada, Finland, Mexico and the Philippines.
487. In this connection the Commission heard at its 53rd meeting statements by the representatives of the following States: Australia, Bangladesh, Bulgaria, Canada, Cuba, Germany, Federal Republic of, India, Ireland, Netherlands, Philippines, United Kingdom, United States, Soviet Union, Yugoslavia.
488. The representative of Yugoslavia made an oral proposal which read as follows: "The Commission decides to postpone the matter under consideration until its fortieth session, at which it would be taken up as a separate agenda item and given the highest priority possible".
489. At the request of the representative of Yugoslavia, this motion was given priority. At the request of the representative of Canada, roll-call vote was taken on the motion. The proposal of Yugoslavia was rejected by 21 votes to 14, with 7 abstentions. The voting was as follows:
- In favour: Argentina, Bulgaria, China, Cuba, India, Libyan Arab Jamahiriya, Nicaragua, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Bangladesh, Canada, Colombia, Costa Rica, Cyprus, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Mexico, Netherlands, Philippines, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Brazil, Gambia, Jordan, Rwanda, Senegal, Uganda, Zaire.

490. The representative of the Soviet Union orally proposed the following amendments to draft resolution E/CN.4/1983/L.72:

(a) Operative paragraph 1 would read: "Decides, pursuant to the request of the Economic and Social Council, to submit the summary records containing the views expressed during the thirty-ninth session of the Commission on Human Rights on this question for consideration by the Council";

(b) Subparagraphs (a) to (c) would be deleted;

(c) Operative paragraph 2 would read: "Declares its readiness to continue to co-operate with the Commission on the Status of Women on this question with a view to enacting the Commission on the Status of Women fully to execute its specific mandate".

491. These amendments were not accepted by the sponsors. Upon the request of the representative of Canada, a roll-call vote was taken on the amendments. The amendments were rejected by 24 votes to 6, with 12 abstentions. The voting was as follows:

In favour: Bulgaria, Cuba, Libyan Arab Jamahiriya, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Bangladesh, Brazil, Canada, Colombia, Costa Rica, Cyprus, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Mexico, Netherlands, Philippines, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Abstaining: Argentina, China, Gambia, India, Jordan, Nicaragua, Pakistan, Rwanda, Uganda, United Republic of Tanzania, Zaire, Zimbabwe.

492. The sponsors accepted the following oral amendments proposed by the representative of Bangladesh to the second and third preambular paragraphs:

(1) in the second preambular paragraph, the words "and 1503 (XLVIII) of 27 May 1970 on communications concerning human rights" would be deleted, (11) in the third preambular paragraph, the words "confidential and non-confidential" would be deleted.

493. The representative of Cuba orally proposed the addition of the following text as the third preambular paragraph:

"Bearing in mind the co-ordination functions assigned to the Commission by the Economic and Social Council in its resolution 1979/3, of 10 May 1979".

494. This amendment was adopted without a vote.

495. At the request of the representative of Canada, a vote by roll-call was taken on the draft resolution.

496. The draft resolution, as amended, was adopted by 30 votes to 4, with 8 abstentions. The voting was as follows:

In favour: Australia, Bangladesh, Brazil, Canada, Colombia, Costa Rica, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, Ireland, Italy, Japan, Jordan, Mexico, Netherlands, Nicaragua, Philippines, Rwanda, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zaire.

Against: Bulgaria, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, China, Cuba, India, Libyan Arab Jamahiriya, Pakistan, Yugoslavia, Zimbabwe.

497. For the text of the resolution, see chapter XXVII, section A, resolution 1983/39.

XXIV. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL
FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION
OR BELIEF

498. The Commission considered agenda item 25 at its 49th and 50th meetings, held on 7 March 1983.

499. The Commission had before it a note by the Secretary-General (E/CN.4/1983/1/Add.1) referring to communications addressed to him by Ireland, the Netherlands and the United States of America, and a report of the Secretary-General (E/CN.4/1983/34 and Add.1) prepared in accordance with General Assembly resolution 37/187 of 18 December 1982.

500. At the 50th meeting, the Commission heard statements by the observers for Denmark, the Holy See, Peru and Switzerland.

501. It also heard statements by the representative of UNESCO and the representatives of the following non-governmental organizations in consultative status: Christian Democratic World Union, World Jewish Congress, Pax Christi, Bahá'í International Community and Pax Romana (category II) and International Federation of Rural Adult Catholic Movements (Roster).

502. The Assistant Secretary-General, Centre for Human Rights, introduced the item.

503. A number of speakers expressed their appreciation of the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and noted that it constituted an important contribution to the realization of human rights and fundamental freedoms, in particular to the right to freedom of thought, conscience and religion. It was stressed that, in setting political and ethical principles, it had a moral significance for Governments as well as for individuals.

504. With regard to the steps to be taken for the implementation of the Declaration, a number of measures were suggested, including the widest dissemination of the Declaration in as many languages as possible, the organization of seminars, studies by United Nations bodies, and appropriate actions in the field of legislation, education and training. The pamphlet issued by the Department of Public Information should be published in all official languages of the United Nations.

505. Some representatives stressed the importance for the human person to be in a position to manifest the values deriving from his or her religion or belief. They stated that it was essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and that this question deserved particular attention in the future. A few representatives expressed their concern about reports of alleged violations of the principles of the Declaration in certain areas of the world; others underlined that freedom of thought, conscience and religion was protected and observed in their countries. It was pointed out that in implementing the Declaration, the rights of non-believers and their protection from discrimination should also be taken into account. On the other hand, it was stressed at the same time that the Declaration did not have a legally binding character and that the appropriate provisions of legally binding international instruments should continue to be implemented. It was further stated that the Declaration should be utilized exclusively for the elimination of discrimination based on religion or belief. A few speakers warned that the measures proposed

for the implementation of the Declaration should not diminish the attention given to the implementation of other declarations concerned with human rights.

506. At the 53rd meeting, held on 9 March 1983, the representative of Ireland introduced a draft resolution (E/CN.4/1983/L.68) sponsored by Australia, Canada, Colombia, Costa Rica, Fiji, Finland, France, Ghana, Ireland, Italy, Japan, Netherlands, Peru, Senegal, Uganda, the United States of America and Uruguay and orally revised it as follows: (i) operative paragraph 2, subparagraph (a) was reworded to read as follows: "To incorporate in his report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session the views of the appropriate specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and of other appropriate bodies within the United Nations system and non-governmental organizations on measures to implement the Declaration"; (ii) subparagraph (b) was deleted; and (iii) "1983-1984" in subparagraph (c), which had become subparagraph (b), was changed to "1984-1985".

509. At the same meeting, the representative of the Ukrainian SSR orally proposed the following amendments: (i) in operative paragraph 1 the words "of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, using as terms of reference the Declaration on" would be deleted and replaced by the words "relating to"; and (ii) the new subparagraph 2 (b) would be redrafted as follows "(b) To consider holding within the framework of the advisory services programme a seminar on the encouragement of understanding in matters relating to the elimination of all forms of intolerance and of discrimination based on religion or belief".

508. At the same meeting, at the request of the representative of Brazil, the Commission took separate votes on the amendments proposed by the Ukrainian SSR. The first amendment was rejected by 23 votes to 6, with 11 abstentions, and the second amendment was rejected by 27 votes to 7, with 8 abstentions.

509. At the same meeting, draft resolution E/CN.4/1983/L.68, as revised, was voted on by roll-call, at the request of the representative of Ireland, and was adopted by 39 votes to none, with 4 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zaire, Zimbabwe.

Against: None.

Abstaining: Bulgaria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

510. For the text of the resolution, see chapter XXVII, section AA resolution 1983/40.

3/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XXIV. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTIETH SESSION OF THE COMMISSION

511. The Commission considered agenda item 26 at its 58th meeting, on 11 March 1983. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1983/L.8) containing a draft provisional agenda for the fortieth session of the Commission and indicating the documents to be submitted under each item and the Legislative authority for their preparation.

512. At the same meeting, the Commission decided to take note of the draft provisional agenda.

513. For the decision, see chapter XXVII, section E, decision 1983/113.

514. The draft provisional agenda for the fortieth session of the Commission reads as follows:

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

Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

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

Legislative authority: Commission resolution 1983/1 A.

Documentation:

- (a) Note by the Secretary-General (paragraph 13);
- (b) Report of the Secretary-General (paragraph 14);
- (c) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (paragraph 15).

5. Question of human rights in Chile

Legislative authority: Commission resolution 1983/38.

Documentation:

Report of the Special Rapporteur (paragraph 11).

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

Legislative authority: Commission resolutions 1983/9 and 1983/10.

Documentation:

- (a) Progress report of the Ad Hoc Working Group of Experts (paragraph 16 of resolution 1983/9),
- (b) Report of the Secretary-General (paragraph 18 of resolution 1983/9);
- (c) Report of the Ad Hoc Working Group of Experts (paragraph 10 of resolution 1983/10).

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

Legislative authority: Commission resolution 1983/11.

Documentation:

Updated version of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 8).

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

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
- (c) The right of popular participation in its various forms as an important factor in development and in the realization of human rights

Legislative authority: Commission resolutions 1983/14 and 1983/15.

Documentation:

- (a) Preliminary study on "The right to popular participation in its various forms as an important factor in the full realization of all human rights (operative paragraph 1 of draft resolution I recommended for adoption by the Economic and Social Council in resolution 1983/14),
 - (b) Report of the Working Group of Governmental Experts on the Right to Development (paragraph 10 of resolution 1983/15).
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

Legislative authority: Commission resolution 1983/3.

Documentation:

list of reports, studies and publications prepared by the Division for Palestinian Rights (paragraph 14).

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

- (a) Torture and other cruel, inhuman or degrading treatment or punishment
- (b) Question of enforced or involuntary disappearances

Legislative authority: Commission resolutions 1983/18, 1983/19, 1983/20 and 1983/48.

Documentation:

- (a) Comments received by the Secretary-General (paragraph 1 of resolution 1983/18),
- (b) Report of the Sub-Commission containing proposals for measures designed to ensure the respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency exist, especially of those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights (paragraph 2 of resolution 1983/18);
- (c) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 4 of resolution 1983/19);
- (d) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3 of resolution 1983/20),
- (e) Report of the Sub-Commission containing general recommendations on the most effective means for eliminating enforced or involuntary disappearances of persons (paragraph 6 of resolution 1983/20),
- (f) All relevant material relating to the draft convention against torture and other cruel, inhuman or degrading treatment or punishment (operative paragraph 2 of draft resolution VIII recommended for adoption by the Economic and Social Council in resolution 1983/48).

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

Legislative authority: Commission resolution 1983/50.

Documentation:

- (a) Report by the Secretary-General (paragraph 2),
- (b) Report by the Secretary-General on the implementation of the programme for the dissemination of international instruments on human rights (paragraph 4),

- (c) Report by the Secretary-General on the promotional activities of the United Nations in the field of human rights (paragraph 8);
- (d) Report by the Secretary-General covering steps to implement resolution 1983/50 as well as a summary of the activities of the United Nations information centres (paragraph 9).

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

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

Legislative authority: Commission resolutions 1983/29, 1983/30, 1983/32, 1983/34, 1983/35, 1983/36 and 1983/37.

Documentation:

- (a) Report by the Special Representative (paragraph 11 of resolution 1983/29);
- (b) Report of the Secretary-General (paragraph 5 of resolution 1983/30);
- (c) Report of the Secretary-General (operative paragraph 4 of draft resolution V recommended for adoption by the Economic and Social Council in resolution 1983/32);
- (d) Report of the Secretary-General (paragraph 4 of resolution 1983/34);
- (e) Opinions communicated to the Secretary-General on the study and on the recommendations made in the study of the Special Rapporteur on human rights and mass exoduses (paragraph 5 of resolution 1983/35);
- (f) Report by the Special Rapporteur (operative paragraph 5 of draft resolution VI recommended for adoption by the Economic and Social Council in resolution 1983/36);
- (g) Report by the Special Rapporteur (paragraph 7 and 8 of resolution 1983/37).

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

Legislative authority: Commission resolution 1983/52.

Documentation:

Documents relating to the draft convention on the rights of the child (operative paragraph 2 of draft resolution IX recommended for adoption by the Economic and Social Council in resolution 1983/52).

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

Legislative authority: Commission resolution 1983/45.

Documentation.

Report of the Secretary-General (paragraph 4).

15. Human rights and scientific and technological developments

Legislative authority: Commission resolutions 1983/41, 1983/42 and 1983/44.

Documentation:

- (a) Report of the Secretary-General on the basis of comments provided by States, relevant international organizations and other sources (paragraph 2 of resolution 1983/41),
- (b) Study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the use of the achievements of scientific and technological progress to ensure the right to work and development (paragraph 3 of resolution 1983/42)
- (c) Revised final report of the Special Rapporteur containing the body of principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder as well as the summary compilation of replies received from Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and in the Commission on Human Rights (operative paragraph 2 of draft resolution VII recommended for adoption by the Economic and Social Council in resolution 1983/44).

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

Legislative authority: Commission resolution 1983/12.

Documentation:

- (a) Views and comments by States parties on the interim study prepared by the Ad Hoc Working Group of Experts on southern Africa (paragraph 5);
- (b) Report of the Group of Three established under article IX of the Convention (paragraph 6).

17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

Legislative authority: Commission resolution 1983/13.

Documentation.

Report of the Second World Conference to Combat Racism and Racial Discrimination (paragraph 5).

18. Status of the International Covenants on Human Rights

Legislative authority: Commission resolution 1983/17.

Documentation:

- (a) Report of the Secretary-General on the most appropriate steps for the publication of the documentation of the Human Rights Committee (paragraph 9),
- (b) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, including information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights (paragraph 12);
- (c) Report of the Secretary-General on public information activities in the field of human rights, and on the action taken by the United Nations information centres to increase their activities to make the Covenants better known universally (paragraph 13).

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

Legislative authority: Commission resolutions 1983/22, 1983/23 and 1983/24.

Documentation:

- (a) Report of the Sub-Commission on its thirty-sixth session, including recommendations as to how its work might best be harmonized with that of the Commission, within the existing terms of reference of the Sub-Commission (paragraph 4 of resolution 1983/22), including also an account of the activities undertaken by the Sub-Commission pursuant to resolution 1983/23 (paragraph 2 of resolution 1983/23),
- (b) Revision and updating of the study on the question of the prevention and punishment of the crime of genocide (operative paragraph 2 of draft resolution III recommended for adoption by the Economic and Social Council in resolution 1983/24).

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

21. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

22. Advisory services in the field of human rights

Legislative authority: Commission resolution 1983/47.

Documentation:

Report of the Secretary-General (paragraphs 1 and 3).

23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Legislative authority: Commission resolution 1983/40.

Documentation:

Report of the Secretary-General on measures taken to implement resolution 1983/40 (paragraph 3).

24. Draft provisional agenda for the forty-first session of the Commission

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

Documentation:

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

25. Report to the Economic and Social Council on the fortieth session of the Commission

Legislative authority: rule 36 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXV. ELECTION OF A MEMBER OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES

515. At its 42nd meeting, on 1 March 1983, the Commission decided to add an item to its agenda, entitled "Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

516. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and decision 1978/21 of 5 May 1978, the Commission was required, following the death of Mr. Beverly Carter (United States of America), to elect a member of the Sub-Commission from among experts nominated by Western European and other States.

517. The Commission had before it document E/CN.4/1983/39, containing the nomination of Mr. John Carey by the Government of the United States.

518. At its 57th meeting, on 11 March 1983, the Commission elected Mr. John Carey as a member of the Sub-Commission.

XXVI. ADOPTION OF THE REPORT

519. At its 57th and 58th meetings, on 11 March 1983, the Commission considered the draft report on the work of its thirty-ninth session. The draft report, as amended in the course of the discussion, was adopted unanimously at the 58th meeting.

XXVII RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS THIRTY-NINTH SESSION

A Resolutions

1983/1 Question of the violation of human rights in the
occupied Arab territories, including Palestine 1/

A 2/

The Commission on Human Rights,

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

Also guided by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

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

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof",

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 57/68 of 10 December 1982, 37/123 of 16/20 December 1982 and all relevant General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization concerning the conditions of the population in the Palestinian and other occupied Arab territories since 1967, including Jerusalem,

Recalling its resolution 1982/1 of 11 February 1982 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine", and previous resolutions of the Commission on Human Rights on this subject,

1/ Adopted at the 22nd meeting, on 15 February 1983, by a roll-call vote of 29 to 1, with 12 abstentions. See chap. II.

2/ Adopted at the 22nd meeting, on 15 February 1983, by a roll-call vote of 29 to 1, with 13 abstentions. See chap. II.

Taking note of the report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, 3/

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the Palestinian and other occupied Arab territories

2. Reiterates the alarm deeply expressed by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its reports submitted to the General Assembly at its thirty-fourth, 4/ thirty-fifth, 5/ thirty-sixth, 6/ and thirty-seventh 7/ session that Israel's policy in the occupied territories is based on the so-called "Homeland" doctrine which envisages a mono-religious (Jewish) State that includes also territories occupied by Israel since June 1967, and the affirmation by the Special Committee that this policy not only denies the right to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights

3. Declares that Israel's continuous grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 8/ and of the Additional Protocols 9/ to the Geneva Conventions are war crimes and an affront to humanity

4. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and to change the physical character, demographic composition, institutional structure or status of the occupied territories, including the Holy City, and considers all these measures and their consequences null and void

5. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:

(a) The annexation of parts of the occupied territories, including Jerusalem

(b) The continuing establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto

(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property

2/ ST/HR/DIR A/14

4/ A/34/631

5/ A/35/A25

6/ A/36/632 and Add 1 and Add 1/Corr 1

7/ A/31/485

8/ United Nations, Treaty Series, vol 75, p 287

9/ A/32/144, annexes J and II

(d) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return

(e) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other,

(f) The destruction and demolition of Arab houses,

(g) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population and the torture of persons under detention, and the inhuman conditions in prisons

(h) The pillaging of archaeological and cultural property;

(i) The interference with religious freedoms and practices as well as with family rights and customs

(j) The systematic Israeli repression against cultural and educational institutions, especially universities, in the occupied Palestinian territories, closing them or restricting and invading their academic activities by subjecting selection of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities and by the expulsion of numerous faculty members of several universities for refusing to sign statements containing political positions, in flagrant defiance and disregard of their right to academic freedom,

(k) The illegal exploitation of the natural wealth, water and other resources and the population of the occupied territories,

(l) The dismantlement of the municipal services by dismissing the elected mayors as well as the municipal councils and forbidding Arab aid funds,

6 Calls upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967

7 Calls upon the Israeli authorities to implement forthwith Security Council resolution 454 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the expelled Mayors of Hebron and Halhoul so that they can resume the functions for which they were elected and appointed,

8 Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners,

9 Reiterates its call to all states, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or

extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution

10 Urges Israel to refrain from the policies and practice violating human rights in the occupied territories, and to report, through the Secretary General, to the Commission at its fortieth session on the implementation of this resolution

11 Requests the General Assembly, through the Economic and Social Council, to recommend to the Security Council the adoption against Israel of the measures referred to in Chapter VII of the Charter of the United Nations for its persistence in violating the human rights of the population of the Palestinian and other occupied Arab territories

12 Requests the Secretary-General to submit the report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel to the General Assembly at its thirty-eighth session and to draw its attention particularly to the conclusions, recommendations and appeal adopted by the seminar

13 Renews its request to the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its fortieth session

14 Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fortieth session

15 Further requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of those occupied territories

16 Decides to place on the provisional agenda of the fortieth session as a matter of high priority the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine"

B 10/

The Commission on Human Rights,

Recalling its resolution 1982/1 B of 11 February 1982 and General Assembly resolutions 3092 A (XVIII) of 7 December 1973, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/40 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 of 16 December 1981, and 37/88 A of 10 December 1982,

Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 481 (1980) of 19 December 1980,

10/ Adopted at the 22 d meeting on 15 February 1983, by a roll-call vote of 39 to 1, with 3 abstentions See chap II

Recalling resolution III on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 adopted by the Twenty-fourth International Conference of the Red Cross held at Manila in November 1961,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

Recognizing that the persistent failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War creates a situation fraught with danger,

Taking into account that States parties to the fourth Geneva Convention of 12 August 1949 undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the convention in all circumstances,

1. Expresses its deep concern at the consequence of Israel's systematic refusal to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem

3. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem,

4. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem

5. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem,

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations

1983/2 Question of the violation of human rights in the occupied Arab territories, including Palestine II/

The Commission on Human Rights,

Having examined the situation in the occupied Arab territories, including Palestine and the occupied Syrian Golan Heights,

11/ Adopted at the 22nd meeting, on 15 February 1983, by a roll-call vote of 27 to 2, with 13 abstentions. See chap. II

Recalling its resolutions 1967 and 21 February 1982,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 12/

Gravely alarmed by Israel's behaviour in systematically ignoring all relevant resolutions of the Security Council, the General Assembly, the Commission on Human Rights and other organs of the United Nations concerning the Arab territories occupied by Israel and its persistent violations of human rights in those territories,

Reaffirming that the acquisition of territories by force is inadmissible under the Charter of the United Nations, the principles of international law and relevant United Nations resolutions,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, in which the Assembly defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Recalling Security Council resolution 497 (1981) of 17 December 1981 and General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 A of 16 December 1982,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to the occupied Palestinian and other Arab territories, including the occupied Syrian Golan Heights,

Gravely alarmed by the inhuman treatment imposed by the occupying Israeli authorities on the Syrian population of the Golan Heights and noting that "The continued protests [by the Syrian population] led to a wave of arrests, dismissal and a rupture in communications and, on 25 February 1982, a blockade was imposed on the villages ... the population was even prevented from obtaining medical aid outside the area", 13/

1. Resolutely condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1 and 37/123 A;

2. Declares once more that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitutes an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is null and void and has no legal validity and/or effect;

12/ A/37/465.

13/ Ibid., para. 43.

4. Reaffirms its determination that all provisions of the Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 14/ continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon parties thereto to respect their obligations under these instruments in all circumstances,

5. Determines once more that continued occupation of the Syrian Golan Heights since 1967 and its effective annexation by Israel on 14 December 1981, as well as the inhuman treatment of the Syrian population, constitute a grave violation of the Universal Declaration of Human Rights, the Geneva Convention and the relevant United Nations resolutions,

6. Strongly deplores the negative vote of a permanent member of the Security Council which prevented the Council from adopting against Israel, under chapter VII of the Charter of the United Nations, the "appropriate measures" referred to in resolution 497 (1981), adopted unanimously by the Security Council

7. Calls upon Israel, the occupying Power, to rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, and firmly emphasizes the overriding necessity of the total and unconditional withdrawal by Israel from all Palestinian and Syrian territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East,

8. Decides to place on the provisional agenda of its fortieth session as a matter of high priority the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

1983/5 The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 15/

The Commission on Human Rights,

Recalling General Assembly resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 1514 (XV) of 14 December 1960, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 of 2 December 1977, 32/42 of 7 December 1977, 33/28 of 7 December 1978, 34/65 of 29 November 1979, ES-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981, 36/226 of 17 December 1981, ES-1/9 of 24 September 1982 and 37/86 of 10/20 December 1982,

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its resolution 1982/3 of 11 February 1982,

14/ United Nations, Treaty Series, vol. 75, p 287

15/ Adopted at the 22nd meeting, on 15 February 1983, by a roll-call vote of 26 to 7, with 10 abstentions See chap VII

Bearing in mind the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 16/ and especially paragraphs 49 to 57 of that report,

Emphasizing once more that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and other relevant United Nations resolutions, and expressing its grave concern that Israel has prevented the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law,

Expressing its grave concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, as has been tragically illustrated by the Israeli invasion of Lebanon,

Welcoming the Arab peace plan adopted at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and 9 September 1982,

1. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all these occupied territories,

2. Condemns Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, as a result of the Israeli invasion of Lebanon which claimed the lives of thousands of Lebanese and Palestinian civilians,

3. Condemns in the strongest terms the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps for which the responsibility of the Israeli Government has been established,

4. Decides that the massacre was an act of genocide,

5. Requests the General Assembly to declare 17 September a day to commemorate the memory of the victims of Sabra and Shatila,

6. Expresses its grave concern that, until a just and equitable solution to the problem of Palestine has been implemented, the Palestinian people will be exposed to grave dangers such as the appalling massacre perpetrated in the Sabra and Shatila refugee camps,

7. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State of Palestine,

8. Reaffirms the inalienable right of the Palestinians to return to their homes and property, from which they have been displaced and uprooted by Israel, and calls for their return in the exercise of their right to self-determination

16/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 35 (A/36/35).

9. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations,

10. Reaffirms the basic principle that the future of the Palestinian people can only be decided with its full participation in all efforts, through its representative, the Palestine Liberation Organization

11. Rejects all partial agreements and separate treaties in so far as they violate the inalienable rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area, in accordance with the principles of the Charter of the United Nations and with relevant United Nations resolutions

12. Strongly rejects the plan of "autonomy" within the framework of the "Camp David accords" and declares that these accords have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967,

13. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter and the relevant resolutions of the United Nations,

14. Requests the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Division for Palestinian Rights

1983/4. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 17/

The Commission on Human Rights,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments relating to human rights,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, and 35/118 of 11 December 1980, containing the Plan of Action for the Full Implementation of the Declaration,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 35/35 of 14 November 1980, 36/68 of 1 December 1981, 36/76 of 4 December 1981 and 37/35 of 23 November 1982,

17/ Adopted at the 22nd meeting, on 15 February 1983, by a roll-call vote of 31 to 7, with 4 abstentions. See chap. VII

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976, 3 (XXXIV) of 14 February 1978, 2 (XXXV) and 3 (XXXVI) of 21 February 1979, 5 (XXXVII) of 15 February 1980, 14 (XXXVIII) of 6 March 1981 and 1982/16 of 25 February 1982,

Recalling Security Council resolutions 405 (1977) of 14 April 1977 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling also General Assembly resolutions 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973 and 3314 (XXIX) of 14 December 1974 concerning the use and recruitment of mercenaries against national liberation movements and sovereign States,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 18/

Condemning the continued colonialist and racist oppression of millions of Africans, particularly in Namibia, by the racist Government of South Africa through its persistent, illegal occupation of the international Territory and its intransigent attitude towards all efforts being made to bring about an internationally acceptable solution to the situation obtaining in the Territory,

Condemning the racist regime of South Africa for its ruthless exploitation of the people and resources of Namibia, as well as its attempt to destroy the national unity and territorial integrity of Namibia,

Condemning the racist regime of South Africa for developing a nuclear capability for military and aggressive purposes,

Affirming that Walvis Bay and the offshore islands constitute an integral part of the Territory of Namibia,

Affirming that "bantustanization" is incompatible with genuine independence, national unity and sovereignty and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

Affirming also that the system of apartheid imposed on the South African people constitutes a gross and massive violation of the rights of that people,

Reiterating its affirmation on the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the enjoyment of human rights,

18/ General Assembly resolution 2625 (XXV)

1. Calls upon all states to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependant peoples of the territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence,

2. Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) and 2145 (XXI) of 27 October 1966, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal, including armed struggle, against the illegal occupation of their Territory by South Africa,

3. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movements by all available means, including armed struggle, for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa as a whole,

4. Strongly condemns the continued violations of the human rights of peoples still under colonial and foreign domination, the continuation of the illegal occupation of Namibia and South Africa's attempts to dismember its territory, and the perpetuation of the racist minority regime in southern Africa,

5. Also strongly condemns the apartheid regime of South Africa for its brutal repression and indiscriminate torture and killing of workers, schoolchildren and other opponents of apartheid, and the imposition of death sentences on freedom fighters,

6. Condemns the continued policy of "bantustanization", which is contrary to the principle of self-determination and inconsistent with genuine independence and national unity,

7. Strongly condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa and calls upon the States concerned to cease forthwith all such collaboration,

8. Condemns the continuing activities of foreign economic and other interests which are impeding the implementation of the Declaration contained in General Assembly resolution 1514 (XV) with respect to colonial territories, particularly Namibia,

9. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence, and also demands full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment,

10. Declares that the illegal occupation of Namibia by South Africa continues to constitute an act of aggression against the Namibian people and a threat to international peace and security as well as an affront to the United Nations, which has direct responsibility for the Territory until independence,

11. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid Regime of South Africa against independent African States, in particular, Angola, Botswana, Lesotho, Mozambique and Zimbabwe,

12. Demands that South Africa put an immediate, total and unconditional end to its wanton and unprovoked acts of aggression and withdraw its occupation forces from Angolan territory,

13. Condemns the policies of those Western and other countries whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority regime of South Africa encourage that regime to persist in its suppression of the aspirations of peoples to self-determination and independence

14. Reaffirms once again that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon Governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it, to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General,

15. Expresses deep appreciation of the important work being done by the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries and urges all States to contribute towards the early adoption of such a convention,

16. Reaffirms once again that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and poses a serious threat to international peace and security,

17. Decides to include in the provisional agenda of its fortieth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration

1983/5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 19/

The Commission on Human Rights,

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981 and 1982/13 of 25 February 1982 and Economic and Social Council decisions 1981/154 of 8 May 1981 and 1982/143 of 7 May 1982 which, inter alia, reaffirm the right of the people of Kampuchea to fundamental freedoms and inalienable human rights, including the right to decide their own future and the right to self-determination,

19/ Adopted at the 22nd meeting, on 15 February 1985, by a roll-call vote of 28 to 9, with 4 abstentions. See chap. VII.

Recalling further General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981 and 37/6 of 28 October 1982, which called for an end to armed intervention and the total withdrawal of foreign forces from Kampuchea,

Emphasizing in particular General Assembly resolution 36/5, in which the Assembly approved the report of the International Conference on Kampuchea, 20/ which embraced the four cardinal elements of negotiations for a comprehensive political settlement of the Kampuchean problem and which established the Ad Hoc Committee of the International Conference on Kampuchea,

Further recalling General Assembly resolution 37/6, reaffirming the conviction that to bring about a durable peace in South-East Asia, there is an urgent need for a comprehensive political solution to the Kampuchean problem which will provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference,

Noting, in particular, the formation of the Democratic Kampuchea Coalition as a positive development,

Recognizing that the continuing illegal occupation of Kampuchea by foreign forces not only deprives the people of Kampuchea from exercising their right to self-determination but also forces a large number of Kampucheans to flee their own homeland as refugees and displaced persons outside Kampuchea,

Having considered resolutions 13 (XXXIV) of 10 September 1981 and 1982/22 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission reiterated its recommendation that the Commission on Human Rights should keep the situation of human rights in Kampuchea under continuing review and should call for a pledge by all States not to interfere in the internal political process of Kampuchea in any form whatsoever after the withdrawal of the foreign forces now in that country,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Kampuchea as expressed in its resolutions 11 (XXXVII) of 6 March 1981 and 1982/13 of 25 February 1982
2. Deplores violations of the fundamental principles of humanitarianism and the Charter of the United Nations, particularly the recent military attack by occupying troops against border encampments, including a hospital for Kampucheans on the Thai-Kampuchean border,
3. Reaffirms that the continuing occupation of Kampuchea by foreign forces deprives the people of Kampuchea of the exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present,

4. Emphasizes that the withdrawal of all foreign forces from Kampuchea, the restoration of Kampuchea's independence, sovereignty and territorial integrity, the recognition of the Kampuchean people's right to self-determination and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea are essential components towards achieving a just and durable solution to the Kampuchean problem

5. Strongly reaffirms its call to parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate and unconditional withdrawal of foreign forces from Kampuchea, as retextated in the Declaration on Kampuchea adopted on 17 July 1981, in order:

(a) That the Kampuchean people, free from any foreign interference, aggression and coercion, will be able to exercise their fundamental and inalienable human rights in their totality and indivisibility,

(b) That the United Nations may be able to offer its services in the field of human rights and fundamental freedoms in Kampuchea,

(c) That in the exercise of the fundamental freedoms and inalienable human rights, the Kampuchean people will then be able to choose and determine their own political process through free and fair elections under United Nations supervision,

(d) That the exercise of the right of all Kampuchean refugees to return to their homeland may be made possible,

(e) That efforts towards a comprehensive political solution to the Kampuchean problem within the framework of the Declaration on Kampuchea of 17 July 1981 and the relevant United Nations resolutions may be pursued in order to establish an independent, free and non-aligned Kampuchea and thereby achieve durable peace for South-East Asia,

6. Requests the Secretary-General of the United Nations to continue to monitor closely the developments in Kampuchea and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of fundamental human rights in Kampuchea,

7. Notes with appreciation the report of the Ad Hoc Committee of the International Conference on Kampuchea 21/ and requests that the Committee continue its work, pending the reconvening of the Conference,

8. Recommends that the Economic and Social Council at its first regular session of 1983 continue to consider and in particular to undertake appropriate measures towards the early implementation of relevant recommendations with a view to achieving the full enjoyment of the fundamental human rights and freedoms particularly the right to self-determination, of the Kampuchean people

9. Decides to keep the situation in Kampuchea under review as a matter of priority at its fortieth session under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1983/6. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation - Question of Western Sahara 22/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments relating to human rights,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in resolution 1514 (XV) of 14 December 1960,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the Movement of Non-Aligned Countries regarding the decolonization of Western Sahara and the right of the people of that territory to self-determination and independence,

Considering the relevant resolutions of the General Assembly on the question of Western Sahara, and particularly resolution 37/28 of 23 November 1982 and decision 37/411 of 23 November 1982,

Recalling the decision on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi, Kenya, from 24 to 27 June 1981, to organize throughout the territory of Western Sahara a general and free referendum on self-determination,

Recalling the various decisions adopted by the Implementation Committee on Western Sahara of the Organization of African Unity concerning the establishment of appropriate machinery to enable the people of Western Sahara to express themselves freely and democratically on their future,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981 and 1982/15 of 25 February 1982,

1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514 (XV), as well as with the relevant resolutions of the General Assembly and the Organization of African Unity,

22/ Adopted at the 23rd meeting, on 16 February 1983, by 16 votes to 2, with 15 abstentions. See chap. VII.

2. Reiterates its appeal to the two parties to the dispute, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) to enter into direct negotiations with a view to concluding a cease fire, which is an indispensable prerequisite for the organization of the referendum on self-determination,

↳ Decides to follow closely the development of the situation in Western Sahara and to consider this question within the framework of the agenda item entitled 'The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation at its forty-fifth session, as a matter of high priority.

1983/7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation - Situation in Afghanistan 23/

The Commission on Human Rights.

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Recalling its resolutions 3 (XXXVI) of 14 February 1980, 13 (X/VII) of 6 March 1981 and 1982/14 of 25 February 1982,

Further recalling resolution ES-6/2 of 14 January 1980, adopted by the General Assembly at its sixth emergency special session,

Also recalling General Assembly resolutions 35/37 of 20 November 1980, 36/34 of 10 November 1981 and 37/37 of 29 November 1982 on the situation in Afghanistan which, inter alia, reaffirmed the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraints of any kind whatsoever, and which called for the immediate withdrawal of foreign troops from Afghanistan,

Recalling further General Assembly resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981 and 37/42 of 3 December 1982, as well as resolutions 26 (XXXIII), 11 (XXXIV) and 1982/21 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 12 September 1980, 9 September 1981 and 8 September 1982, respectively,

Recognizing the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries for a political solution of the situation in respect of Afghanistan,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

23/ Adopted at the 23rd meeting, on 16 February 1983, by a roll call vote of 29 to 7, with 5 abstentions. See chap. VII.

Reaffirming further the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the continued foreign armed intervention in Afghanistan in contravention of the above principles and its serious implications for international peace and security,

Noting the increasing concern of the international community over the continued and serious sufferings of the Afghan people and over the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees and the continuing increase in their numbers,

Deeply conscious of the urgent need for a political solution of the grave situation in respect of Afghanistan,

1. Reaffirms its most profound concern that the people of Afghanistan continue to be denied their right to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

2. Calls for the immediate withdrawal of the foreign troops from Afghanistan,

3. Further calls for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference,

4. Affirms the right of the Afghan refugees to return to their homes in safety and honour,

5. Urges all concerned to work towards a settlement which would ensure that the Afghan people would determine their destiny free from outside interference and which would enable the Afghan refugees to return to their homes,

6. Expresses its appreciation and support for the efforts and constructive steps taken by the Secretary-General in the search for a solution to the problem,

7. Requests the Secretary-General to continue these efforts with a view to promoting a political solution, in accordance with the provisions of the relevant General Assembly resolutions,

8. Urges all concerned to continue to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan,

9. Appeals to all States and national and international organizations to extend humanitarian relief assistance, with a view to alleviating the hardship of Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees,

10. Decides to consider this matter at its fortieth session with high priority under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1983/8. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation - Question of East Timor 24/

The Commission on Human Rights

1. Reaffirms the inalienable right of the people of East Timor to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,
2. Declares that the people of East Timor must be enabled freely to determine their own future on the basis of the relevant General Assembly resolutions and the relevant United Nations human rights instruments,
3. Calls upon all interested parties, namely, Portugal, as the administering Power, and the representatives of the people of East Timor, as well as Indonesia, to co-operate fully with the United Nations with a view to guaranteeing the free and full exercise of the right to self-determination by the people of East Timor,
4. Laments its deepest concern at the suffering of the people of East Timor as a result of the situation now prevailing in the territory,
5. Calls upon all parties concerned to facilitate the entry into the territory of international aid to alleviate the suffering of the people of East Timor.

1983/9. Violations of human rights in southern Africa report of the Ad Hoc Working Group of Experts 25/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXX), 6 (XXXIII), 12 (XXXV), 5 (XXXVIII) and 1982/8, by which it extended and broadened the terms of reference of that Group,

Recalling Security Council resolution 527 (1982), in which the Council strongly condemned the apartheid regime of South Africa for its premeditated aggressive act against Lesotho, and various General Assembly resolutions which have condemned South Africa for aggressive acts against other neighbouring countries such as Angola and Mozambique,

Conscious of the value of the reports of the Ad Hoc Working Group of Experts in the efforts of the United Nations to expose and combat the repeated denials and gross violations of human rights in South Africa and Namibia,

24/ Adopted at the 23rd meeting, on 16 February 1983, by a roll call vote of 16 to 14, with 10 abstentions. See chap. VII.

25/ Adopted at the 28th meeting, on 18 February 1983, by a roll-call vote of 42 to none. See chap. IV.

Having examined the report of the Ad Hoc Working Group of Experts, 26/ in which inter alia the Group has concluded that massive and cruel denials of human rights under the apartheid system continue to be practised in South Africa and Namibia,

Taking note of the report of the Special Committee against Apartheid on torture and ill-treatment of detainees by the racist regime of South Africa in 1982, 27/

1. Congratulates the Ad Hoc Working Group of Experts on its inquiries and investigations and the quality of the reports it has submitted, 28/

2. Takes note of the conclusions and recommendations contained in the reports,

3. Affirms that any constitutional arrangement in South Africa which is based on racial segregation and which denies full citizenship rights to the majority black population as a whole constitutes a denial of their political rights, serves to perpetuate apartheid and is unacceptable,

4. Denounces the policy of 'bantustanization' and the forced removals of the black population, a practice which has disrupted black families, the cultural identity of the blacks and their unity and has violated the principle in the Universal Declaration of Human Rights that no one shall be arbitrarily deprived of his nationality,

5. Expresses its profound indignation at the scale and variety of human rights violations in South Africa, in particular

(a) The alarming increase in the number of sentences passed and executions which have taken place,

(b) The torture of political activists during interrogation,

(c) The ill-treatment of captured freedom fighters and other detainees,

(d) The deaths of detainees in South African prisons under suspicious circumstances,

6. Expresses deep indignation at the fact that

(a) Child labour continues to be practised in South Africa,

(b) Black women and children are still exploited and suffer the most from the policies and practices of apartheid,

(c) Young black people also suffer discriminatory harassment and imprisonment

7. Demands that South Africa should put an end to the policies and practices which violate the rights of the African population, especially women and children,

26/ E/CN.4/1983/10.

27/ A/AC.115/L.586.

28/ E/CN.4/1983/10, E/CN.4/1983/37 and E/CN.4/1983/38.

8. Appeals to the international community to undertake appropriate and urgent action to save the lives of Bobby Tsotsoba, Johannes Shabangu, Jerry Mosoleli, Simon Mogoerane, David Moise and Marcus Motaung, condemned to death as a result of their opposition to apartheid.

9. Expresses its concern regarding infringements of trade union rights and in particular the indiscriminate harassment, arrest and detention of black trade union leaders,

10. Demands further that South Africa should respect international standards concerning trade union rights,

11. Demands again that South Africa should adhere to the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and implement the relevant Recommendation (No. 146) and ensure that adequate legislation to protect the rights of working children is enacted,

12. Condemns South Africa's military attacks against neighbouring countries such as Angola, Lesotho and Mozambique and demands the cessation of such attacks,

13. Decides to renew the mandate of the Ad Hoc Working Group of Experts composed of the following persons acting in their personal capacity
Mr. Aman Arkyin Cato (Ghana), Chairman/Rapporteur, Mr. Branimir Jankovic (Yugoslavia), Mr. Felix Ermacore (Austria), Mr. Humberto Diaz Casanueva (Chile), Mr. Mulka Govinda Reddy (India) and Mr. Mikulin Lelliel Balanda (Zaire),

14. Decides that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa and Namibia, bearing in mind the effects of apartheid on black women and children and the Group's conclusion that the "criminal effects of apartheid amount to a policy bordering on genocide", 29/

15. Requests the Ad Hoc Working Group, in co-operation with the Special Committee against Apartheid, to continue to investigate the cases of torture and ill-treatment of detainees and the deaths of detainees in South Africa,

16. Requests the Ad Hoc Working Group to submit a report on its findings to the Commission at its forty-first session at the latest and to submit a progress report to the Commission at its fortieth session,

17. Requests the Ad Hoc Working Group to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, cases of particularly serious violations which may come to its attention during its inquiries,

18. Again requests the Secretary-General to renew his invitation to all States Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal 30/ so as to enable the Ad Hoc Working Group to continue its study and to submit a report to the Commission at its fortieth session,

29/ E/CN.4/1983/38, para. 83, conclusion A (2).

30/ E/CN.4/1426.

19. Authorizes the Ad Hoc Working Group to organize in 1984 a seminar to consider the most effective means of reinforcing the Commission's efforts to eliminate apartheid, racism and racial discrimination,

20. Authorizes the Chairman of the Ad Hoc Working Group of Experts to participate in conferences, symposia, seminars or other events connected with the action against apartheid organized under the auspices of the Special Committee against Apartheid and the United Nations Council for Namibia,

21. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with paragraphs 17 and 18 of the present resolution and with its terms of reference,

22. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council, the Special Committee against Apartheid and the United Nations Council for Namibia.

1983/10. Violations of human rights in southern Africa report of the Ad Hoc Working Group of Experts 31/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII), 12 (XXXV) and 5 (XXXVII), by which it extended and broadened the terms of reference of that Group,

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Mindful of the deteriorating situation in Namibia because of the illegal occupation of the territory by South Africa and that regime's policies of apartheid and of repression,

Having examined the chapter on Namibia contained in the report submitted by the Ad Hoc Working Group of Experts, 32/

1. Reaffirms the inalienable right of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments,
2. Reaffirms further that the Namibian people can legitimately exercise their right to self-determination and independence only under conditions determined by the United Nations in accordance with Security Council resolutions 435 (1978) and 439 (1978),

31/ Adopted at the 28th meeting, on 18 February 1983, by a roll-call vote of 37 to none, with 5 abstentions. See chap. IV.

32/ E/CN.4/1983/10, chap. II.

3. Calls upon South Africa to comply without further delay with all resolutions on Namibia adopted by the Security Council and the Commission on Human Rights;

4. Demands that South Africa cease forthwith all acts of torture and ill-treatment of Namibian political detainees and prisoners,

5. Demands that South Africa release all Namibian political prisoners, including those imprisoned or detained under the so-called Security Laws, and that the captured freedom fighters be granted prisoner-of-war status and be treated in accordance with the provisions of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto, pending their release,

6. Requests the Ad Hoc Working Group of Experts to continue to institute inquiries in respect of any persons suspected of having committed in Namibia the crime of apartheid or a serious violation of human rights and to bring the results of those inquiries to the attention of the Commission at its fortieth session,

7. Strongly condemns South Africa for its use of the territory of Namibia for repeated acts of aggression and violation of the territorial integrity of African States and calls on South Africa to desist from such criminal aggression,

8. Demands the immediate withdrawal of all South African armed forces from Angola;

9. Reiterates the request that South Africa allow the Ad Hoc Working Group of Experts to make an on-the-spot investigation of the living conditions in the prisons in Namibia and South Africa and the treatment of prisoners,

10. Requests the Ad Hoc Working Group of Experts to continue to study, as a matter of priority, the policies and practices which violate human rights in Namibia and to submit a report to the Commission at its fortieth session.

1983/11. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa 33/

The Commission on Human Rights,

Reaffirming that any form of assistance given to the racist regime of South Africa constitutes a hostile act against the oppressed people of southern Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

Recognizing that the utmost priority must be accorded to international action to ensure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and the liberation of the people of South Africa and Namibia from the racist and colonial regime,

33/ Adopted at the 28th meeting, on 18 February 1983, by a roll-call vote of 30 to 4, with 8 abstentions. See chap. V.

Recalling General Assembly resolutions 3382 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 of 17 December 1981 and 37/39 of 3 December 1982,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid regime,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981 and 1982/12 of 25 February 1982,

Taking note of resolution 1982/16 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having noted with satisfaction the updated report 34/ prepared by the Special Rapporteur, Mr. Ahmed Khalifa, which contains an updated list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regime in South Africa,

Deeply concerned that the major Western and other trading partners of South Africa continue to collaborate with that racist regime and that their collaboration constitutes the main obstacle to the liquidation of that racist regime and the elimination of the inhuman and criminal system of apartheid,

Alarmed at the continued collaboration of certain Western States and Israel with the racist regime of South Africa in the nuclear field, which collaboration has grave implications for the enjoyment of human rights by the peoples of southern Africa,

Deeply concerned at South Africa's acts of aggression aimed at undermining the economies and destabilizing the political institutions of independent neighbouring States,

C conscious of the continuing need to mobilize world public opinion against the political, military, economic and other forms of assistance given to the racist regime in South Africa.

34/ E/CN.4/Sub.2/1982/10.

1. Expresses its appreciation to the Special Rapporteur for his report containing the updated list of banks, transnational corporations and other organizations assisting the racist regime in South Africa,

2. Reaffirms the inalienable right of the oppressed people of South Africa and Namibia to self-determination, independence and the enjoyment of the natural resources of their territories and to dispose of those resources for their greater well being,

3. Calls again upon the Governments of the countries where the banks, transnational corporations and other organizations named and listed in the revised report are based to take effective action to put a stop to their trading, manufacturing and investing activities in the territory of South Africa as well as on the territory of Namibia illegally occupied by the racist Pretoria regime,

4. Calls again upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa, and in particular to cease all collaboration with South Africa in the nuclear field,

5. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of independent neighbouring States,

6. Urgently requests all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting any type of loans to the racist regime in South Africa,

7. Calls upon all States, specialized agencies and regional, intergovernmental and other organizations concerned to give wide publicity and dissemination to the report of the Special Rapporteur,

8. Welcomes 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, subject to annual review, and to submit, through the Sub-Commission, the revised report to the Commission,

9. Decides to consider the revised report at its fortieth session within the framework of the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in South Africa".

1983/12. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 35/

The Commission on Human Rights,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981 and 1982/10 of 25 February 1982,

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report 36/ of the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of three members of the Commission which was set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular the conclusions and recommendations contained in that report,

2. Commends those States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid that have submitted periodic reports and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

3. Again urges States which have not yet done so to ratify or accede to the Convention without delay,

4. Recommends once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports, 37/

5. Requests once more the Secretary-General to invite States parties to submit their views and comments on the interim study 38/ prepared by the Ad Hoc Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI);

35/ Adopted at the 28th meeting, on 18 February 1983, by a roll-call vote of 31 to 1, with 10 abstentions. See chap. XIV.

36/ E/CN.4/1983/25.

37/ E/CN.4/1286, annex.

38/ E/CN.4/1426.

6. Further requests again the Group of Three to examine in accordance with Commission resolution 1982/12 of 25 February 1982 whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid, and whether or not some legal action could be taken under the Convention, and to report to the Commission,

7. Calls on States parties to strengthen their co-operation at the national and the international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations,

8. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention,

9. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

10. Decides that the Group of Three shall meet for a period of not more than five days before the fortieth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

1983/13. Implementation of the Programme for the Decade for
Action to Combat Racism and Racial Discrimination 39/

The Commission on Human Rights,

Recalling its resolution 1982/11 of 25 February 1982, in which it, inter alia, decided that the Commission on Human Rights should be represented at the Second World Conference to Combat Racism and Racial Discrimination by the Chairman of its thirty-ninth session,

Recalling also its resolution 14 D (XXXVI) of 26 February 1980, by which, in response to General Assembly resolution 34/24, it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare a study on ways and means of ensuring the implementation of United Nations resolutions on apartheid, racism and racial discrimination,

Reiterating its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Bearing in mind General Assembly resolutions 36/8 of 28 October 1981 and 37/40 and 37/41 of 3 December 1982, in which the Assembly, inter alia, invited the Commission on Human Rights to participate in the Second World Conference,

39/ Adopted at the 28th meeting, on 18 February 1983, by a roll-call vote of 41 to none. See chap. XVI.

Convinced that the Second World Conference will contribute to the effective elimination of apartheid, racism and racial discrimination,

1. Designates the Chairman of the Commission on Human Rights and the Chairman of the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the Second World Conference to Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983,
2. Expresses its support for the call by the General Assembly to all States to participate in the Second World Conference and to contribute to the success of the Conference,
3. Takes note that the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been unable to undertake the study on ways and means of ensuring the implementation of United Nations resolutions on apartheid, racism and racial discrimination,
4. Requests the Economic and Social Council's Preparatory Sub Committee of the Second World Conference to consider recommending to the Conference the inclusion in the programme of activities to be undertaken at the end of the Decade for Action to Combat Racism and Racial Discrimination of a study of ways and means to ensure the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid,
5. Decides to consider the outcome of the Second World Conference to Combat Racism and Racial Discrimination at its fortieth session.

1983/14. 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 40/

The Commission on Human Rights,

Recalling that among the purposes and principles of the Charter of the United Nations is the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979 and 37/55 of 3 December 1982,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political rights and economic, social and cultural rights,

40/ Adopted at the 31st meeting, on 22 February 1983, by 42 votes to 1. See chap. VI.

Bearing in mind that in accordance with the International Development Strategy for the Third United Nations Development Decade the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom,

Recognizing that popular participation in all its forms, including the participation of workers in management and workers' self-management in countries where they exist, constitutes an important factor of socio-economic development as well as of respect for human rights and the dignity of the human person,

Having considered, in accordance with paragraph 5 of General Assembly resolution 37/55 of 3 December 1982, the report of the Secretary-General on the International Seminar on Popular Participation, 41/

1. Takes note with appreciation of the report on the International Seminar on Popular Participation, held at Ljubljana, Yugoslavia, from 17 to 25 May 1982.

2. Considers that the full exercise of the right to popular participation is an important factor not only in the development process but also in the realization of the full range of human rights, civil and political as well as economic, social and cultural;

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

[For the text, see chap. I, sect. A, draft resolution I.]

1983/15. 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 42/

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Considering also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, according to which the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

41/ A/37/442.

42/ Adopted at the 31st meeting, on 22 February 1983, by a roll-call vote of 40 to none, with 3 abstentions. See chap. VI.

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and General Assembly resolutions 3281 (XXXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 5362 (S-VII) of 16 September 1975, and 35/56 of 5 December 1980, containing the International Development Strategy for the Third United Nations Development Decade,

Recalling also the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on Social Progress and Development, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security and the Declaration on the Deepening and Consolidation of International Détente,

Bearing in mind that the International Development Strategy for the Third United Nations Development Decade stated that "the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom",

Recalling its resolutions 2 (XXXI) of 10 February 1975, 4 (XXXIII) of 21 February 1977, 4 (XXXV) and 5 (XXXV) of 2 March 1979, 6 (XXXVI) and 7 (XXXVI) of 21 February 1980, 36 (XXXVII) of 11 March 1981 and 1982/17 of 9 March 1982,

Recalling also its resolution 36 (XXXVII), which stated, inter alia, that equality of opportunity for development is as much a prerogative of nations as of individuals within nations,

Taking into account General Assembly resolution 36/133 of 14 December 1981, which declared that the right to development is an inalienable human right,

Taking into account also General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979 and all other relevant resolutions of the General Assembly,

Recalling also that General Assembly resolution 32/130 stated inter alia that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Emphasizing that the promotion of respect for the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Noting with interest that the Heads of State or Government of Non-Aligned Countries at their Sixth Conference, held at Havana, Cuba, from 5 to 9 September 1979, set as one of the essential objectives of the non-aligned movement the early establishment of the New International Economic Order with a view to accelerating the development of developing countries, eliminating the inequality between developed and developing countries, and the eradication of poverty, hunger, sickness and illiteracy in the developing countries, and called on the United Nations to continue working towards the comprehensive achievement of human rights, in order to ensure the dignity of human beings,

Emphasizing the importance for all countries of evolving appropriate socio-economic systems that are best suited to their own political, economic, social and cultural situations, free from external influences and constraints that distort and prevent achievement of the right to development,

Further underlining the importance of individual and collective self-reliance on the part of the developing countries as a means of accelerating their development and contributing to achievement of the right to development,

Recognizing that international peace and security are essential elements for the full realization of the right to development,

1. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;

2. Expresses its deep concern at the present situation in the attainment of the aims and objectives for the establishment of a New International Economic Order and the adverse effects on the full achievement of human rights and in particular of the right to development;

3. Reaffirms that all nations have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources subject to the principles referred to in article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;

4. Once again reiterates the need to ensure the realization of work, education, health and proper nourishment through the adoption of national and international measures, as a necessity for the full enjoyment of human rights;

5. Reaffirms that foreign occupation, colonialism, apartheid, racism and racial discrimination and the denial of the right to self-determination of peoples and of universally recognized human rights are serious impediments to economic and social progress;

6. Commends the report of the Working Group of Governmental Experts on the Right to Development, 43/ which met at Geneva on two occasions between 28 June 1982 and 3 December 1982;

7. Takes note with satisfaction of the progress made so far by the Working Group as reflected in its report and its recommendations;

8. Decides to reconvene the same Working Group with the same mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development;

43/ E/CN.4/1983/11.

9. Requests the Working Group to hold two meetings of two weeks each in Geneva, the first in June 1983 and the second in November/December 1983;
10. Also requests the Working Group to submit to the Commission at its fortieth session a report and concrete proposals for a draft declaration on the right to development;
11. Requests the Secretary-General to provide all necessary assistance to the Working Group;
12. Decides to consider this question as a matter of high priority at its fortieth session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group;
13. Decides also to review, at its fortieth session, the need for the Working Group to continue its activities.

1983/16. The new international economic order
and the promotion of human rights 44/

The Commission on Human Rights,

Recalling article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights which proclaim inter alia the human right to adequate food,

Further recalling the provisions of the Universal Declaration on the Eradication of Hunger and Malnutrition 45/ whereby every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties,

Bearing in mind the concepts contained in General Assembly resolution 32/130 of 16 December 1977, including the concept that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political rights and economic, social and cultural rights,

Emphasizing the link as recognized by the General Assembly in its resolutions 34/46 of 23 November 1979, 35/174 of 15 December 1980 and 36/133 of 14 December 1981 between universal realization of the right to proper nourishment and the establishment of the new international economic order,

Deeply concerned about the precarious nature of the food situation, particularly in the least developed countries, and about the implications thereof for enjoyment of the fundamental right to food,

44/ Adopted at the 31st meeting, on 22 February 1983, by 36 votes to none, with 5 abstentions. See chap. VI.

45/ Report of the World Food Conference, Rome, 5-16 November 1974 (United Nations publication, Sales No. 75.XI.A.3), chap. I.

1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Eide with the preparation of a study on the right to adequate food as a human right. The Special Rapporteur, in elaborating his study, should take into account all relevant work being done within the United Nations system and should consult with organs and agencies such as the World Food Council, the Food and Agriculture Organization of the United Nations and the United Nations Conference on Trade and Development and relevant non-governmental organizations in the field. In his study the Special Rapporteur should give special attention to the normative content of the right to food and its significance in relation to the establishment of the new international economic order,

2. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in his work,

3. Requests the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-sixth session and his final report to the Sub-Commission at its thirty-seventh session.

1985/17. Status of the International Covenants on Human Rights 46/

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 1982/18 of 9 March 1982 and General Assembly resolution 37/191 of 18 December 1982,

Recalling its resolution 1982/42 of 11 March 1982 on development of public information activities in the field of human rights,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. 47/

46/ Adopted at the 31st meeting, on 22 February 1983, without a vote. See chap. XVII.

47/ E/CN.4/1983/29.

Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights and to the Optional Protocol,

Bearing in mind the important responsibilities of the Economic and Social Council in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report, 48/

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for an observance of human rights and fundamental freedoms,

2. Takes due note of Economic and Social Council resolution 1982/33 of 6 May 1982 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

3. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto and takes note of the further decision of the Human Rights Committee on the question of periodicity of reports from States parties under article 40, paragraph 1 (b), of the Covenant as well as the adoption by the Committee of further general comments under article 40, paragraph 4, of the Covenant,

4. Urges all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights,

5. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

6. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto,

48/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40 (A/37/40).

7. Stresses, in particular, the obligations of a State party availing itself of the right of derogation from the provisions of the International Covenant on Civil and Political Rights in accordance with article 4, paragraph 1, of the Covenant to inform the other States parties immediately through the intermediary of the Secretary-General of the provisions from which it has derogated and of the reasons by which it was actuated

8. Emphasizes the importance of States parties sending experts to present their reports under the International Covenants on Human Rights, as well as nominating experts to serve on the implementation committees set up under the Covenants,

9. Welcomes the measures being taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and urges the Secretary-General to continue to consider the most appropriate steps for the publication of the Committee's documentation and to report on this question to the Commission at its fortieth session,

10. Takes note of paragraph 14 of General Assembly resolution 37/191 in which the Assembly requests the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights,

11. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories,

12. Requests the Secretary-General to submit to the Commission on Human Rights, at its fortieth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

13. Requests the Secretary-General to invite the United Nations information centres to increase their activities to make the Covenants better known universally and to report on action taken in this regard in the course of his regular reports to the Commission on public information activities in the field of human rights, including the dissemination of international instruments,

14. Decides to consider at its fortieth session an agenda item entitled 'Status of the International Covenants on Human Rights'.

1983/18. Question of the human rights of all persons subjected to any form of detention or imprisonment - The implications for human rights of situations known as states of siege or emergency 49/

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees every individual equal protection under the law and the right to an effective remedy by the competent national tribunals for acts violating fundamental human rights,

Recalling Economic and Social Council resolution 1979/34 of 10 May 1979 authorizing a special rapporteur of the Sub-Commission to study the implications for human rights of situations known as states of siege or emergency,

Expressing its appreciation to Mrs. Nicole Questiaux, Special Rapporteur of the Sub-Commission, for her excellent study on this question, 50/

Recognizing that the existence of a state of siege or emergency may affect the enjoyment of human rights, including those rights which are described as inalienable in article 4 of the International Covenant on Civil and Political Rights,

Endorsing the general principle of law reflected in article 4 of the International Covenant on Civil and Political Rights, according to which certain rights and fundamental freedoms may not be infringed upon even during a state of siege or emergency,

Noting that the Sub-Commission has whole-heartedly endorsed the Special Rapporteur's conclusions, and sharing the Sub-Commission's appreciation for her study,

Sharing the concern expressed by the Secretary-General in his address to the Commission on 15 February 1983 regarding the implications which states of siege or emergency may have for the enjoyment of human rights,

1. Requests the Secretary-General:

(a) To invite Governments, the relevant organs of the United Nations, the specialized agencies and the regional intergovernmental and non-governmental organizations concerned to submit to him their comments, if any, on the report of the Special Rapporteur,

49/ Adopted at the 32nd meeting, on 22 February 1983, without a vote. See chap. VIII.

50/ E/CN.4/Sub.2/1982/15.

(b) To compile these comments and to forward them to the Sub-Commission at its thirty-sixth session and to the Commission at its fortieth session;

2. Requests the Sub-Commission at its thirty-sixth session to give further attention to the study of the Special Rapporteur and, taking into account those comments already provided at that time in accordance with paragraph 1 above, to propose for the Commission's consideration at its fortieth session measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency exist, especially of those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights;

3. Decides to give urgent priority at its fortieth session to the question of the implications for human rights of situations of siege or emergency.

1983/19. 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 - United Nations Voluntary Fund for Victims of Torture 51/

The Commission on Human Rights,

Bearing in mind its resolutions 35 (XXXVII) of 11 March 1981 and 1982/43 of 11 March 1982 concerning the United Nations Voluntary Fund for Victims of Torture,

Recalling General Assembly resolution 36/151 of 16 December 1981, by which the Assembly decided to establish the United Nations Voluntary Fund for Victims of Torture,

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,

Further noting with deep concern that acts of torture take place in various countries,

Reiterating the need to provide assistance to the victims of torture in a purely humanitarian spirit, or to activities on behalf of such victims,

Noting with deep satisfaction the establishment of the Fund and the appointment of the Board of Trustees,

51/ Adopted at the 32nd meeting, on 22 February 1983, without a vote. See chap. VIII.

1. Expresses its gratitude and appreciation to those Governments which have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund;
3. Requests the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund;
4. Further requests the Secretary-General to keep the Commission informed every year of the operations of the Fund.

1985/20. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular; question of enforced or involuntary disappearances 52/

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, which requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, whereby it decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons,

Recalling General Assembly resolution 37/180 of 17 December 1982, wherein the Assembly welcomed the decision taken by the Commission on Human Rights in its resolution 1982/24 of 10 March 1982 to extend the mandate of the Working Group for one year,

Recalling resolution 1982/5 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

52/ Adopted at the 32nd meeting, on 22 February 1983, without a vote. See chap. VIII.

Considering the need to observe United Nations standards and practices regarding the receipt of communications, their transmittal to the Governments concerned and their evaluation,

Taking note of the report of the Working Group, 53/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the work done,
2. Decides to extend for one year the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), and to retain the present membership of the Working Group for the same period of time;
3. Requests the Working Group to submit to the Commission, at its fortieth session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, inter alia, to protect persons providing information, or to limit the dissemination of information provided by Governments;
4. Renews its request to the Secretary-General to appeal to all Governments to co-operate with the Working Group in a spirit of complete confidence;
5. Further 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 appropriate arrangements to ensure the continuity of the Secretariat's work;
6. Reminds the Sub-Commission on Prevention of Discrimination and Protection of Minorities of its resolution 1982/24, whereby it requested the Sub-Commission to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-ninth session, and requests the Sub-Commission to submit such recommendations to the Commission at its fortieth session;
7. Decides to consider this question at its fortieth session under the subitem of the agenda entitled "Question of enforced or involuntary disappearances".

53/ E/CN.4/1983/14.

1983/21. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session 54/

The Commission on Human Rights,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and in particular its resolutions 1/ (XXVIII) of 10 March 1981 and 1982/23 of 10 March 1982,

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

[For the text, see chap. I, sect. A, draft resolution II.]

1983/22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session 55/

The Commission on Human Rights,

taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session, 56/

Recognizing the important contribution which the Sub-Commission makes to the promotion and protection of human rights, in part through the high quality of many of its studies and reports, as well as the valuable assistance which the Sub-Commission provides to the Commission,

Recalling its resolution 1982/23 of 10 March 1982 concerning the report of the Sub-Commission on its thirty-fourth session,

Recalling again the terms of reference of the Sub-Commission as defined by the Commission at its fifth session as well as in its resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981 and in the relevant resolutions of the Economic and Social Council and of the General Assembly,

Noting the efforts made by the Sub-Commission to take into account a number of the recommendations and requests made to it by the Commission at its thirty-seventh and thirty-eighth sessions,

Recalling further that members of the Sub-Commission are experts elected in their individual capacity,

Aware of the variety of suggestions and comments which were made by members of the Sub-Commission in the course of the general discussion during its thirty-fifth session concerning its activities,

54/ Adopted at the 48th meeting, on 4 March 1983, by a roll-call vote of 31 to 5, with 7 abstentions. See chap. XVIII.

55/ Adopted at the 48th meeting, on 4 March 1983, without a vote. See chap. XVIII

56/ E/CN.4/1983/4.

Bearing in mind the already heavy workload of the Sub-Commission and the desirability of some rationalization of its work, taking into account the existing terms of reference of the Sub-Commission,

Believing that it is helpful and appropriate for the Commission to give guidance to the Sub-Commission, in order to ensure complementarity between its activities and those of the Commission,

1. Calls upon the Sub-Commission in the fulfilment of its functions and duties to be guided by the resolutions referred to in the preambular paragraphs of the present resolution,

2. Draws the attention of the Sub-Commission to the comments and suggestions made during the consideration of the Sub-Commission's report at the present session of the Commission and requests the Sub-Commission to take them into account,

3. Believes that it is inappropriate for the Sub-Commission to take decisions affecting its status, role and competence,

4. Invites the Sub-Commission to consider and make recommendations to the Commission as to how its work might best be harmonized with that of the Commission, within the existing terms of reference of the Sub-Commission, to ensure complementarity and co-ordination between the activities of both bodies as well as the undertaking of tasks by the Sub-Commission which its particular status as a body of individuals elected in an independent and expert capacity best suits it to carry out

5. Further invites the Sub-Commission particularly

(a) To examine ways to implement all the requirements contained in Commission resolution 8 (XXIII),

(b) To examine at its thirty-sixth session possibilities for rationalizing its methods of work, which might include the adoption of a five-year programme of work such as that which expired in 1980,

(c) To place due emphasis, at an early stage, on the preparation of studies requested of it by the Commission and by the Economic and Social Council in setting its priorities in its programme of work, and to ensure that such studies are as far as possible completed on time,

(d) To seek the widest possible measure of agreement when adopting decisions,

6. Urges the Sub-Commission to ensure that special rapporteurs appointed to prepare studies or reports limit the body of such studies or reports to 32 printed single-spaced pages unless, in view of the subject-matter or for other exceptional reasons, more extensive treatment is considered necessary,

7. Invites the Sub-Commission to be present, through its Chairman or another member it may designate, at the consideration of its report during the fortieth session of the Commission.

1983/23. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Discrimination against indigenous populations 57/

The Commission on Human Rights,

Recalling its resolution 1982/19 of 10 March 1982 regarding the human rights and fundamental freedoms of indigenous populations,

Taking note of Economic and Social Council resolution 1982/34 of 7 May 1982, by which the Council decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations,

Expressing its appreciation for the report of the Working Group on Indigenous Populations 58/ and for the very positive way in which the Working Group conducted its first session, giving an opportunity to all observers present to express their views,

Noting with interest Sub-Commission resolution 1982/31, in which the Sub-Commission asked the Commission and the Economic and Social Council to establish a voluntary fund for the purpose of allowing representatives of indigenous populations to participate in the work of the Working Group,

1. Decides.

(a) To request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to suggest appropriate means designed to ensure that the activities of the Working Group shall be better known in every country so as to ensure the broadest possible participation of representative observers from indigenous populations,

(b) To request the Sub-Commission to make more specific proposals regarding the possible establishment of a fund as referred to above, including applicable criteria for the administration of such a fund, as well as appropriate standards for making such a fund available to those who may be considered to be eligible,

(c) To request the Secretary-General to provide the Sub-Commission with suggestions as to how such a fund may be administered,

2. Requests the Sub-Commission to include an account of its activities undertaken pursuant to the present resolution in the report on its thirty-sixth session to the Commission at its fortieth session.

57/ Adopted at the 48th meeting, on 4 March 1983, without a vote.
See chap. XVIII.

58/ E/CN.4/Sub.2/1982/31.

1983/24. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Updating of the study on the question of the prevention and punishment of the crime of genocide 59/

The Commission on Human Rights,

Mindful of resolution 1982/2 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, related to the revision and updating of the study on the question of the prevention and punishment of the crime of genocide, 60/

Expressing its great concern and anxiety at the fact that acts of genocide are committed in various regions of the world,

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

[For the text, see chap. I, sect. A, draft resolution III.]

1983/25 Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Updating of the Report on Slavery 61/

The Commission on Human Rights

Recommends to the Economic and Social Council that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966 62/ should be printed and given the widest possible distribution, including distribution in Arabic

1983/26. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - The status of the individual and contemporary international law 63/

The Commission on Human Rights,

Recalling its resolution 18 (XXXVII) of 10 May 1961, in which it recommends the preparation of a study on the topic entitled "The status of the individual and contemporary international law", and Economic and Social Council decision 1981/142 of 3 May 1981, relating thereto

69 Adopted at the 48th meeting, on 4 March 1983 without a vote
See chap XVIII
60/ E/CN.4/Sub.2/46
61/ Adopted at the 48th meeting on 4 March 1983 without a vote
See chap XVIII
62/ E/CN.4/Sub.2/1962/20 and Add
63/ Adopted at the 48th meeting on 4 March 1983, without a vote
See chap XVIII

Mindful of resolution 1982/35 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the work she has so far accomplished in connection with the important study in progress on the status of the individual and contemporary international law,

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

[For the text, see chap. I, sect. A, draft resolution IV.]

1983/27. Question of the human rights of all persons subjected to any form of detention or imprisonment 64/

The Commission on Human Rights,

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

Bearing in mind the provisions of the Geneva Conventions of 12 August 1949 65/ and of the Hague Convention of 1907,

Recalling General Assembly resolutions 2674 (XXV) and 2675 (XXV) of 9 December 1970 as well as all relevant resolutions on the promotion of the respect of human rights in armed conflicts,

Deeply alarmed by the situation of Palestinian, Lebanese and other detainees held by Israel as a result of the invasion of Lebanon by Israel,

1. Strongly reaffirms that the fundamental human rights, as accepted by international law and formulated in international instruments, remain fully applicable in case of armed conflict,
2. Urges Israel to recognize, according to the third Geneva Convention, the status of prisoners of war to all combatants caught during that war, and treat them accordingly,
3. Urges Israel to release immediately all civilians arbitrarily detained since the beginning of that war,
4. Urges Israel to co-operate with the International Committee of the Red Cross and allow it to visit all detainees, in all the detention centres under its control,

64/ Adopted at the 49th meeting, on 7 March 1983, by a roll-call vote of 40 to none, with 2 abstentions. See chap. VIII.

65/ United Nations, Treaty Series, vol. 15, pp. 31 et seq.

5. Urges Israel to ensure protection, according to the fourth Geneva Convention and to the Hague Convention of 1907, to the Palestinian civilians, including the released detainees, in the areas under its occupation,

6. Calls upon all parties to the conflict to secure for the International Committee of the Red Cross, all available information concerning missing, and disappeared persons in the wake of the invasion of Lebanon by Israel

7. Decides to place this matter on the provisional agenda of its fortieth session under the item "Question of the human rights of all persons subjected to any form of detention or imprisonment .

1985/28. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences 66/

The Commission on Human Rights,

Recalling that the United Nations emerged from the struggle of peoples against nazism, fascism, aggression and foreign occupation,

Bearing in mind the millions of victims, suffering and destruction caused by aggression, foreign occupation, nazism and fascism,

Recalling the victory over nazism and fascism in the Second World War,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,

Reaffirming the purposes and principles laid down in the Charter of the United Nations, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Considering that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against Nazi, Fascist and neo-Fascist and all other totalitarian ideologies and practices,

Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace, constitute obstacles to friendly relations between States and the realization of human rights and fundamental freedoms,

66/ Adopted at the 49th session, 1985, on 10 December, without a vote
See chap. XX.

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Recalling General Assembly resolutions 2351 (XXII) of 18 December 1967, 2458 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981 and 37/179 of 17 December 1982,

Recalling also its resolution 3 (XXVII) of 23 February 1981,

Recalling also the Declaration on Social Progress and Development, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Underlining the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,

Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic and other exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments.

Recalling the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Acknowledging with satisfaction the fact that a number of States have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

Noting again with deep concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Expressing also its concern that the Fascist and Nazi ideologies and practices are inherited inter alia by repressive racist and colonialist regimes practising gross and flagrant violations of human rights,

1. Again condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences,

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;

3. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;

4. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;

5. Appeals to all States that have not yet done so to ratify or to accede to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

6. Calls upon all States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;

7. Notes that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against the ideologies and practices described in paragraph 1 above.

1983/29. 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 67/

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under various international instruments,

67/ Adopted at the 52nd meeting, on 8 March 1983, by a roll-call vote of 23 to 6, with 10 abstentions. See chap. X.

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take appropriate measures to restore respect for human rights and fundamental freedoms,

Recalling that, in resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981 and 37/185 of 17 December 1982, the General Assembly has repeatedly expressed its deepest concern for the continuous violations of human rights and fundamental freedoms and the suffering of the Salvadorian people, which are caused by the climate of violence and insecurity prevailing in that country,

Recalling also its own resolution 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, and resolution 1982/28 of 11 March 1982, whereby it extended the mandate of the Special Representative for another year, requesting him inter alia to report to the General Assembly at its thirty-seventh session,

Having carefully examined the report of the Special Representative, 68/ which confirms the continuation of grave, massive and persistent violations of human rights and fundamental freedoms in El Salvador, the failure of the judiciary to fulfil its task of upholding the rule of law and the impunity of paramilitary forces and other armed groups,

Taking note of resolutions 10 (XXXIV) and 1982/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Observing in the conclusions in the report of the Special Representative that, contrary to all expectations, the situation of human rights in El Salvador has not changed since his previous report to the Commission, precisely because of the persistence of the grave civil conflict which continues to exist in that country,

Reiterating its appeal to all Salvadorian parties involved, as expressed in its resolutions 32 (XXXVII) and 1982/28, to reach a negotiated peaceful settlement and to cease all acts of violence in order to end the loss of lives and the suffering of the people of El Salvador,

Alarmed at the recent reports of bombings and indiscriminate rocketing of urban areas in El Salvador, which are not military targets, such as in the city of Berlin in the department of Usulután,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador,
2. Expresses its deepest concern that, as noted in the report of the Special Representative, violations of human rights of the most serious nature continue in El Salvador and that as a result the people of El Salvador continue to suffer, and deploras that appeals for the cessation of violence made by the General Assembly, the Commission and the international community in general have not been heeded,

68/ E/CN.4/1985/20.

3. Declares once more that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 on the laws of war, 69/ are applicable to armed conflicts not of an international character, such as the present conflict in El Salvador, and requests all Salvadorian parties involved to apply a minimum standard of protection of human rights and of human treatment to the civilian population,

4. Notes that the situation in El Salvador, as clearly shown by the Special Representative in his two reports thus far submitted to the Commission has its root causes in internal political, economic and social factors, and reaffirms the right of the Salvadorian people to freely determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror

5. Reiterates once more its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the political forces in that country to restore peace and security and the establishment of a democratic system,

6. Regrets that the Government of El Salvador has not responded to suggestions to initiate, through available channels, contacts to negotiate a peaceful settlement with all representative political forces in that country and to seek an end to all acts of violence in order to end the loss of lives and the suffering of the people of El Salvador,

7. Affirms that, as clearly shown in the report of the Special Representative, the situation existing in El Salvador demands that all Salvadorian parties concerned work together towards a comprehensive negotiated political solution in order to bring about the appropriate conditions for the full exercise of civil, political, economic, social and cultural rights and for the establishment of a Government elected through free and unhampered elections,

8. Endorses the strong appeal made by the General Assembly in its resolution 37/18b, urging the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces, and other armed organizations operating under its authority or with its permission

9. Urges the competent authorities in El Salvador to establish the conditions necessary to enable the judiciary to uphold the rule of law and urge further the judiciary to prosecute and punish those responsible for acts of violence and for violations of human rights and fundamental freedoms

10. Calls again upon all Salvadorian parties to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population wherever these organizations operate in El Salvador.

69/ United Nations, Treaty Series, vol. 75, pp 61 et seq.

11. Decides to extend the mandate of the Special Representative for another year and requests him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-eighth session and to the Commission at its fortieth session,

12. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission,

13. Calls upon the Government of El Salvador as well as all other parties to extend their full co-operation to the Special Representative of the Commission

14. Decides to consider the question of human rights in El Salvador at its fortieth session as a matter of high priority.

1983/50. 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 Poland /O/

The Commission on Human Rights,

Reaffirms the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Determined to remain vigilant with regard to violations of human rights wherever they occur,

Recalling General Assembly resolution 37/200 of 18 December 1982, in which the Assembly urged States to co-operate with the Commission on Human Rights in its study of the violation of human rights and fundamental freedoms in any part of the world,

Recalling also its own resolution 1982/26 of 10 March 1982,

Deeply concerned by the continued reports of widespread violations of human rights and fundamental freedoms in Poland, including the imposition of severe punishments under martial law procedures on numerous persons accused of violating martial law and the dissolution of a democratically based trade union movement supported by a majority of Polish workers,

1. Thanks the Secretary-General and Mr. Hugo Gobbi for the report on the human rights situation in Poland, /1/ prepared in accordance with Commission on Human Rights resolution 1982/26,

2. Deplores the attitude of the Polish authorities in not co-operating with the Commission on Human Rights over the implementation of its resolution 1982/26,

/O/ Adopted at the 52nd meeting on 8 March 1983, by a roll-call vote of 19 to 14, with 10 abstentions. See chap. X.

/1/ B/CN.4/1983/18.

3. Reaffirms the right of the Polish people to pursue its political, social and cultural development, free from outside interference,
4. Calls upon the Polish authorities to realize fully and without further delay their stated intention to terminate the restrictive measures imposed on the exercise of human rights and fundamental freedoms, particularly in relation to a review of the severe prison sentences imposed in the context of the state of martial law, the lifting of restrictions on the free flow of information, and the repeal of the new restrictions imposed on the Polish people,
5. Decides to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in its resolution 1982/26, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its fortieth session,
6. Reiterates its request to the Government of Poland to extend its co-operation to the Secretary-General or the person designated by him;
7. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Poland at its fortieth session.

1982/31. 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 72/

The Commission on Human Rights,

Recalling its resolutions 28 (XXXVII) of 11 March 1961 and 1982/30 of 11 March 1982 on the role of the right and responsibility of individuals, groups and organs of society to promote and protect human rights,

Noting with satisfaction the adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of resolution 1982/24 on this subject,

1. Welcomes the Sub-Commission's decision to prepare draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, taking into account information solicited from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the United Nations,
2. Looks forward to receiving the report of the Sub-Commission on this subject, containing the draft principles, together with its views and recommendations;
3. Decides to undertake, at its forty-first session, on the basis of the Sub-Commission's report, and as a matter of priority, work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

72/ Adopted at the 52nd meeting, on 8 March 1983, without a vote.
See chap. X.

1983/32. 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 73/

The Commission on Human Rights,

Recalling its resolutions 15 (XXXV) of 13 March 1979, 33 (XXXVI) of 11 March 1980, 31 (XXXVII) of 11 March 1981 and 1982/34 of 11 March 1982 concerning the situation of human rights in Equatorial Guinea,

Recalling that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the plan of action proposed by the Secretary-General on the basis of recommendations submitted by Mr. Fernando Volio Jiménez, the expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 35 (XXXVI),

Further recalling that the Economic and Social Council, in its resolution 1982/36, requested 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 and invited the Government of Equatorial Guinea to co-operate with the Secretary-General in that respect,

1. Takes note of the report of the Secretary-General 74/ submitted in pursuance of Economic and Social Council resolution 1982/36, which describes the progress made by the Secretary-General in implementing the plan of action,
2. Recommends the following draft resolution to the Economic and Social Council for adoption.

[For the text, see chap. I, sect. A, draft resolution V].

1983/33. 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 75/

The Commission on Human Rights,

Conscious of its responsibility to examine situations of violations of human rights and fundamental freedoms wherever they occur and for as long as such situations give rise to international concern,

73/ Adopted at the 52nd meeting, on 8 March 1983, without a vote.
See chap. X.

74/ E/CN.4/1983/17.

75/ Adopted at the 52nd meeting, on 8 March 1983, without a vote.
See chap. X.

Recalling its resolution 1982/33 of 11 March 1982 on the situation of human rights in Bolivia, which provided for the extension for another year of the mandate of the Special Envoy appointed pursuant to its resolution 34 (XXXVII) of 11 March 1981,

Welcoming the establishment by peaceful means, on 10 October 1982, of a constitutional Government in Bolivia,

Having carefully examined the study by the Special Envoy 76/ and the observations of the Government of Bolivia thereon, 77/

Welcoming the continued co-operation extended by the Government of Bolivia to the Special Envoy,

Noting the observation by the Special Envoy that consideration of the case of Bolivia, as provided for in its resolution 34 (XXXVII), should be concluded,

Considering that the United Nations should be prepared to consider providing assistance to any nation emerging from a period of human rights violations, if that nation so requests, in order to contribute to respect for human rights and fundamental freedoms,

1. Expresses its gratitude to Mr. Hector Gros Espiell for the manner in which he carried out his mandate as Special Envoy,
2. Notes with satisfaction the conclusion of the Special Envoy that, in the period under review and particularly since 10 October 1982, the constitutional Government of Bolivia has demonstrated a complete respect for human rights,
3. Welcomes the creation by the constitutional Government of Bolivia of a national commission to investigate cases of disappearances,
4. Notes with satisfaction the determination of the constitutional Government of Bolivia to take the necessary measures to ensure that a thorough investigation of all past violations of human rights is undertaken with a view to establishing responsibility through due process of law,
5. Welcomes the accession by Bolivia, in 1982, to the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

76/ E/CN.4/1983/22.

77/ E/CN.4/1983/22/Add.1

6. Requests the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia;

7. Decides to conclude its consideration of the human rights situation in Bolivia established in its resolution 54 (XXXVII).

1983/34. 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 the Islamic Republic of Iran 78/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling General Assembly resolutions 36/22 of 9 November 1981 and 37/182 of 17 December 1982 on the practice of arbitrary or summary executions,

Recalling also General Assembly resolution 36/55 of 25 November 1981, proclaiming the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further its own resolution 1982/27 of 11 March 1982, in which the Commission inter alia urged the Government of the Islamic Republic of Iran to respect and ensure the rights of all individuals within its territory and subject to its jurisdiction,

Mindful of resolution 1982/25 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the edict of the Government of the Islamic Republic of Iran of 16 December 1982 calling for the correction of judicial abuses,

78/ Adopted at the 52nd meeting, on 8 March 1983, by a roll-call vote of 17 to 5, with 19 abstentions. See chap. X.

Having carefully examined the report of the Secretary-General 79/ and the relevant sections in the report on summary or arbitrary executions, 80/

Encouraged by the report of the Secretary-General 81/ in which he announces a mission of his representative to the Islamic Republic of Iran, providing an opportunity to clarify further the situation of human rights in that country,

1. Expresses its profound concern at the continuing grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran as reflected in the report of the Secretary-General, and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, in particular of the Baha'is, and the lack of an independent judiciary and other recognized safeguards for a fair trial,

2. Urges once more the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

3. Requests the Secretary-General or his representative to continue direct contacts with the Government of the Islamic Republic of Iran on the grave human rights situation prevailing in that country, including the situation of the Baha'is,

4. Requests also the Secretary-General or his representative to submit to the Commission on Human Rights at its fortieth session a comprehensive report on the direct contacts and the human rights situation in the Islamic Republic of Iran including conclusions and suggestions as regards the respect for human rights and fundamental freedoms in that country,

5. Requests once more the Government of the Islamic Republic of Iran to extend its co-operation to the Secretary-General or his representative,

6. Decides to continue its consideration of the human rights situation in the Islamic Republic of Iran at its fortieth session.

79/ E/CN.4/1983/19.

80/ E/CN.4/1983/16.

81/ E/CN.4/1983/52.

1903/35 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 82/

The Commission on Human Rights,

Mindful of its mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world,

Congscious that human rights violations are among the principal factors in the complex and multiple causes of mass movements of population,

Concerned by the heavy burden imposed by these movements of population upon the international community as a whole, first-asylum countries and particularly upon the developing countries with limited resources of their own,

Recalling its resolution 30 (XXXVI) of 11 March 1980, 29 (XXXVII) of 11 March 1981, 1982/32 of 11 March 1982 and General Assembly resolutions 55/196 of 15 December 1980 and 37/186 of 17 December 1982,

Recalling further General Assembly resolution 32/130 of 16 December 1977,

Having considered the study of the Special Rapporteur on human rights and mass exoduses, 83/

Having noted the comments on the study expressed by Governments, the Secretary General of the United Nations, United Nations agencies or departments, specialized agencies, international organizations and non governmental organizations, 84/

Mindful of the value, in view of the importance of the subject, of the largest possible number of Governments expressing their opinions on the study,

1. Solemnly reaffirms its solidarity with the millions of victims of mass exoduses and displacements of population,

2. Calls upon all States fully to respect and promote established and universally recognized principles of international law and practice guaranteeing protection and assistance to such victims,

82/ Adopted at the 52nd meeting, on 8 March 1983, without a vote See chap X

83/ E/CN.4/1505.

84/ E/CN.4/1983/33 and Add.1.

3. Recognizes the important contribution the Special Rapporteur's study can make to the development of international thinking on the pressing problem of mass exoduses and their causes;

4. Acknowledges that the recommendations in the Special Rapporteur's study could possibly contribute to the prevention of further mass movements of population and to the mitigation of their consequences;

5. Again requests those Governments which have not yet done so to communicate to the Secretary-General their opinions on the study and on the recommendations made therein;

6. Invites the Secretary-General in his report pursuant to General Assembly resolution 37/186 to propose, on the basis of his consideration of these recommendations as well as such opinions as Governments have submitted and may submit, the deliberations of the Commission at its thirty-ninth session and of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, effective international co-operative arrangements to address and alleviate those root causes of mass movements of population related to violations or suppression of human rights, taking into account existing organs, skills and resources in the United Nations system;

7. Decides to keep under review at its fortieth session the problem of human rights and mass exoduses.

1983/36. 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 of arbitrary executions 85/

The Commission on Human Rights,

Recalling its resolution 1982/29 of 11 March 1982 on the question of summary or arbitrary executions,

Recalling also Economic and Social Council resolution 1982/35 of 7 May 1982 and General Assembly resolution 37/182 of 17 December 1982 on the problem of summary or arbitrary executions,

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

[For the text, see chap. I, sect. A, draft resolution VI.]

85/ Adopted at the 52nd meeting, on 8 March 1983, without a vote. See chap. X.

1985/37. 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 86/

The Commission on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Conscious of its responsibility to take action with regard to situations of gross violations of human rights and fundamental freedoms wherever they occur,

Recalling its resolution 1982/31 of 11 March 1982,

Noting General Assembly resolution 37/184 of 17 December 1982,

Recalling in particular its request that a Special Rapporteur be appointed to make a thorough study of the human rights situation in Guatemala,

Noting the reported assurances of the Government of Guatemala that it would co-operate with a Special Rapporteur,

Noting the numerous reports which have been submitted to the Centre for Human Rights of the United Nations Secretariat relating to the continuing, serious violations of human rights and fundamental freedoms in Guatemala,

Disturbed by recent reports of executions on orders of special courts in spite of the announcement by the Government of Guatemala that such executions would be suspended,

1. Reiterates its profound concern at the continuing reports of massive violations of human rights taking place in Guatemala, particularly reports of violence against non-combatants, widespread repression, and killing and massive displacement of rural and indigenous people,

2. Urges the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect the human rights and fundamental freedoms of its citizens and equally urges all parties concerned to respect the rights of non-combatants,

3. Calls upon the Government of Guatemala to suspend immediately any executions ordered by special courts,

4. Calls upon Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported,

86/ Adopted at the 52nd meeting, on 8 March 1985, by a roll-call vote of 27 to 4, with 12 abstentions. See chap. X.

5. Appeals to all parties concerned in Guatemala to ensure the application of international humanitarian rules of law to ,protect the civilian population and to seek an end to all acts of violence,

6. Calls on the Government of Guatemala to facilitate the entrance of representatives of the International Committee of the Red Cross into the country and to investigate the fate of disappeared persons with a view to informing their relatives of their whereabouts,

7. Expresses its disappointment that a Special Rapporteur of the Commission has not been in a position to make a thorough study of the human rights situation in Guatemala for presentation to the Commission at its thirty-ninth session,

8. Requests once again that the Chairman appoint with the shortest possible delay, after consultation with 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,

9. Requests that the Special Rapporteur present an interim report to the General Assembly at its thirty-eighth session and a final report to the Commission at its fortieth session,

10. Trusts that the Government of Guatemala will fulfil its stated intention of co-operating with the Special Rapporteur,

11. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur,

12. Decides to continue the examination of the situation of human rights and fundamental freedoms in Guatemala at its fortieth session

1983/38. Question of human rights in Chile 87/

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have accepted under various international instruments,

87/ Adopted at the 52nd meeting, on 8 March 1983, by a roll-call vote of 29 to 6, with 8 abstentions See chap. III.

Rocullin, its resolution 11 (XXXV) of 6 March 1979, in which it decided to appoint a Special Rapporteur on the situation of human rights in Chile, and its resolution 1982/25 of 10 March 1982, in which it decided to extend the mandate of the Special Rapporteur for one more year, as well as General Assembly resolutions 33/173 of 20 December 1978 on disappeared persons and 37/183 of 17 December 1982 on the situation of human rights in Chile,

Expressing its grave concern that there is no improvement in the situation of human rights in Chile, as established by the Special Rapporteur in his reports, and that none of the repeated appeals made by the General Assembly and the Commission on Human Rights for the restoration of rights and fundamental freedoms have been heeded by the Chilean authorities, who persist in their refusal to co-operate with the Special Rapporteur.

Noting that the Chilean authorities have announced that they will permit the return of thousands of exiles to their country, but concerned at the same time that they have imposed conditions restricting fundamental rights and that they have executed this policy in a manner which frequently results in refusal to those persons of permission to return, thus hampering the right of re-entry to their country,

1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with resolution 1982/25 of the Commission on Human Rights, 88/

2. Reiterates its grave concern at the persistence of serious and systematic violations of human rights in Chile, as established by the Special Rapporteur, and, in particular, at the disruption of the traditional democratic legal order and its institutions, through the institutionalization of the state of emergency and the existence of a constitution which does not reflect the will of the people freely expressed and whose provisions not only fail to guarantee human rights and fundamental freedoms but seriously limit their enjoyment and exercise,

3. Also reiterates its grave concern at the ineffectiveness of the remedies of habeas corpus or amparo and of protection, owing to the fact that the judiciary in Chile does not exercise its full powers in this respect and performs its functions under severe restrictions,

4. Urges the Chilean authorities to put an end to the state of emergency under which serious and constant violations of human rights are occurring, and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of rights and fundamental freedoms, in accordance with the commitments entered into by Chile in various international instruments,

5. Likewise appeals once again to the Chilean authorities to investigate and clarify the fate of the persons who have disappeared reportedly for political reasons, to inform their families of the results of the investigation and to prosecute and punish those responsible for such disappearances,

6. Urges again the Chilean authorities to put an end to intimidation and persecution, as well as to arbitrary arrest and detention in secret places and to the practice of torture and other cruel, inhuman or degrading treatment which, on occasion, lead to unexplained deaths,

7. Calls once again upon the Chilean authorities to respect the rights of Chileans to live in their country and to enter and leave it freely, without restriction or subjection to any condition, and to put an end to the practice of relegation (confinement with forced residences) and of forced exile, particularly of those who take part in trade union or academic activities or activities connected with the defence of human rights,

8. Appeals once again to the Chilean authorities to restore the full enjoyment and exercise of labour rights, especially the right to form trade unions, the right of collective bargaining and the right to strike,

9. Calls again on the Chilean authorities to respect the rights intended to preserve the cultural identity and to improve the social condition of the indigenous population,

10. Again requests the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its fortieth session,

11. Decides to extend the mandate of the Special Rapporteur for a year and requests him to report on the subsequent development of the situation of human rights in Chile to the General Assembly at its thirty-eighth session, and to the Commission on Human Rights at its fortieth session,

12. Recommends to the Economic and Social Council to make appropriate arrangements to ensure that sufficient financial resources and staff are provided to implement this resolution,

13. Decides to consider at its fortieth session, as a matter of high priority, the question of human rights in Chile.

1983/39. Communications concerning human rights 89/

The Commission on Human Rights,

Bearing in mind those provisions prohibiting discrimination on grounds of sex in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Recalling Economic and Social Council resolutions 728 F (XXVIII) of 30 July 1959 and 1235 (XLII) of 6 June 1967,

89/ Adopted at the 53rd meeting, on 9 March 1983, by a roll-call vote of 30 to 4, with 8 abstentions. See chap. XXII.

Bearing in mind the co-ordination function assigned to the Commission by the Economic and Social Council in its resolution 1979/36 of 10 May 1979,

Recalling also Economic and Social Council resolutions 76 (V) of 5 August 1947 and 304 I (XI) of 17 July 1950 concerning the mandate of the Commission on the Status of Women to receive at each regular session a list of communications relating to the status of women,

Taking note of paragraph 274 of the Programme of Action for the Second Half of the United Nations Decade for Women, 90/ in which it was emphasized that the ability of the Commission on the Status of Women to consider communications should be improved,

Noting in particular the resolution adopted on 4 March 1982 by the Commission on the Status of Women 91/ in which that Commission reaffirmed its desire to continue to consider communications on the status of women and made proposals to that effect to the Economic and Social Council, 92/

Recalling also Economic and Social Council resolution 1980/39 of 2 May 1980 and Economic and Social Council decision 1982/122 of 4 May 1982 by which the Commission was requested to submit to the Council its views on how communications relating to the status of women should be handled, taking into account its own procedures,

1. Decides, pursuant to the request of the Economic and Social Council, to submit the following views for consideration by the Council

(a) Implementation in the Commission on the Status of Women of a procedure for considering communications concerning the status of women, such as that provided for in draft resolution X contained in the report of the Commission on the Status of Women, 93/ would be a useful complement to the procedures established in the Commission on Human Rights for the consideration of communications concerning violations of human rights;

(b) In implementing such a procedure, efforts should be made to encourage co-ordination between the various organs of the United Nations which are in receipt of communications, and to avoid unnecessary duplication,

(c) The Commission on Human Rights should continue to receive and deal with all communications concerning all violations of human rights. For its part, the Commission on the Status of Women, in implementing its mandate, could, on the basis of those communications which specifically affect the status of women, submit recommendations to the Council on those issues relating to the rights of women;

90/ 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 and corrigendum), chap. I, sect. A.

91/ See Official Records of the Economic and Social Council, 1982, Supplement No. 4 (E/1982/L4), chap. V, para. 115.

92/ Ibid., chap. I, draft resolution X.

93/ Ibid.

2. Declares its readiness to continue to co-operate with the Commission on the Status of Women with a view to ensuring co-ordination of communications procedures as they relate to the status of women, so as to enable the Commission on the Status of Women fully to execute its specific mandate.

1983/40. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 94/

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Welcoming General Assembly resolution 37/187 of 18 December 1982, in which the General Assembly requested the Commission to consider what measures might be necessary to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and to report, through the Economic and Social Council, to the General Assembly at its thirty-eighth session,

Welcoming also Economic and Social Council decision 1982/138 of 7 May 1982, in which the Council requested the Secretary-General to disseminate the Declaration widely, as a matter of priority and in as many languages as possible, and to issue a pamphlet containing the text of the Declaration in the six official languages of the United Nations,

Bearing in mind its resolution 1982/41 of 11 March 1982,

Endorsing resolution 1982/28 of 10 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note with appreciation of the report of the Secretary-General, 95/

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, using as terms of reference the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

94/ Adopted at the 53rd meeting, on 9 March 1983, by a roll-call vote of 39 to none, with 4 abstentions. See chap. XXIII.

95/ E/CN.4/1983/34 and Add.1.

2. Requests the Secretary-General

(a) To incorporate in his report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session the views of the appropriate specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and of other appropriate bodies within the United Nations system and non-governmental organizations on measures to implement the Declaration,

(b) To hold within the framework of the advisory services programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief,

3. Also requests the Secretary-General to report to the Commission at its fortieth session on measures taken to implement the present resolution and on any developments relating to it,

4. Decides to consider this matter further at its fortieth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

1983/41. Human rights and scientific and technological developments 96/

The Commission on Human Rights,

Convinced of the paramount need for and importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms

Recalling the relevant provisions of the Proclamation of Teheran 97/ and relevant resolutions of the General Assembly and the Commission on Human Rights concerning Human Rights and Scientific and Technological Developments,

Recalling also the Vienna Programme of Action on Science and Technology for Development 98/ adopted by the United Nations Conference on Science and Technology for Development,

1. Invites all Member States and relevant international organizations to submit to the Secretary-General their views on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms,

96/ Adopted at the 54th meeting, on 9 March 1983, without a vote. See chap. XIII.

97/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), chap. II.

98/ Report of the United Nations Conference on Science and Technology for Development, Vienna, 20-31 August 1979 (United Nations publication, Sales No. E.79.I.21 and corrigenda), chap. VII.

2. Requests the Secretary-General to prepare a report on the basis of comments provided by States, relevant international organizations and other sources, and to submit it to the Commission on Human Rights at its fortieth session.

1983/42. Human rights and scientific and technological developments 99/

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of society,

Taking into account General Assembly resolutions 35/130 of 11 December 1980, 36/56 A of 25 November 1981 and 37/189 B of 18 December 1982, and Commission on Human Rights resolutions 38 (XXXVII) of 12 March 1981 and 1982/4 of 19 February 1982,

Reaffirming the major significance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975,

Convinced that implementation of that Declaration by all States will contribute to the strengthening of international peace and the security of peoples and to their economic and social development as well as to international co-operation in the field of human rights,

Expressing concern that the results of scientific and technological progress could be used to the detriment of international peace and security and social progress, human rights and fundamental freedoms, and the dignity of the human person,

Recognizing that the establishment of the new international economic order calls for a vital contribution to be made by science and technology to economic and social progress,

Bearing in mind that the mutually advantageous exchange and transfer of scientific and technological knowledge is one of the basic ways to accelerate the economic development of all countries, especially the developing countries,

1. Stresses the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, in order to promote human rights and fundamental freedoms under conditions of scientific and technological progress,

2. Calls upon all States to make the necessary efforts to use the achievements of scientific and technological progress for peaceful economic, social and cultural development and to improve the well-being of peoples;

99/ Adopted at the 54th meeting, on 9 March 1983, by 32 votes to none, with 9 abstentions. See chap. XIII.

3. Requests once again the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development,

4. Decides to consider that study as a matter of priority at its fortieth session under the agenda item entitled "Human rights and scientific and technological developments".

1983/43. Human rights and scientific and technological developments 100/

The Commission on Human Rights,

Bearing in mind the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the worth of the human person, to maintain international peace and security, to develop friendly relations among nations and to achieve international co-operation in promoting and encouraging universal respect for human rights and for fundamental freedoms,

Recalling the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, article 6 of which provides that every human being has the inherent right to life,

Recalling also the Charter of Economic Rights and Duties of States 101/ and the Declaration and Programme of Action on the Establishment of a New International Economic Order, 102/

Recalling further the Declaration on the Strengthening of International Security of 16 December 1970, 103/ the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind of 10 November 1975, 104/ the Declaration on the Preparation of Societies for Life in Peace of 15 December 1978, 105/ the Declaration on the Prevention of Nuclear Catastrophe of 9 December 1981, 106/ and General Assembly resolutions 36/72 I of 9 December 1981 on non-use of nuclear weapons and prevention of nuclear war and 37/100 C of 13 December 1982 on a convention on the prohibition of the use of nuclear weapons,

100/ Adopted at the 54th meeting, on 9 March 1983, by a roll-call vote of 32 to none, with 11 abstentions. See chap. XIII.

101/ General Assembly resolution 3281 (XXIX).

102/ General Assembly resolutions 3201 (S-VI) and 3202 (S-VI).

103/ General Assembly resolution 2734 (XXV).

104/ General Assembly resolution 3584 (XXX).

105/ General Assembly resolution 33/75.

106/ General Assembly resolution 36/100.

Noting General Assembly resolution 37/189 of 18 December 1982 and Commission resolutions 5 (XXXII) of 27 February 1976 and 1982/77 of 19 February 1982,

Reaffirming the inherent right of all peoples and all individuals to life,

Profoundly concerned that international peace and security continues to be threatened by the arms race, particularly the nuclear arms race,

Aware that all the horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization and, probably, life on earth,

Noting the pressing need for urgent measures towards general and complete disarmament, particularly nuclear disarmament,

Recalling the historic responsibility of the Governments of all countries to remove the threat of war from the lives of people, to prevent nuclear catastrophe, to preserve civilization and to ensure that everyone enjoys his inherent right to life,

Bearing in mind that, in accordance with the International Covenant on Civil and Political Rights, any propaganda for war shall be prohibited by law,

Convinced that for people in the world today there is no more important question than that of preserving peace and ensuring the cardinal right of every human being, namely, the right to life,

Affirming the particular importance of ensuring that everyone shall have the right to freedom of expression, peaceful assembly and freedom of association, and to take part in public affairs, in all matters relating to the right to life,

1. Reaffirms that all peoples and all individuals have an inherent right to life, and that the safeguarding of this foremost right is an essential condition for the enjoyment of the entire range of economic, social and cultural as well as civil and political rights,

2. Stresses once again the urgent need for the international community to make every effort to strengthen peace, remove the threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations,

3. Stresses further the foremost importance of the implementation of practical measures of disarmament for releasing substantial additional resources, which should be utilized for social and economic development, particularly for the benefit of the developing countries,

4. Urges all States to ensure that in matters relating to the right to life, everyone shall have the right to freedom of expression, peaceful assembly and freedom of association, and to take part in public affairs,

5. Calls upon all States to take effective measures with a view to prohibiting by law any propaganda for war,

6. Again calls upon all States, appropriate organs of the United Nations, specialized agencies and intergovernmental and non-governmental organizations concerned to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging respect for human rights without distinction as to race, sex, language or religion,

7. Decides to consider this matter further at its fortieth session under the agenda item entitled "Human rights and scientific and technological developments".

1983/44. Human rights and scientific and technological developments - Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 107/

The Commission on Human Rights,

Recalling General Assembly resolution 36/56 B of 25 November 1981,

Recalling also its resolution 1982/6 of 19 February 1982, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider as a matter of high priority the Rapporteur's final report, with a view to submitting its views and recommendations, including a draft body of guidelines, principles and guarantees,

mindful of Sub-Commission resolution 1982/34,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report, 106/ including the draft body of principles, guidelines and guarantees,

Noting also with appreciation the report 109/ of the Sub-Commission's seasonal working group on the question of persons detained on grounds of mental ill-health,

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

[For the text, see chap. I, sect. A, draft resolution VII.]

107/ Adopted at the 54th meeting, on 9 March 1983, without a vote.
See chap. VIII.

108/ E/CN.4/Sub.2/1982/16.

109/ E/CN.4/Sub.2/1982/17.

1983/45. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 110/

The Commission on Human Rights,

Convinced of the urgent need to adopt a comprehensive convention on the protection of the rights of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981 and 37/170 of 17 December 1982, in all of which the Assembly has taken note of the reports of the Working Group and has expressed its satisfaction with the steady and substantial progress being made by the Working Group,

Pleased to note that the General Assembly has decided, in order to maintain the pace and enable the Working Group to fully discharge its mandate as soon as possible, that the Group should again hold an intersessional meeting of two weeks' duration in New York, immediately after the first regular session of 1983 of the Economic and Social Council, and that the Group should continue its work during the thirty-eighth session of the General Assembly,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981 and 1982/35 of 11 March 1982,

1. Welcomes once more the progress being made by the open-ended Working Group in the discharge of its mandate,
2. Invites all Member States to continue co-operating with the Working Group in the performance of its task,
3. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible,
4. Requests the Secretary-General to inform the Commission at its fortieth session on the further progress attained in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

110/ Adopted at the 54th meeting, on 9 March 1983, without a vote.
See chap. XII.

1983/46. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service III/

The Commission on Human Rights,

Recalling its resolution 1982/36 of 11 March 1982, in which reference is made to the question of the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work,

Bearing in mind that it is one of the main goals of the United Nations to protect succeeding generations from the scourge of war and to promote social progress and development,

Noting that the United Nations is also called upon to promote universal respect for and observance of human rights and fundamental freedoms for all, better standards of living, full employment and conditions conducive to economic and social progress and development,

Convinced of the need to bring up young people according to the ideals of peace and mutual understanding among nations, respect for human rights and fundamental freedoms and dedication to the aims of social progress and development,

Recognizing that inadequate education and unemployment among young people limit their opportunities to participate in the development process, and stressing in this connection the importance of secondary and higher education and of access by youth to appropriate vocational and technical guidance and training programmes,

Welcoming the designation of 1985 by the General Assembly as International Youth Year under the motto "Participation, Development, Peace",

Expressing its interest in the success of the forthcoming International Youth Year, which should, in particular, promote wider participation by young people in their countries' social and economic life,

1. Emphasizes the important role of young people in their countries' political, economic and social development, and especially in the struggle against such obstacles to political, social and economic development as colonialism and neo-colonialism, racial discrimination in all its forms, racism, apartheid, foreign domination and occupation, aggression and threats to national sovereignty, national unity and territorial integrity, and denial of the exercise of human rights and fundamental freedoms and of the recognition of the right of peoples to self-determination and to the exercise of full sovereignty over their natural wealth and resources;

III/ Adopted at the 54th meeting, on 9 March 1983, without a vote.
See chap. XV.

2. Calls upon all States, intergovernmental and non-governmental organization, the relevant United Nations organs and the specialized agencies to devote constant attention to the exercise and use by young people of human rights, particularly the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people;

3. Calls upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formulation and implementation of programmes for the economic and social development of their countries;

4. Confirms its decision to examine at its forty-first session, as a matter of priority, the question of the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work.

1983/47. Advisory services in the field of human rights - Assistance to Uganda 112/

The Commission on Human Rights,

Recalling General Assembly resolutions 35/103 of 5 December 1980 and 36/213 of 17 December 1981 on assistance for the reconstruction, rehabilitation and development of Uganda,

Recalling also its own resolutions 30 (XXXVII) of 11 March 1981 and 1982/37 of 11 March 1982 as well as Economic and Social Council decisions 1981/146 of 8 May 1981 and 1982/139 of 7 May 1982,

Considering the need to take into due account the importance of assistance designed to help the Government of Uganda to continue guaranteeing the enjoyment of human rights and fundamental freedoms,

Mindful of the needs in the areas of human rights indicated by the Government of Uganda in respect of which assistance could be provided,

Noting with satisfaction the efforts of the Government and people of Uganda to restore in that country a democratic system respectful of human rights and fundamental freedoms,

Welcoming the endeavours of the Government and the people of Uganda aimed at the reconstruction, rehabilitation and development of their country,

Noting with satisfaction the contact already established between the Secretary-General and the Government of Uganda with a view to the implementation of its resolution 1982/37 and Economic and Social Council decision 1982/139,

112/ Adopted at the 54th meeting, on 9 March 1983, without a vote. See chap. XXI.

1. Requests the Secretary General to continue his contacts with the Government of Uganda in order to provide, within the framework of the programme of advisory services, all appropriate assistance to help the Government of Uganda to take measures to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the areas spelled out in Commission resolution 1982/37 and Economic and Social Council decision 1982/139

2. Invites all States, specialized agencies and United Nations bodies, as well as humanitarian and non-governmental organizations, to lend their support and assistance to the Government of Uganda in its efforts to guarantee the enjoyment of human rights and fundamental freedoms.

3. Decides to review this question at its fortieth session under the agenda item "Advisory services in the field of human rights" in the light of the report of the Secretary-General on the implementation of the present resolution.

1983/48. 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 113/

The Commission on Human Rights

Having in mind General Assembly resolution 37/193 of 18 December 1982, by which the Commission was requested to complete as a matter of the highest priority, at its thirty-ninth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1982/38 of 7 May 1982, 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 Commission's thirty-ninth session to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that such a draft convention was discussed in a working group prior to and during the thirty-ninth session of the Commission but that it was not found possible to complete the work during that session,

Noting with satisfaction the progress made by the open-ended working group on the draft convention during the thirty-ninth session,

Desiring to make arrangements to expedite the work on the draft convention with a view to its early adoption,

1. Recognizes that it is advisable to continue the work on the draft convention in a working group which should meet before the fortieth session of the Commission

113/ Adopted at the 54th meeting, on 9 March 1983, without a vote. See chap. VIII.

2. Decides to accord the highest priority to the consideration of this question at its fortieth session,

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

[For the text, see chap. I, sect. A, draft resolution VIII.]

1935/49. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programmes 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 - Question of the establishment of a post of United Nations High Commissioner for Human Rights 114/

The Commission on Human Rights,

Conscious of the responsibility of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms for all without distinctions, as established by the Universal Declaration of Human Rights and other relevant international instruments,

Recalling General Assembly resolution 32/130 of 16 December 1977 and in particular paragraphs 1 (e) and 1 (f) thereof, in which the Assembly decided that the approach to the future work with respect to human rights questions should take into account, inter alia, that in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, and that the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority, and bearing in mind the study carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on possible terms of reference for the draft mandate of a United Nations High Commissioner for Human Rights,

Recalling its resolution 1982/22 of 10 March 1982, by which it requested the Sub-Commission to formulate a first study on possible terms of reference for the mandate of a High Commissioner for Human Rights, and also its resolution 1982/40 of 11 March 1982,

Recognizing that violations of human rights and fundamental freedoms in any part of the world are of concern to the United Nations,

114/ Adopted at the 56th meeting, on 10 March 1983, by a roll-call vote of 24 to 11, with 7 abstentions. See chap. IX.

Believing that the seriousness of violations of human rights often calls for a more timely and effective response by the United Nations,

Recognizing once again the desirability that major decisions concerning the organization and operation of the United Nations system for the promotion and protection of human rights should be adopted on the basis of the widest possible agreement which takes account of different views expressed by Member States, in order to ensure their effectiveness,

1. Takes note with appreciation of resolution 1982/27 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission submitted its proposals on this matter,

2. Considers these proposals as a valuable contribution to the further consideration of this important question and invites the Sub-Commission to resubmit them to the Commission at its fortieth session taking fully into account the elements in paragraph 1 of Commission resolution 1982/22, the comments made in the Commission at its thirty-ninth session and the present resolution, together with any further comments and recommendations that it deems appropriate,

3. Decides to continue consideration of the question of the establishment of a United Nations High Commissioner for Human Rights at its fortieth session with a view to reaching a decision on this matter at the earliest possible time, including the manner of election in case such a post is established.

1983/50. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programmes 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 115/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXV) of 14 March 1979, 24 (XXXVI) of 11 March 1980, 24 (XXXVII) of 10 March 1981 and 1982/47 of 11 March 1982, as well as Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights,

Noting General Assembly resolutions 36/58 of 25 November 1981 and 37/191 of 18 December 1982 on the status of the International Covenants on Human Rights,

Taking into account the relevant General Assembly resolutions concerning further promotion of human rights as well as those concerning questions relating to information,

115/ Adopted at the 56th meeting, on 10 March 1983, without a vote. See chap. IX.

Taking note of the reports of the Secretary-General on measures taken to enhance public information activities in the field of human rights,

Reaffirming that activities to improve public knowledge in the field of human rights are an essential part of the endeavour to fulfil the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations,

Recognizing that the United Nations system has a special responsibility under the Charter to be a centre for harmonizing actions towards these ends,

Believing that it is desirable to enhance the promotional activities of the United Nations system in the field of human rights in all regions,

Reaffirming also its belief that progress in the promotion and protection of human rights is assisted by programmes of teaching, education and information in the field of human rights,

Conscious that, in observing during 1983 the thirty-fifth anniversary of the adoption of the Universal Declaration of Human Rights, special efforts should be made to enhance public knowledge of human rights,

1. Requests all Governments to take action which they consider appropriate to facilitate publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights and the expert bodies working in the field;

2. Requests the Secretary-General, in the light of the commemoration of the thirty-fifth anniversary of the Universal Declaration of Human Rights, to give special attention to ways of facilitating the stimulation of public interest in the promotion and encouragement of universal respect for and observance of human rights, and to report thereon to the Commission at its fortieth session,

3. Welcomes the establishment of the programme for the dissemination of international instruments on human rights,

4. Requests the Secretary-General to continue to report each year to the Commission on the implementation of this programme, taking into account also the measures requested in its resolution 1983/17 of 22 February 1983,

5. Recommends once again that the United Nations Secretariat develop a compilation of translations, including translations in languages other than official United Nations languages, of international instruments on human rights, particularly the International Covenants on Human Rights, and invites those Governments which have such translations to forward copies to the Centre for Human Rights,

6. Reiterates its request to the Secretary-General concerning the establishment of small reference libraries containing material of scholarly and public interest in the field of human rights in United Nations offices, giving priority to establishing such libraries in developing countries,

7. Requests the Secretary-General to take all appropriate measures to enhance and further develop the promotional and public information activities of the Centre for Human Rights in order to enable it better to carry out its functions as a lead agency within the United Nations system on human rights matters,

8. Further requests the Secretary-General to present to the Commission at its fortieth session a report on the promotional activities of the United Nations in the field of human rights in the various regions of the world and to suggest ways and means of enhancing these activities,

9. Also requests the Secretary-General to continue to keep the Commission informed on the elaboration and implementation of the programmes referred to in his previous reports, and to this end to submit to the Commission at its fortieth session a more comprehensive and analytical report covering the steps taken to implement this resolution, as well as a summary of the activities of the United Nations information centres in disseminating information on human rights, including recommendations on how these activities might be further enhanced,

10. Decides to continue its consideration of this question at its fortieth session under the agenda item "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".

1983/51. 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 116/

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions,

Bearing in mind the co-ordination function assigned to the Commission by the Economic and Social Council in its resolution 1979/36 of 10 May 1979,

Reaffirming its resolution 1982/40 of 11 March 1982, in which it decided to continue at its thirty-ninth session its ongoing work on the overall analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of programmes and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Noting the contribution that this ongoing work may make to the efforts within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Attaching importance to improving the functioning of the existing organs within the United Nations system dealing with the promotion and protection of human rights,

116/ Adopted at the 56th meeting, on 10 March 1983, without a vote. See chap. IX.

Confirming the desirability that major decisions concerning the concepts, organization and operation of the United Nations system for the promotion of human rights should be adopted on the basis of the widest possible agreement which takes account of different views expressed by Member States, in order thereby to enhance their effectiveness,

Conscious of the need to review periodically the programme and activities of the Commission on Human Rights and other bodies dealing with human rights within the United Nations system with a view to improving the effective enjoyment of human rights and fundamental freedoms,

1. Notes with appreciation that the report of the open-ended working group 117/ established during its thirty-ninth session contains a number of ideas which merit consideration by the Commission,
2. Notes also that differing views were expressed inter alia on the questions of the interessional role of the Bureau, emergency sessions of the Commission, the creation of a post of United Nations High Commissioner for Human Rights, the possible review of the Commission's terms of reference, the long-term programme of work of the Commission, and the usefulness of the working group
3. Decides, in the context of Economic and Social Council decision 1982/156, to renew its recommendation to the Economic and Social Council to consider, in the light of the increasing frequency of the discussions in the Commission, the proposals made and the varying views expressed at the thirty-ninth session of the Commission, the possibility of rescheduling the annual session of the Commission with a view to enabling the Commission to meet later in the year and providing inter alia for a longer interval between the annual session of the General Assembly and the following session of the Commission on Human Rights,
4. Considers, on the basis of the experience at this session, that time-limits for statements have a useful role to play in facilitating the conduct and completion of the work of the Commission,
5. Decides to continue at its fortieth session its ongoing work on the over-all analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of programmes and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,
6. Decides to establish at its fortieth session an open-ended working group to continue the analysis referred to above and to make concrete recommendations to the Commission on Human Rights,
7. Decides to consider at its fortieth session the amount of time to be allotted to the working group, giving priority in this respect to those issues which appear to offer the best prospects of early agreement.

8. Decides also to review at its fortieth session, taking into account the work done by the working group, the continuation of the work of the group;

9. Requests the Secretary-General to bring the present resolution and the relevant chapter of the report on its thirty-ninth session to the attention of the General Assembly, through the Economic and Social Council.

1983/52. Question of a convention on the rights of the child 118/

The Commission on Human Rights

Bearing in mind the draft convention on the rights of the child submitted by Poland on 7 February 1978, 119/ the amended version of the draft submitted on 5 October 1979 to the Commission on Human Rights 120/ and the document submitted on 7 October 1981 by Poland to the General Assembly at its thirty-sixth session, 121/

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979, 35/131 of 11 December 1980, 36/57 of 25 November 1981 and 37/190 of 18 December 1982, 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,

Recalling also its resolutions 20 (XXXIV) of 8 March 1978, 19 (XXXV) of 14 March 1979, 36 (XXXVI) of 12 March 1980, 26 (XXXVII) of 10 March 1981 and 1982/39 of 11 March 1982, and Economic and Social Council decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981 and resolutions 1978/18 of 5 May 1978, 1978/40 of 1 August 1978 and 1982/37 of 7 May 1982, by which it authorized a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission to facilitate the completion of the work on the draft convention on the rights of the child,

Noting the further progress made by the open-ended working group during its one-week meeting prior to the thirty-ninth session of the Commission,

Noting also the widespread interest in working out a comprehensive international convention on the rights of the child displayed by numerous Governments and international organizations,

1. Decides to continue at its fortieth session, as a matter of the highest priority, its work on the elaboration of the draft convention on the rights of the child, with a view to completing the draft at that session for transmission, through the Economic and Social Council, to the General Assembly;

118/ Adopted at the 56th meeting, on 10 March 1983, without a vote. See chap. XI.

119/ Commission resolution 20 (XXXIV), annex.

120/ E/CN.4/1349.

121/ A/C.3/3616.

2. Requests the Economic and Social Council to authorize a one-week session of an open-ended Working group prior to the fortieth session of the Commission on Human Rights to facilitate and speed up completion of the work on a draft convention on the rights of the child;

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

[For the text, see chap. I, sect. A, draft resolution IX.]

1983/53. Rights of persons belonging to national, ethnic, religious and linguistic minorities 122/

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981 and 1982/30 of 11 March 1982,

Having taken note with appreciation of the report of the Working Group 123/ set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities,

1. Decides to consider at its fortieth session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

2. Decides to establish at its fortieth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, 124/ taking into account all relevant documents.

122/ Adopted at the 56th meeting, on 10 March 1983, without a vote. See chap. XIX.

123/ E/CN.4/1983/62.

124/ E/CN.4/Sub.2/L.734.

B. Decisions

1983/101. Organization of work 125/

(a) The Commission decided to set up informal open-ended working groups for the consideration of agenda item 10 (a), 11, 13 and 21. In accordance with Commission resolution 1982/40, under agenda item 11, the Commission further decided to establish a working group of 10 members to consider the possibility of rationalizing the agenda of its fortieth session.

(b) The Commission also decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. Abdoulaye Diye, Special Rapporteur of the Commission on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. Annan Arkyin Cato, Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (iii) In connection with item 10 (b): Viscount Colville, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (iv) In connection with item 12: Mr. Héctor Gros Espiell, Special Envoy of the Commission on the human rights situation in Bolivia;
- (v) In connection with item 12: Mr. José Antonio Pastor Ridruejo, Special Representative of the Commission on the situation of human rights in El Salvador;
- (vi) In connection with item 12: Prince Sadruddin Aga Khan, Special Rapporteur of the Commission on the question of human rights and mass exoduses;
- (vii) In connection with item 12: Mr. Hugo Goggi, Representative designated by the Secretary-General to follow the human rights situation in Poland;
- (viii) In connection with item 12: Mr. S. Amos Mako, Special Rapporteur of the Commission on questions relating to summary or arbitrary executions;
- (ix) In connection with item 12 (b): representatives of States in respect of which situations are being considered under Economic and Social Council resolution 1503 (XLVIII);
- (x) In connection with item 20: Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission to update the report on slavery.

125/ Adopted at the 2nd meeting, on 1 February 1983. See chap. XXVIII.

1983/107. Additional meeting time 126/

The Commission decided to convey to the Economic and Social Council, meeting in organizational session in New York, a request that the Council authorize 15 additional serviced meetings for the Commission at its current session, giving the reasons behind the request.

1983/105. Question of human rights in Guatemala 127/

Taking into account that in resolution 1982/31 of 11 March 1982, the Commission decided to continue the examination of the situation of human rights and fundamental freedoms in Guatemala, and in view of the wish expressed that the Commission receive some information on developments in that situation since the adoption of that resolution, the Commission decided to request the Secretary-General to prepare a note 128/ containing a list of the material received by the Secretariat, together with an indication of its contents.

1983/104. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Question of hearing and receiving information concerning torture or cruel, inhuman or degrading treatment or punishment 129/

The Commission decided to request the Sub-Commission to defer the implementation of the decision contained in paragraph 17 of Sub-Commission resolution 1982/10 until consideration of the question by the Commission at its fortieth session.

1983/105. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session 130/

The Commission decided to postpone consideration of draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its report (E/CN.4/1983/4).

126/ Adopted at the 4th meeting, on 2 February 1983, by 23 votes to 7, with 4 abstentions. See chap. XXVIII.

127/ Adopted at the 9th meeting, on 7 February 1983. See chap. XXVIII.

128/ Subsequently issued as E/CN.4/1983/47.

129/ Adopted at the 48th meeting, on 4 March 1983, without a vote. See chap. XVIII.

130/ Adopted at the 48th meeting, on 4 March 1983, without a vote. See chap. XVIII.

1983/106. 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 131/

The Commission decided that draft resolution IV recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its report (E/CN.4/1983/4) should be sent back to the Sub-Commission for further consideration in the light of the comments made by the Commission at its thirty-ninth session.

1983/107. Question of human rights in Cyprus 132/

The Commission decided that the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", should be postponed to the fortieth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

1983/108. 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 133/

The Commission, having noted with appreciation the report 134/ of the Working Group of 10 members established under Commission on Human Rights resolution 1982/40 of 11 March 1982, decided, in view of the recommendations set forth in paragraph 12 of that report:

(a) To delete from its agenda the item "Communications concerning human rights";

(b) To consider the item "Human rights and scientific and technological developments" on a biennial basis, beginning at its fortieth session, in the light of work carried out in the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

131/ Adopted at the 52nd meeting, on 8 March 1983, without a vote. See chap. X.

132/ Adopted at the 52nd meeting, on 8 March 1983, without a vote. See chap. X.

133/ Adopted at the 56th meeting, on 10th March 1983, without a vote. See chap. IX.

134/ E/CN.4/1983/65.

(c) To consider the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service" on a biennial basis, beginning at its forty-first session, in the light of work carried out in the Sub-Commission,

(d) To consider at its fortieth session the need to re-establish the Working Group.

1983/109. Organization of the work of the session 135/

The Commission, taking into account the heavy schedule of work of the Commission and its sessional working groups and the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh, thirty-eighth and thirty-ninth sessions, decided (a) to recommend to the Economic and Social Council that it authorize 20 fully-serviced additional meetings, including summary records, for the Commission's fortieth session, and (b) to request the Chairman of the Commission at its fortieth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

1983/110. 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 136/

The Commission decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its fortieth 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-sixth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

135/ Adopted at the 56th meeting, on 10 March 1983, by 29 votes to none, with 9 abstentions. See chap. XLVIII.

136/ Adopted at the 40th (closed) meeting, on 28 February 1983, without a vote. At the 58th meeting, on 11 March 1983, it was agreed that this decision should be made public. See chap. X.

1983/111. Composition of the Group of three members of the Commission who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of the Convention 137/

The Commission took note of the announcement by the Chairman that the representatives of Bulgaria, Mexico and Zaire would form the Group of three members of the Commission who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of the Convention.

1983/112. Question of the human rights of persons subjected to any form of detention or imprisonment 138/

The Commission decided to postpone to its fortieth session the consideration of draft resolution V recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1983/4, chap. I, sect. A, draft resolution V).

1983/113. Draft provisional agenda for the fortieth session 139/

The Commission took note of the draft provisional agenda for the fortieth session.

137/ Adopted at the 56th meeting, on 11 March 1983, without a vote. See chap. XIV.

138/ Adopted at the 52nd meeting, on 22 February 1983, by 41 votes to none. See chap. VIII.

139/ Adopted at the 56th meeting, on 11 March 1983, without a vote. See chap. XXIV.

XVIII ORGANIZATION OF THE THIRTY-NINTH SESSION

A. Opening and duration of the session

520. The Commission on Human Rights held its thirty-ninth session at the United Nations Office at Geneva from 31 January to 11 March 1983.

521. The session was opened (1st meeting) by Mr. Andreas Oh. Podyouras (Cyprus), Vice-Chairman of the Commission at its thirty-eighth session, who made a statement in the course of which he welcomed the following members of the Commission elected or re-elected for a three-year term by the Economic and Social Council on 6 May 1982 (Council decision 1982/126): Bangladesh, Colombia, Costa Rica, Cyprus, Finland, India, Ireland, Libyan Arab Jamahiriya, Mozambique, Netherlands, Nicaragua, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania. The Director-General of the United Nations Office at Geneva welcomed the participants on behalf of the Secretary-General. The Assistant Secretary-General, Centre for Human Rights, then made a statement.

522. At the 21st meeting, on 15 February 1983, the Secretary-General of the United Nations, Mr. Javier Pérez de Cuellar, addressed the Commission.

B. Attendance

523. The session was attended by representatives of 43 States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

524. At its 1st and 2nd meetings, on 31 January and 1 February 1983, the Commission elected the following officers by acclamation.

Chairman*	Mr. Olara A. Otunnu	(Uganda)
Vice-Chairmen: 1/	Mr. Francis Mahon Hayes	(Ireland)
	Mr. Ghaleb Z. Barakat	(Jordan)
	Mr. Antonio González de León	(Mexico)
Reporteur:	Mr. Valeri P. Koutchinsky	(Ukrainian SSR)

D. Agenda

525. The Commission had before it the provisional agenda for the thirty-ninth session (E/CN.4/1983/1) drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its thirty-eighth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

1/ The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

526. At its 1st meeting the Commission considered the provisional agenda. At the same meeting, on the basis of a proposal by Yugoslavia, it was decided to add an item 8(c) entitled "The right of popular participation in its various forms as an important factor in development and in the realization of human rights". At the same meeting the representative of the Federal Republic of Germany stated his understanding that the question of elaborating a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, would be discussed under agenda item 19. At its 42nd meeting, on 1 March 1983, the Commission decided to add an item to its agenda entitled "Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". The agenda, as adopted, is given in annex II below.

E. Organization of work

527. At its 2nd and 3rd meetings the Commission considered the organization of its work. Bearing in mind the respective priority of the various items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered jointly: Items 6, 7, 16 and 18; items 8 and 19; item 10 and subitem 10 (b). It was also agreed that members could address themselves to item 9 when considering item 4. The Commission further agreed to consider the items on its agenda in the following order: 4, 9; 9; 6, 7, 16, 18; 8, 19; 10, 10 (b); 20; 22; 5; 12; 25; 15; 24; 11; 23; 14; 17; 10 (a); 13; 21; 26; 27.

528. At its 2nd meeting the Commission decided to establish informal open-ended working groups for the consideration of items 10 (a), 13, 11 and 21. In accordance with Commission resolution 1982/40, under item 11, the Commission also established a working group of 10 members to consider the possibility of rationalizing the agenda of its fortieth session. The following were appointed members of the working group of 10: Argentina, Australia, Cuba, India, Ireland, Japan, Senegal, United Republic of Tanzania, Union of Soviet Socialist Republics, Yugoslavia.

529. At its 2nd meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in its meetings:

- (a) In connection with item 6, Mr. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (b) In connection with item 10, Viscount Colville of Culross, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (c) In connection with item 20, Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission to update the Report on Slavery;
- (d) In connection with item 5, Mr. A. Dieye, Special Rapporteur on the situation of human rights in Chile;
- (e) In connection with item 12: in relation to item 12 (b), representatives of States in respect of which situations are being considered and any nominees of the Commission in connection with this item; in respect of the general aspects of item 12, Mr. Hector Gros Espiell, Special Envoy on the situation in Bolivia; Mr. J.A. Pastor Ridruejo, Special Representative on the situation in El Salvador; Prince Sadruddin Aga Khan, Special Rapporteur on human rights and massive exoduses;

Mr. S. Amos Wako, Special Rapporteur on questions relating to summary or arbitrary executions, and Mr. Hugo Gobbi, Representative designated by the Secretary-General to follow the human rights situation in Poland.

530. For the text of the decision, see chapter XXVII, section B, decision 1983/101.

531. At its 9th meeting, on 7 February 1983, upon the recommendation of its officers, the Commission adopted a decision to request the Secretariat to prepare a note containing a listing of the material on the situation in Guatemala, together with an indication of its contents (C/CN.4/1983/47).

532. For the text of the decision, see chapter XXVII, section B, decision 1983/103.

533. At its 2nd meeting the Commission accepted the following recommendations by its officers with regard to the limitation of statements: (a) result of an appeal by the Chairman, members agreed to restrict themselves to 20 minutes per statement on each item and to 10 minutes for further statements on the same item; (b) with regard to observers, the following restrictions would apply: statements by observers were to be kept within a limit of 15 minutes; States observers would in addition have the right to make a second statement on the same item, it being understood that the second statement would be limited to 10 minutes, except that for those to whom a report made specific reference the limit would be 15 minutes; (c) statements by non-governmental organizations would be limited to 10 minutes and to one statement per item, (d) as regards the right of reply, the practice followed by the General Assembly would apply, namely, a limitation to two replies, 10 minutes for the first reply and five minutes for the second reply.

534. At its 3rd meeting the Commission adopted a decision by vote on a proposal by Ireland ^{2/} that the Commission request the Economic and Social Council to authorize 15 extra fully-serviced meetings at the current session. On 14 February 1983 the Chairman informed the Commission that the Council had decided to authorize the Commission to hold 15 extra fully-serviced meetings, without summary records.

535. For the text of the decision, see chapter XXVII, section B, decision 1983/102.

536. At its 56th meeting, on 10 March 1983, the Commission had before it a draft decision by the representative of Brazil to recommend to the Economic and Social Council that it authorize 15 fully-serviced additional meetings, including summary records, for the Commission's fortieth session. The representative of Canada proposed an amendment by which the number of meetings would be changed from 15 to 20. The amendment proposed by the representative of Canada was adopted by 21 votes to 6, with 10 abstentions. The draft decision, as amended, was adopted by 29 votes to none, with 9 abstentions.

537. For the text of the decision, see chapter XXVII, section B, decision 1983/109.

F. Meetings, resolutions and documentation

538. The Commission held 58 meetings.

^{2/} The vote, taken at the request of the USSR, was as follows: 23 votes in favour, 7 against and 4 abstentions.

539. The resolutions and decisions adopted by the Commission at its thirty-ninth session are contained in chapter XXVII of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

540. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

541. Annex IV contains a list of documents issued for the thirty-ninth session of the Commission.

Annex I

ATTENDANCE

Members

Argentina

Mr. D. Gabriel O. Martínez, Mr. Santos N. Martínez,* Mr. Marcelo Colombo Murua,** Mr. Alberto L. Daverede,** Mr. Juan F. Gomensoro,**
Mr. Juan J. Arcuri,** Mr. Juan V. Sola,** Mr. Roberto López Delgado,**
Mr. Jorge Bullo Perea,** Mr. Raúl Fernández Schoo,**
Mr. Roberto J. Rodríguez,** Mr. Attilio N. Molteni**

Australia

Mr. P. N. Hutton, Ms. Erika Feller,* Mr. Joe Thuaites,* Mr. Steven Bailey,*
Mr. Charles Woodhouse*

Bangladesh

Mr. Abu Sayeed Chowdhury, Mr. A. K. H. Morshed,* Mr. Syed Noor Hossain,**
Mr. Alimul Haque**

Brazil

Mr. Carlos Calero Rodrigues, Mr. Gilberto Vargne Saboia,*
Mr. Alfonso Emilio de Alencastro Massot,* Mr. Renato Xavier**

Bulgaria

Mr. Borislav Konstantinov, Mr. Nicola Stoimenov,*
Mrs. Roumiana Dermendjieva,* Mr. Emil Golemanov,** Mr. Nicolay Karakolev**

Canada

Mr. Yvon Beaulne, Mr. J. F. Tanguay,* Mr. Richard McKinnon,**
Mr. J. P. Carrier,** Mr. Daniel Dhavernas,** Mr. Roderick Bell,**
Mrs. Hanna Jensen,** Mrs. Enid Page,** Miss Chantal de Varennes**

China

Mr. Li Luyue, Mr. Ma Longta,* Mr. Li Daoyu,* Mr. Chou Hsien-chueh,*
Mr. Gu Shiyun,* Ms. Zhang Yanling,* Ms. Guo Yanhui,* Ms. Tu Yang,*
Mr. Chen Shiqu,* Ms. Yao Ying,** Ms. Tu Lifang,** Mr. Wu Shanxiu,**
Miss Chen Yuzhen**

Colombia

Mr. Héctor Charry Samper, Mrs. Angela Herran,* Mr. Ciro Alfonso Arévalo*

* Alternate.

** Adviser.

Costa Rica

Mr. Elías Soley Soler, Mrs. Emilia Castro de Barish,^a Mr. Ruben Hernández,¹
Mr. Luis Carlos Delgado Murillo, Mr. Jorge Rhenán²

Cuba

Mr. Luis Solá Vila, Mr. Julio Heredia Perez,¹ Mr. Angel Víctor
González Pérez²

Cyprus

Mr. A. Mavromatis, Mr. Andreas Ch. Poyouros,^a Mr. A. Pirashis,^b
Mr. Chr. Yiangu,^a/ Mr. Charis Theodorou^b/

Fiji

Mr. Ross I. V. Ligairi

Finland

Mr. Heikki Talvitie, Ms. Marjatta Rasi,^a Mr. Alpo Rusi,^a Mr. Kim Laine,^b
Mr. Ilkka Uusitalo,^a Mr. Hannu Kyrdlainen^b

France

Mr. Claude-Albert Colliard, Mr. Robert de Souza,^a Mr. Alain Pierret,^b
Mr. Jacques Le Blanc,^a Mr. Louis Giustetti,^a Mr. Jean-François Bouffandeau,^b
Miss Sylvaine Carta,^a Mr. Michel Treutenaere,^a Miss Elisabeth Ponroy^b

Gambia

Mr. F. R. C. Blain, Mr. O. A. J. Mahoney^a

Germany, Federal Republic of

Mr. Wolfgang Behrends, Mr. Norbert Lang,^a Mr. Gerd Maesmann,^b
Mr. Kari Borchard,^a Mr. Wolfgang Stiller,^b Mr. Julius Bobinger,^a
Mr. Ulrich Dreesen,^a Mr. E. Schöber,^a Mr. Hans-Heinrich Mahnke^a

Ghana

Mr. Jonas K. D. Foli, Mr. Annan A. Cato,^a Mr. A. J. B. McCarthy,^a
Mr. Y. Addo-Daaku²

India

Mr. B. R. Bhagat, Mr. Muehkund Dubey,^a Mrs. Lakshmi Puri,¹ Mr. Mohan Kumar²

^a/ Until 15 February 1983.

^b/ As from 15 February 1983.

Ireland

Mr. Francis Mahon Hayes, Mr. Declan O'Donovan, Ms. Anne Anderson,²
Mr. Richard O'Toole,¹ Mr. Michael Creddock^{2*}

Italy

Mr. Giuseppe Walter Maccotta, Mr. Onofrio Solari Bozzi,⁴
Mr. Arnaldo Squillante,^{2*} Mr. Enrico de Maio,^{2*} Mr. Francesco Rausi,^{4*}
Miss Maria Antonietta Cao-Pinna,^{1*} Mr. Claudio Zanghi,^{6*}
Miss Ginevra Letizia,^{6*} Miss Maria Teresa Falcoetta^{6*}

Japan

Mrs. Sadako Ogata, Mr. Shunji Kobayashi,³ Mrs. Hisami Kurokouchi,
Mr. Mocharu Fujii,^{8*} Mr. Hideaki Asahi,^{8*} Mr. Koichi Sakamoto,^{6*}
Mr. Hatsuhiko Shigemitsu,^{2*} Ms. Tomoko Katsuno^{6*}

Jordan

Mr. Ghaleb Z. Barakat, Mr. Tarek Madi,² Miss Lina Tukan,²
Mr. Khalil Abdel-Bahim²

Libyan Arab Jamahiriya

Mr. Ali A. Treiki, Mr. Youssef M. Arebi,¹ Mr. Abdalla Yaaly,^{6*}
Mr. Massaud El Oufari,^{2*} Mr. Moussa Drouji,^{4*} Mr. Abdussalam Sergiwa,^{6*}
Mr. Hilad A. M. Gasmî,^{6*} Mr. Omar E. Hmoudah^{2*}

Mexico

Mr. Antonio González de León, Mr. Alberto Székely,² Miss Orpha Garrido^{2*}

Mozambique

Mr. Murade Isaac Murargy, Mr. Daniel Antonio,² Mr. Eduardo José
Baciao Koloma,² Mr. José Castiano de Zumbire²

Netherlands

Mr. Peter H. Kooijmans, Mr. Herman Burgers,² Mr. Roelof R. Smit,²
Mr. Frans van Dongen,^{2*} Mr. Hans J. Heinemann,^{2*} Mr. Jaap A. Walkate,^{2*}
Mr. Antoine F. van Doogen,^{2*} Mr. Hans van den Dool,^{2*} Mr. Teunis Kamper,^{1*}
Mr. Cees Roels,^{2*} Mr. I. Jansen^{2*}

Nicaragua

Mr. Leonte Herdocias Ortega, Mr. Víctor Selva Gutiérrez,² Mr. César Vega
Masís,¹ Mr. Orlando Guerrero Mayorga,^{6*} Mrs. Lilliam Leal^{2*}

Pakistan

Mr. Agha Hilaly, Mr. Mansur Ahmed,² Mr. Rafat Mahdi,² Mr. Tahir Lal,²
Mr. Salman Bashir²

Philippines

Mr. Armando D. Manalo, Ms. Rosalinda V. Tirona,¹ Mrs. Victoria S. Bataclan^{2*}

Poland

Mr. Adam Lopatka, Mr. Henryk Sokalski,² Mr. Jerzy Zawalonka,⁴
Mr. Włodzimierz Kalinowski,⁵ Mr. Byszard Bysinski⁷

Rwanda

Mr. Alphonse Sebazungu, Mr. Christophe Habimana³

Senegal

Mr. Alioune Sene, Mr. Abdoulaye Diaye,² Mr. Ousmane Tanor Dieng,⁴
Mr. Samba Moodj,⁷ Mr. Mouhamed El Moustapha Diagne,⁸ Mr. Ibrahima Sy,⁹
Mr. Samba Cor Konate,⁶ Mr. Mamadou Moustapha Ndiaye,¹⁰ Mr. Laity Kama¹

Togo

Mr. Koffi Adjoyi

Uganda

Mr. Clara A. Otunnu, Mr. James Obol-Ochola,² Mr. Christopher Twesigye,³
Mr. John Baptist Okumu,⁴ Mr. Bernard Odoch-Jato⁵

Ukrainian SSR

Mr. Ivan Sergeevich Khmel, Mr. Valeri P. Koutchinsky,¹
Mr. Alexandre M. Ovsionuk,² Mr. Yuri F. Malko

Union of Soviet Socialist Republics

Mr. V. A. Zorin, Mr. V. N. Sofinsky,² Mr. D. V. Bykov,³ Mr. K. F. Gutsenko,⁴
Mr. S. V. Chernichenko,⁵ Mr. B. D. Lankov,^{6*} Mr. G. P. Antonov,^{7*}
Mr. P. I. Baulin,^{8*} Mr. S. B. Nikiforov,^{9*} Mr. M. A. Kaitchouk,^{10*}
Mr. K. G. Guevorguian,^{11*} Mr. T. A. Bagirov^{12*}

United Kingdom of Great Britain and Northern Ireland

Viscount Colville of Culross, Sir P. H. B. Marshall,¹ Mr. R. C. Fursland,²
Mr. C. W. Long,^{3*} Miss S. Foulds,^{4*} Mr. B. D. Adams,^{5*} Mrs. K. Colvin,^{6*}
Mr. R. Kyles^{7*}

United Republic of Tanzania

Mr. Wilbert K. Chagula, Mr. W. H. Sekule,² Mr. E. F. E. Mtango³

United States of America

Mr. Richard Schifter, Mr. Warren Hewitt,[¶] Mr. Walter Berns,[¶]
Mr. Geoffrey Swaabe,[¶] Miss Heidi August,[¶] Mr. Stephen R. Bond,[¶]
Mr. Thomas A. Johnson,[¶] Mr. John W. MacDonald,[¶] Mr. Patrick J. Flood[¶]

Uruguay

Mr. Carlos Giambruno, Mr. Federico Grunwaldt Ramasso,[¶] Mr. Carlos A.
Fernández Ballestreros,[¶] Mr. Ricardo Gallardo,[¶] Mrs. Graziela Dubra,[¶]
Mr. Carlos Nadal,[¶] Mr. Alvaro Moerzinger,[¶] Mrs. Sara Saragosa,[¶]
Mr. Ramón Malvasio Laxague,[¶] Mr. Romeo A. Manoli[¶]

Yugoslavia

Mr. Aleksandar Bozović, Miss Zagorka Ilić, Mrs. Marija Djordjević,[¶]
Mr. Zeljko Jarkic[¶]

Zaire

Mr. Bagbeni Adeito Nzengaya, Mrs. Esaki Ekanga Kabeya,[¶]
Mr. Dzankon Demeteni,[¶] Mr. Lisembe Elebe,[¶] Mr. Lokwa Bula[¶]

Zimbabwe

Mr. Stephen Cletus Chiketa, Mr. Galilee Jess Jani[¶]

States Members of the United Nations represented by observers

Afghanistan, Algeria, Austria, Bahrain, Belgium, Bolivia, Burundi,
Byelorussian SSR, Cape Verde, Congo, Czechoslovakia, Democratic Kampuchea,
Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador,
Ethiopia, Gabon, German Democratic Republic, Greece, Guatemala, Haiti,
Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel,
Ivory Coast, Kenya, Kuwait, Luxembourg, Madagascar, Malaysia, Mongolia, Morocco,
New Zealand, Nigeria, Norway, Panama, Peru, Paraguay, Portugal, Qatar, Romania,
Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab
Republic, Thailand, Tunisia, Turkey, United Arab Emirates, Venezuela, Viet Nam,
Yemen

United Nations Council for Namibia, representing Namibia

Non-member States represented by observers

Holy See, Republic of Korea, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees, Special Committee
against Apartheid

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization

Regional intergovernmental organizations

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States

National liberation movements

African National Congress, Palestine Liberation Organization, Pan Africanist Congress of Azania, South West Africa People's Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Muslim World League, United Towns Organization, Women's International Democratic Federation, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress

Category II

Afro-Asian Peoples' Solidarity Organization, All-India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Associated Country Women of the World, Bahai International Community, Caritas Internationalis, Christian Democratic Union, Christian Peace Conference, Commission of the Churches on International Affairs, Co-ordinating Board of Jewish Organizations, Friends World Committee for Consultation, International Association for Religious Freedom, International Association of Democratic Lawyers, International Association of Juvenile and Family Court Magistrates, International Association of Penal Law, International Bar Association, International Catholic Child Bureau, International Catholic Migration Commission, International Christian Union of Business Executives, International Commission of Jurists, International Committee of the Red Cross, International Co-operation for Development and Solidarity, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Indian Treaty Council, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Social Service, International Union of Latin Notariat, Lutheran World Federation, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana,

Radda Barnen's Riksförbund, Salvation Army, Socialist International, Socialist International Women, Soroptwist International, Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Alliance of Young Men's Christian Associations, World Association of Girl Guides and Girl Scouts, World Association of World Federalists, World Confederation of Organizations of the Teaching Profession, World Council of Indigenous Peoples, World Jewish Congress, World Student Christian Federation, World Union of Catholic Women's Organization, World University Service, World Young Women's Christian Association, Zonta International

Roster

Indian Law Resource Center, International Abolitionist Federation, International Association for the Defence of Religious Liberty, International Federation of Rural Adult Catholic Movements, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Police Association, International Progress Organization, International Union of Students, Minority Rights Group, Movement Against Racism and for Friendship between Peoples, Procedural Aspects of International Law Institute, World Association for the School as an Instrument of Peace, World Peace Council, World Union for Progressive Judaism.

Annex II

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the occupied Arab territories, including Palestine
5. Question of human rights in Chile
6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts
7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa
8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
 - (a) Problems related to the right to enjoy an adequate standard of living; the right to development
 - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
 - (c) The right of popular participation in its various forms as an important factor in development and in the realization of human rights
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
 - (a) Torture and other cruel, inhuman or degrading treatment or punishment
 - (b) Question of enforced or involuntary disappearances
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission;

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

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
 - (a) Question of human rights in Cyprus
 - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-eighth session
13. Question of a convention on the rights of the child
14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers
15. Human rights and scientific and technological developments
16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid
17. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service
18. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination
19. Status of the International Covenants on Human Rights
20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session
21. Rights of persons belonging to national, ethnic, religious and linguistic minorities
22. Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

23. Advisory services in the field of human rights
24. Communications concerning human rights
25. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
26. Draft provisional agenda for the fortieth session of the Commission
27. Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
28. Report to the Economic and Social Council on the thirty-ninth session of the Commission

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF
RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION
AT ITS THIRTY-NINTH SESSION

1. In the course of its thirty-ninth session, the Commission on Human Rights adopted 22 resolutions and two decisions that have administrative and programme-budget implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.
2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its thirty-eighth session any additional resources needed to implement the proposals during 1983, 1984 and 1985. Those implications are summarized in the following table.

SUMMARY TABLE BY SECTION OF ADMINISTRATIVE AND PROGRAMME BUDGET
IMPLICATIONS FOR 1983, 1984 AND 1985 OF RESOLUTIONS AND
ADOPTED BY THE COMMISSION AT ITS THIRTY-NINTH SESSION

(United States dollars)

Resolution or decision	Section 23 Human rights			Section 29 B Conference services Geneva			TOTAL
	1983	1984	1985	1983	1984	1985	
Resolution 1983/9	56 900	234 000	15 100	54 900	550 500	397 200	1 308 400
1983/11	1 900	-	-	-	-	-	1 900
1983/13	2 700	-	-	-	-	-	2 700
1983/14	25 800	-	-	-	-	-	25 800
1983/15	-	-	-	153 100	-	-	153 100
1983/16	13 600	13 600	-	-	-	-	27 200
1983/20	206 800	64 200	-	263 000	1 400	-	541 400 ^{a/}
1983/22	-	3 200	-	-	-	-	3 200
1983/24	27 300	2 800	-	-	-	-	30 100
1983/25	(15 800) ^{b/}	-	-	13 000	-	-	13 000
1983/29	39 500	1 300	-	-	-	-	40 800
1983/30	26 100	1 800	-	-	-	-	27 900
1983/33	(7 000) ^{c/}	-	-	-	-	-	-
1983/34	29 000	1 700	-	-	-	-	30 700
1983/36	36 500	3 500	-	-	-	-	40 000
1983/37	31 400	2 500	-	-	-	-	33 900
1983/38	82 200	26 000	-	312 000	197 500	-	617 700
1983/40	(101 100) ^{c/}	-	-	-	171 700	-	171 700
1983/44	1 500	1 500	-	-	-	-	3 000
1983/48	-	-	-	-	57 700	-	57 700
1983/52	-	-	-	-	57 700	-	57 700
1983/53	-	-	-	-	57 700	-	57 700
Decision 1983/109	-	-	-	-	230 800	-	230 800
1983/110	-	-	-	-	37 900	-	37 900
TOTAL	581 200	356 100	15 100	796 000	1 368 700	397 200	3 514 300

a/ Not included are computer services costs to be incurred under section 28 G and 28 H (Electronic data processing and Information Systems Division and Division of Administration Geneva)

b/ Costs to be incurred under section 23 (global printing programme)

c/ Costs to be incurred under section 24 (Regular program of technical co-operation)

Resolution 1983/9. Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts

1. In resolution 1983/9, the Commission on Human Rights decided to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa. The following activities are requested of the Working Group.

2. By paragraph 15 of the resolution, the Group is requested, in co-operation with the Special Committee against Apartheid, to continue to investigate the cases of torture and ill-treatment of detainees and the deaths of detainees in South Africa. By paragraph 16, the Group is requested to submit a report on its findings to the Commission at its forty-first session at the latest and to submit a progress report to the Commission at its fortieth session. By paragraph 19, the Group is requested to organize in 1984 a seminar to consider the most effective means of reinforcing the Commission's efforts to eliminate apartheid, racism and racial discrimination. By paragraph 20, the Group is authorized to participate in conferences, symposia, seminars or other events connected with the action against apartheid particularly those organized under the auspices of the Special Committee against Apartheid and the United Nations Council for Namibia. By paragraph 21 the Commission requested the Secretary-General to provide every assistance within available resources to enable the Group to discharge its responsibilities in accordance with its terms of reference.

3. In order to determine the programme budget implications of the resolution, the following assumptions have been made:

(a) The Ad Hoc Working Group, composed of six experts, would meet for one week in London in June/July 1983 to organize and plan its work in relation to the terms of its mandate and to gather information relevant to its mandate;

(b) In January 1984 the Ad Hoc Working Group would meet in Geneva for two weeks to consider and adopt its progress report for submission to the Commission at its fortieth session;

(c) A seminar would be organized in Harare, Zimbabwe, for one week in May 1984;

(d) In July/August 1984 the Ad Hoc Working Group, accompanied by substantive administrative and conference servicing staff of the Secretariat, would carry out a field mission for a total duration of approximately five weeks and visit London, Durban-Salomo, Lusaka, Gabarone, Harare, Luanda and Geneva for the purpose of hearing testimony and gathering first-hand information on matters falling within its mandate;

(e) In January 1985, the Ad Hoc Working Group would meet again in Geneva for a period of two weeks to consider and adopt its final report for submission to the Commission at its forty-first session.

4. On the basis of the foregoing, the relevant costs under section 25 (Human rights) are estimated at \$56,900 for 1983, \$234,000 for 1984 and \$15,100 for 1985. The related conference services costs, calculated on a full-cost basis, are estimated at \$54,900 in 1983, \$550,300 in 1984 and \$397,200 in 1985, to be financed under section 29 B (Conference services, Geneva).

	<u>1983</u>	<u>1984</u> (US dollars)	<u>1985</u>
I. <u>Meeting in London, July 1983 (5 working days)</u>			
Travel and subsistence of experts			
Travel	10 200	-	-
Subsistence	6 100	-	-
Travel and subsistence of staff of the Centre for Human Rights			
Principal Secretary	1		
Substantive Officer	1		
Secretaries	2		
Travel	2 100	-	-
Subsistence	3 500	-	-
General operating expenses			
Rental of office facilities, rooms and office space, local transportation and communications	6 000	-	-
Total I	27 700	-	-
II. <u>Meeting in Geneva, January 1984</u> <u>(10 working days)</u>			
Travel and subsistence of experts			
Travel	-	6 800	-
Subsistence	-	3 800	-
Total II	-	10 600	-
III. <u>Seminar in Harare, Zimbabwe, May 1984</u> <u>(5 working days)</u>			
Travel and subsistence of 32 participants plus 1 expert member of <u>Ad Hoc Working</u> Group and 3 representatives of liberation movements			
Travel	-	64 800	-
Subsistence	-	14 700	-

	<u>1983</u>	<u>1984</u> (US dollars)	<u>1985</u>
Travel and subsistence of staff of the Centre for Human Rights			
Representative of Secretary-General	1		
Substantive officers	2		
Secretaries	2		
Travel	-	11 600	-
Subsistence	-	2 300	-
Consultants			
Fees for background papers	-	3 000	-
General operating expenses	-	4 000	-
Hospitality	-	500	-
Total III	-	100 900	-
IV. <u>Field Mission to Africa, July/August 1984</u> <u>(5 weeks)</u>			
Travel and subsistence of experts			
Travel	-	25 500	-
Subsistence	-	23 700	-
Travel and subsistence of staff of the Centre for Human Rights <u>a/</u>			
Principal Secretary	1		
Assistant Secretary	1		
Administrative and Finance Officer	1		
Secretaries	2		
Travel	-	13 500	-
Subsistence	-	12 600	-
General operating expenses, including rental of conference rooms and office space, local transportation and communications	-	18 900	-
Total IV	-	93 300	-

a/ Provision of travel and subsistence of one press officer to accompany the Ad Hoc Working Group will also have to be foreseen in the amount of \$5,300 under section 27 (Public information).

	<u>1983</u>	<u>1984</u> (US dollars)	<u>1985</u>
V. <u>Meeting in Gen v1, January 1985</u> (10 working days)			
Travel and subsistence of experts			
Travel	-	-	6 800
Subsistence	-	-	8 300
	<hr/>	<hr/>	<hr/>
Total V	-	-	15 100
VI <u>Other requirements</u>			
Temporary assistance for gathering information, compiling materials and assisting in the preparation of the report (P 2 staff member for 12 months)	17 100	17 100	-
Travel and subsistence of a member of the <u>Ad Hoc Working Group</u> accompanied by a substantive officer to participate in conferences, meetings and seminars against <u>apartheid</u> , in particular those organized under the auspices of the Special Committee against <u>Apartheid</u> (calculated on a nominal basis of 5 working days for each trip)			
Travel and subsistence of expert (4 x \$2,500)	5 000	5 000	-
Travel and subsistence of substantive officer (4 x \$2,300)	4 600	4 600	-
Subscriptions to newspapers and periodicals	2 500	2 500	-
	<hr/>	<hr/>	<hr/>
Total VI	29 200	29 200	-
<u>Summary (section 23, Human rights)</u>			
I. Meeting in London, July 1983 (5 working days)	27 700		
II Meeting in Geneva, January 1984 (10 working days)	-	10 600	-
III Seminar in Harare, Zimbabwe, May 1984 (5 working days)	-	100 900	-
IV Field mission to Africa, July/August 1984 (5 weeks)	-	93 300	-
V. Meeting in Geneva, January 1985 (10 working days)	-	-	15 100
VI. Other requirements	29 200	29 200	
	<hr/>	<hr/>	<hr/>
TOTAL	56 900	234 000	15 100

Resolution 1983/11. The adverse consequences for the enjoyment of human rights political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

1. In paragraph 8 of resolution 1983/11, the Commission on Human Rights selected the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalfi, Special Rapporteur, to continue to update the last mentioned in paragraph 1 of the resolution, subject to annual review, and to submit the revised report to the Commission, through the Sub-Commission.

2. The estimated requirements arising from the resolution are estimated at \$1,900 for 1983 under section 23 (Human rights) covering the cost of travel to Geneva and subsistence for five working days of the Special Rapporteur for consultations with the Centre for Human Rights.

Resolution 1983/13. Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

In paragraph 1 of resolution 1983/13, the Commission on Human Rights designated the Chairman of the Commission on Human Rights and the Chairman of the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the Second World Conference to Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983. The Chairman of the Commission being based in New York and the Chairman of the Working Group being based in Geneva, the relevant costs under section 23 (Human rights) are estimated at \$2,700 for 1983.

Resolution 1983/14. 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

1. Under operative paragraph 1 of draft resolution I recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1983/14, the Secretary-General would be requested to undertake a comprehensive analytical study on 'The right to popular participation in its various forms as an important factor in the full realization of all human rights' and to submit a preliminary study to the Commission on Human Rights at its fortieth session and the final study at its forty-first session.

2. In order to prepare the above-mentioned study, the Secretary-General considers that it will be necessary to engage an outside consultant at the P-4 level for a period of six months in 1983. Accordingly, the relevant costs under section 23 (Human rights) are estimated at \$25,800.

Resolution 1983/15. 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

1. In paragraph 9 of resolution 1983/15, the Commission on Human Rights decided to request the Working Group of Governmental Experts on the Right to Development to hold two meetings of two weeks each in Geneva, the first in June 1983 and the second in November/December 1983. In paragraph 10, the Commission requested

the Working Group to submit to the Commission at its fortieth session a report and concrete proposals for a draft declaration on the right to development. In paragraph 11, the Commission requested the Secretary-General to provide all necessary assistance to the Working Group.

2. On the basis of the foregoing, the relevant conference servicing costs, calculated on a full-cost basis, are estimated at \$153,100 for 1983, to be financed under section 25 B (Conference services, Geneva)

Resolution 1983/16. The new international economic order
and the promotion of human rights.

1. In paragraph 1 of resolution 1983/16, the Commission on Human Rights recommended that the Economic and Social Council authorize the Sub-Commission to entrust Mr. Eide with the preparation of a study on the right to adequate food as a human right. In paragraph 2, the Commission requested the Secretary-General to give the Special Rapporteur all the assistance he may require in his work. In paragraph 3, it requested the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-sixth session and his final report to the Sub-Commission at its thirty-seventh session.

2. The relevant costs to be financed under section 23 (Human rights) are estimated at \$13,600 for 1983 and \$13,600 for 1984, as follows.

	<u>1983</u>	<u>1984</u>
	(US dollars)	
One round trip to Geneva in 1983 for consultations with the Centre for Human Rights	2 800	-
One round trip to Geneva in 1984 for consultations with the Centre for Human Rights	-	2 800
Six months of temporary assistance at the P-3 level (three months in 1983 and three months in 1984)	10 800	10 800
	13 600	13 600

Resolution 1983/20. Question of the human rights of all persons
subjected to any form of detention or imprisonment, in particular
question of enforced or involuntary disappearances

1. In paragraphs 2 and 3 of resolution 1983/20, the Commission on Human Rights decided to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI), and requested the Working Group to submit to the Commission, at its fortieth session, a report on its work together with its conclusions and recommendations. In paragraph 5, the Commission requested 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 arrangements to ensure the continuity of the Secretariat's work.

2. The estimate of financial implications is based on the following assumptions:

(a) The Working Group, composed of five members, would meet in New York or Geneva in May/June 1983 for a period of one week, in order to receive and examine available information from Governments, inter-governmental organizations, humanitarian organizations and other reliable sources,

(b) The Working Group would meet in Geneva in August/September 1983 for a period of 10 working days to receive and examine available information

(c) The Working Group would meet in Geneva in December 1983 for a period of 10 working days to examine further information and to prepare its report for submission to the Commission on Human Rights at its fortieth session in 1984.

(d) For the purpose of establishing direct contacts with Governments, one member of the Working Group, accompanied by one substantive officer of the Centre for Human Rights, would undertake four missions (three in 1983 and one in 1984) in addition, in view of invitations received in the past to hold meetings closer to the people directly concerned, the Chairman of the Working Group has asked that provision be made to hold meetings for a period of five working days during 1983 in another country for the purpose of gathering up-to-date information,

(e) A staff member at the P-3 level would be required to provide basic services in connection with the activities of the Working Group, to function as secretary of the Group during its meetings, and to assist in the preparation of the report to the Commission

(f) Three staff members at the P-2 level, assisted by one secretary and two data entry/computer operations clerks would screen the information received from various sources, including the existing backlog, and then classify, analyse and prepare it in a usable form for the Working Group, they would also deal with all the correspondence with those involved in the procedure,

(g) Computer and work processing services would be required to organize and assess the collected data on missing persons, and to reduce staff costs

3. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$206,800 for 1983 and \$64,200 for 1984, including a total of \$13,300 (\$10,000 for 1983 and \$3,300 for 1984) for the rental of visual display units linked to computer terminals. Additional computer services are estimated at \$34,600 for 1983 and \$11,500 for 1984, to be financed under sections 28 G and H (Electronic Data Processing and Information Systems Division and Division of Administration, Geneva). The related conference servicing costs, calculated on a full-cost basis, are estimated at \$253,000 for 1983 and \$7,400 for 1984, to be financed under section 29 B (Conference services, Geneva).

	<u>1983</u>	<u>1984</u>
	(US dollars)	
I. <u>Meeting in New York b/ or Geneva, May/June 1983</u> (5 working days)		
Travel and subsistence of experts		
Travel	8 300	-
Subsistence	3 200	-
Total	11 500	-
II. <u>Meeting in Geneva, August/September 1983</u> (10 working days)		
Travel and subsistence of experts		
Travel	8 300	-
Subsistence	6 900	-
Total	15 200	-
III. <u>Meeting in Geneva, December 1983</u> (10 working days)		
Travel and subsistence of experts		
Travel	8 300	-
Subsistence	6 900	-
Total	15 200	-
IV. <u>Four separate round trips for member of Working Group accompanied by substantive officer for establishment of direct contacts (calculated on a notional basis for a period of 5 working days for each visit)</u>		
Travel costs of member of Working Group, 4 x \$2,500	7 500	2 500
Travel cost of substantive staff, 4 x \$2,300	6 900	2 300
Total	14 400	4 800

b/ In the event that the meeting takes place in New York, travel and subsistence for two substantive officers to service the meeting are estimated at \$3,600.

1983 1984
(US dollars)

V. <u>Meetings in another country c/</u>		
Travel and subsistence of experts		
Travel	11 500	-
Subsistence	2 500	-
Travel and subsistence of staff of the Centre for Human Rights		
2 substantive officers		
1 secretary		
Travel	9 900	-
Subsistence	1 900	-
General operating expenses		
Rental of office facilities, rooms and office space, local transportation and communications		
	5 000	-
	Total	30 800
		-
VI. <u>Staffing resources to service Working Group (July 1983 to March 1984)</u>		
1 staff member at the P-3 level	21 700	10 800
3 staff members at the P-2/P-1 level	51 300	25 700
3 staff members at the General Service level	34 200	17 100
	Total	107 200
		53 600
VII. <u>Other requirements</u>		
Overtime for general service staff	2 500	2 500
Rental of visual display units linked to computer terminals as well as purchase and installation costs of one word processing visual display unit		
	10 000	3 300
	Total	12 500
		5 800
	TOTAL	206 800
		64 200
VIII. <u>Computer services d/</u>		
Data entry, programming data, storage production costs		
	34 600	11 500
	TOTAL	34 600
		11 500

c/ For costing purposes, based on Costa Rica.

d/ These costs are to be incurred under sections 28 G and H.

Resolution 1983/22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session

1. Under paragraph 7 of resolution 1983/22, the Commission on Human Rights invited the Sub-Commission to be present, through its Chairman or another member it may designate, at the consideration of its report during the fortieth session of the Commission.

2. The relevant costs under section 23 (Human rights) are estimated at \$3,200 for 1984.

Resolution 1983/24. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session - Updating of the study on the question of the prevention and punishment of the crime of genocide

1. Under operative paragraphs 1 and 2 of draft resolution III recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1983/24, the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be requested to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole, and update the study on the question of the prevention and punishment of the crime of genocide and, in addition, to consider and to submit to the Commission on Human Rights at its fortieth session, in 1984, the aforementioned revised and updated study.

2. The relevant costs to be financed under section 23 (Human rights) are estimated at \$27,500 for 1983 and \$2,800 for 1984, as follows

	<u>1983</u>	<u>1984</u>
	(US dollars)	
One round trip of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for three working days	2 800	-
Travel to Geneva for the thirty-sixth session of the Sub-Commission (if the Special Rapporteur is no longer a member)	2 800	-
Travel to Geneva for the fortieth session of the Commission on Human Rights	-	2 800
Six months of temporary assistance at the P.3 level	21,700	-
	<hr/>	<hr/>
	27 300	2 800

Resolution 1983/25. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session - Updating of the Report on Slavery

1. Under resolution 1983/25, the Commission on Human Rights recommended to the Economic and Social Council that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966" should be printed and given the widest possible distribution, including distribution in Arabic.
2. The relevant costs, calculated on a full-cost basis, for the translation into and typing in Arabic are estimated at \$13,000 for 1983 to be financed under section 29 B (Conference Services, Geneva) and the printing in Arabic, English, French, Russian and Spanish at \$15,800 for 1983, to be financed under section 23 (global printing programme).

Resolution 1983/29. 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

1. Under paragraph 11 of resolution 1983/29, the Commission on Human Rights decided to extend the mandate of the Special Representative for another year and requested him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-eighth session and to the Commission on Human Rights at its fortieth session.
2. For the purpose of determining the financial implications of the resolution, the following assumptions have been made
 - (a) In May/June 1983, for a period of five working days, the Special Representative would undertake a trip to Geneva for the purpose of holding consultations with the Centre for Human Rights and to organize and plan his work in relation to his mandate.
 - (b) In July/August 1983, for a period of 10 working days, the Special Representative, accompanied by two staff members from the Centre for Human Rights, would carry out a mission to El Salvador for the purpose of collecting information on the spot.
 - (c) In September/October 1983, for a period of five working days, the Special Representative would travel to Geneva in order to finalize his report.
 - (d) In November/December 1983, for a period of five working days, the Special Representative would travel to New York to present his report to the General Assembly at its thirty-eighth session.
 - (e) In February/March 1984, for a period of five working days, the Special Representative would travel to Geneva to present his report to the Commission on Human Rights at its fortieth session.
 - (f) One substantive officer at the P-3 level would be required on a temporary assistance basis to assist in the preparation of the information collected and in the preparation of the final report

2. In order to determine the programme budget implications of the resolution, the following assumptions have been made:

(a) In 1983, for a period of five working days, the person designated by the Secretary-General would undertake a trip to Geneva for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate.

(b) In September/October 1983, for a period of 10 working days, the person designated by the Secretary-General would travel to Geneva to finalize his report to the Commission on Human Rights,

(c) In February/March 1984, for a period of five working days, the person designated by the Secretary-General would travel to Geneva to present his report to the Commission on Human Rights at its fortieth session;

(d) Additional staffing resources to assist the person designated by the Secretary-General with the preparation of his report would be required for a period of four months in 1983.

3. In the event that a field mission should materialize, additional costs would be incurred, as indicated in paragraph 5 below.

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

<u>1983</u>	<u>1984</u>
(US dollars)	

1 round trip to Geneva of person designated by the Secretary-General for consultations with the Centre for Human Rights (5 working days)

Travel and subsistence of the person designated by the Secretary-General	1 800	-
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1 round trip to Geneva of person designated by the Secretary-General to finalize his report (10 working days)

Travel and subsistence of person designated by the Secretary-General	2 500	-
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1 round trip to Geneva of person designated by the Secretary-General in February/March 1984 to present his report to the Commission on Human Rights at its fortieth session (5 working days)

Travel and subsistence of person designated by the Secretary-General	-	1 800
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General temporary assistance:

Four work-months at P-3 level	<u>14 400</u>	<u>-</u>
Total	16 700	1 800

5 In the event that a field mission should materialize, the relevant costs are estimated as follows

	<u>1983</u>	<u>1984</u>
	(US dollars)	
Travel and subsistence of the person designated by the Secretary-General (5 working days)	3 900	-
Travel and subsistence of two staff members from the Centre for Human Rights (5 working days)	2 500	-
General operating expenses, local transportation, communications and rental of office space	1 000	-
	<hr/>	<hr/>
Total	7 400	
TOTAL	26 100	1 800

Resolution 1983/33. 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

1. In paragraph 6 of resolution 1983/33, the Commission on Human Rights requested the Secretary-General to provide advisory services and other forms of appropriate human rights assistance requested by the constitutional Government of Bolivia.

2. The relevant costs to be financed under section 24 (Regular programme of technical co-operation), under advisory services in the human rights sector, are estimated at \$7,000 for 1983 on the following basis

	<u>1983</u>
	(US dollars)
<u>Travel to La Paz (10 working days)</u>	
Two experts to visit Bolivia in 1983 for consultations with the Government on the nature and extent of the advisory services and other forms of human rights assistance which can be provided, as may be requested	7 000

Resolution 1983/34. 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 the Islamic Republic of Iran

1. In paragraph 3 of resolution 1983/34, the Commission on Human Rights requested the Secretary-General or his representative to continue direct contacts with the Government of the Islamic Republic of Iran on the grave human rights situation prevailing in that country, including the situation of the Baha'is. In paragraph 4, the Commission further requested the Secretary-General or his representative to submit to the Commission on Human Rights at its fortieth session a comprehensive

report on the direct contacts and the human rights situation in the Islamic Republic of Iran, including conclusions and suggestions as regards the respect for human rights and fundamental freedoms in that country

2. In order to determine the programme budget implications of the resolution, the following assumptions have been made

(a) In 1983, for a period of five working days, the Representative of the Secretary-General would undertake a trip to Geneva for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate,

(b) Also in 1983, for a period of five working days, the Representative, accompanied by two substantive officers, would carry out a mission to the Islamic Republic of Iran for the purpose of collecting information on the spot,

(c) Later in 1983, for a period of 15 working days, the Representative would travel to Geneva to finalize his report to the Commission on Human Rights,

(d) In February/March 1984, for a period of five working days, the Representative would travel to Geneva to present his report to the Commission on Human Rights at its fortieth session,

(e) Additional staffing resources to assist the Representative with the preparation of his report would be required for a period of four months in 1983

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

	<u>1983</u>	<u>1984</u>
	(US dollars)	
<u>1 round trip to Geneva of the Representative of the Secretary-General for consultations at the Centre for Human Rights (5 working days)</u>		
Travel and subsistence of the Representative	1 700	-
<u>Field mission to the Islamic Republic of Iran (5 working days)</u>		
Travel and subsistence of the Representative	4 400	-
Travel and subsistence of 2 substantive officers	4 500	-
General operating expenses local transportation, communications and rental of office space	1 000	-
<u>1 round trip to Geneva of the Representative to finalize his report (15 working days)</u>		
Travel and subsistence of the Representative	3 000	-

1983 1984
(US dollars)

1 round trip to Geneva of the Representative in February/March 1984 to present his report to the Commission on Human Rights at its fortieth session (5 working days)

Travel and subsistence of the Representative	-	1 400
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General temporary assistance:

4 work-months at P-3 level	14 400	-
Total	29 000	1 700

Resolution 1983/36. 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

1. Under operative paragraph 4 of draft resolution VI recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1983/36, the Council would decide to continue the mandate of the Special Rapporteur, Mr. S.A. Wako, for another year. Under paragraph 5, the Council would request the Special Rapporteur to review the information received, taking particularly into account any new information provided by concerned Governments as well as views expressed in the Commission at its thirty-ninth session, and to submit a report to the Commission at its fortieth session. Under paragraph 7 the Council would express its appreciation to those Governments which have extended invitations to the Special Rapporteur to visit their respective countries and would urge the Special Rapporteur to respond positively to such invitations.

2. The estimate of the financial implications of the resolution are based on the following assumptions:

(a) In May/June 1983, for a period of five working days, the Special Rapporteur would undertake a trip to Geneva for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate;

(b) In October/November 1983, for a period of 10 working days, the Special Rapporteur would travel to Geneva in order to finalize his report,

(c) In February/March 1984 for a period of five working days, the Special Rapporteur would travel to Geneva to present his report to the Commission on Human Rights at its fortieth session,

(d) Four work-months of temporary assistance at the P-3 level would be required to assist the Special Rapporteur in the preparation of his report,

(e) For the purpose of responding to invitations from Governments, the Special Rapporteur, accompanied by one substantive officer, would undertake three missions during 1983.

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

	<u>1983</u>	<u>1984</u>
	(US dollars)	
<u>Section 25 (Human rights)</u>		
3 round trip to Geneva in May/June 1983 of Special Rapporteur for consultations at Centre for Human Rights (5 working days)		
Travel and subsistence	5 500	-
1 round trip to Geneva in October/November 1983 of Special Rapporteur to prepare his report (10 working days)		
Travel and subsistence	4 200	-
3 separate round trips of Special Rapporteur accompanied by substantive officer (calculated on a notional basis for a period of 3 working days for each visit)		
Travel costs of Special Rapporteur 3 x \$2,500	7 500	-
Travel cost of substantive staff 3 x \$2,500	6 900	-
1 round trip to Geneva in February/March 1984 of Special Rapporteur to present his report to the Commission on Human Rights at its fortieth session (5 working days)		
Travel and subsistence	-	3 500
Temporary assistance: 4 work-months at the P-3 level	14 400	-
	<hr/>	<hr/>
Total	56 500	3 500

Resolution 1983/57. 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

1. In paragraph 8 of resolution 1983/57, the Commission on Human Rights requested once again that the Chairman appoint with the shortest possible delay, after consultation with 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. In paragraph 9,

the Commission further requested that the Special Rapporteur present an interim report to the General Assembly at its thirty-eighth session and a final report to the Commission at its fortieth session

2. The financial implications of the resolution are based on the following assumptions:

(a) In May/June 1983, for a period of five working days the Special Rapporteur would undertake a trip to Geneva for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate

(b) In July/August 1983, for a period of 10 working days, the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights would carry out a mission to Guatemala for the purpose of collecting information on the spot

(c) In September/October 1983 for a period of five working days the Special Rapporteur would travel to Geneva in order to finalize his report to the Commission on Human Rights at its fortieth session

(d) At the thirty eighth session of the General Assembly, for a period of five working days, the Special Rapporteur would travel to New York to present his interim report

(e) In February/March 1984, for a period of five working days the Special Rapporteur would travel to Geneva to present his report to the Commission on Human Rights at its fortieth session

(f) Additional staffing resources to assist the Special Rapporteur with the preparation of his reports would be required for a period of four months in 1983

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

	<u>1983</u>	<u>1984</u>
	(US dollars)	
<u>Round trip to Geneva of Special Rapporteur in May/June 1983 for consultations with Centre for Human Rights (5 working days)</u>		
Travel and subsistence of Special Rapporteur	2 500	
<u>Field mission to Guatemala of Special Rapporteur in July/August 1983 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	4 500	
Travel and subsistence of two staff members from the Centre for Human Rights (10 working days)	6 000	
General operating expenses		
Local transportation, communications and rental of office facilities	1 000	

1 round trip to Geneva of Special Rapporteur in
September/October 1983 to finalize his report
(5 working days)

Travel and subsistence of Special Rapporteur 2 500 -

1 round trip to New York of Special Rapporteur to
Headquarters, New York, at the thirty-eighth session
of the General Assembly to present his interim report
(2 working days)

Travel and subsistence of Special Rapporteur 2 500 -

1 round trip to Geneva of Special Rapporteur in
February/March 1984 to present his report to the
Commission on Human Rights at its fortieth session
(5 working days)

Travel and subsistence of Special Rapporteur - 2 500

General temporary assistance

4 work-months at P-3 level	14 400	-
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Total	51 400	2 500

Resolution 1983/38. Question of human rights in Chile

1. In paragraph 11 of resolution 1983/38, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for a year and requested him to report on the subsequent development of the situation of human rights in Chile to the General Assembly at its thirty-eighth session and to the Commission on Human Rights at its fortieth session.

2. In order to carry out his mandate, the Special Rapporteur would require the necessary arrangements to be made to permit him to gather relevant information. He would conduct hearings of persons having knowledge and experience of the situation of human rights in Chile and, in the event that the Government of Chile extended its co-operation, the Special Rapporteur would visit that country for this purpose and to collect information.

3. The Special Rapporteur would require an ongoing system for recording information collected by him or otherwise brought to his attention. He would conduct consultations periodically to review the information with the purpose of establishing the facts on which his report to the General Assembly and to the Commission on Human Rights would be based. The Special Rapporteur envisages that such consultations will take place in Geneva at the end of May 1983 for a period of five working days. He intends to undertake a mission to Chile during the summer of 1983 for a period of 10 working days for the purpose of collecting information on the spot. Immediately after the mission, he would spend five working days in New York or Geneva to gather further information. Should the mission to Chile not take place, the Special Rapporteur would visit New York during the summer of 1983, for a period of seven working days, for the purpose of hearing testimony and collecting information.

4. The Special Rapporteur would spend 10 working days in New York at the time of submission of his report to the General Assembly at its thirty-eighth session. He would then visit Geneva for 10 working days in January 1984 for the purpose of hearing testimony, receiving other evidence, and finalizing his report to the Commission on Human Rights at its fortieth session. The Special Rapporteur would visit Geneva again during February/March 1984 for a period of five working days to present his report to the Commission on Human Rights at its fortieth session. The Special Rapporteur intends to conduct hearings either at Geneva, New York or elsewhere.

5. It is estimated that a monthly average of 190 pieces of information (reports, including press reports, articles, letters, etc.) of varying size would have to be examined and a synthesis of them prepared for the Special Rapporteur. This would necessitate the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary to assist the Special Rapporteur in the gathering of information, compilation of materials, and preparation of his report.

6. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$82,200 for 1983 and \$26,000 for 1984. The related conference servicing costs, calculated on a full-cost basis, are estimated at \$312,000 for 1983 and \$197,500 for 1984, to be financed under section 29 B (Conference Services, Geneva).

1983 1984
(US dollars)

I. Meeting in Geneva, May 1983 (5 working days)

Travel and subsistence of representatives
(Special Rapporteur)

Travel	1 600	-
Subsistence	600	-

Travel and subsistence of participants
(witnesses)

Travel	5 000	-
Subsistence	1 500	-

	<hr style="width: 100%;"/>	<hr style="width: 100%;"/>
Total I	8 700	-

II. Field mission to Chile: 10 working days
plus 5 working days in New York or
Geneva, summer 1983 (total 15 working
days)

Travel and subsistence of representatives
(Special Rapporteur)

Travel	3 500	-
Subsistence	2 200	-

1983 1984
(US dollars)

Travel and subsistence of staff of the
Centre for Human Rights

Principal secretary 1
Substantive officer 1
Secretary 1

Travel	9 500	-
Subsistence	5 000	-

Travel and subsistence of participants
(witnesses)

Travel	2 100	-
Subsistence	900	-

General expenses local transportation
and communications, air freight for
equipment and documentation, rental of
equipment, miscellaneous expenses

	5 000	-
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	<u>28 000</u>	<u>-</u>
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III. In the event that the field mission to Chile
does not materialize, meeting in New York end
June 1983 (7 working days)

Travel	3 100	-
Subsistence	1 300	-

Travel and subsistence of staff of the
Centre for Human Rights

Substantive Officer 1
Secretary 1

Travel	2 300	-
Subsistence	1 900	-

Travel and subsistence of participants
(witnesses)

Travel	3 000	-
Subsistence	1 000	-

	<u>12 600</u>	<u>-</u>
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1983 1984
(US dollars)

IV.	<u>Meeting in Geneva, September 1983 (10 working days)</u>		
	Travel and subsistence of representative (Special Rapporteur)		
	Travel	1 600	
	Subsistence	1 100	
	Travel and subsistence of participants (witnesses)		
	Travel	5 000	-
	Subsistence	1 300	-
		-----	-----
	Total IV	8 200	
V	<u>Travel and subsistence of representatives (Special Rapporteur to Headquarters, New York, at the thirty-eighth session of the General Assembly) (10 working days)</u>		
	Travel	5 100	
	Subsistence	1 700	
		-----	-----
	Total V	6 800	-
VI	<u>Meeting in Geneva, January 1984 (10 working days)</u>		
	Travel and subsistence of representatives (Special Rapporteur)		
	Travel	-	1 600
	Subsistence	-	1 100
	Travel and subsistence of participants (witnesses)		
	Travel	-	5 000
	Subsistence	-	1 500
		-----	-----
	Total VI		9 200
VII	<u>Travel of representatives (Special Rapporteur) to Geneva to fortieth session of Commission on Human Rights) (5 working days)</u>		
	Travel		1 600
	Subsistence		600
		-----	-----
	Total VII		2 200

1983 1984
(US dollars)

VIII. Supplementary staff to service
Special Rapporteur

Temporary assistance for gathering information, compiling materials and preparing the report (P-2 staff member for 9 months)	17 100	8 500
Secretarial assistance (one staff member at GS level for 9 months)	11 400	5 700
Overtime	1 000	200
Press clippings and other related services required on a yearly subscription basis	2 000	200
	<hr/>	<hr/>
Total VIII	31 500	14 600

Summary

I. Meeting in Geneva, May 1983 (5 working days)	8 700	-
II. Field mission to Chile 10 working days plus 5 working days in New York or Geneva, summer 1983 (15 working days)	28 000	-
III. In the event that the field mission to Chile does not materialize meeting in New York, June 1983 (7 working days)	(12 600) <u>e/</u>	-
IV. Meeting in Geneva, September 1983 (10 working days)	9 200	-
V. Travel and subsistence of Special Rapporteur for mission to Headquarters, New York at thirty-eighth session of General Assembly (10 working days)	4 800	-
VI. Meeting in Geneva, January 1984 (10 working days)	-	9 200
VII. Travel of Special Rapporteur to Geneva to fortieth session of Commission on Human Rights (5 working days)	-	2 200

e/ Not included in total of costs

	<u>1983</u>	<u>1984</u>
	(US dollars)	
VIII. Supplementary staff to service Special Rapporteur, overtime, press clippings and other related services required on a yearly basis	31 500	14 600
TOTAL	82 200	26 000

Resolution 1983/40. Implementation of the Declaration on the Elimination
of All Forms of Intolerance and of Discrimination Based on Religion or
Belief

1. In paragraph 2 (b) of resolution 1983/40, the Commission on Human Rights requested the Secretary-General to hold within the framework of the Advisory Services Programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.

2. Assuming that the seminar would be held for a period of two weeks in Geneva during 1984-1985, the relevant costs, to be financed under section 24 (Regular programme of technical co-operation), are estimated as follows:

(US dollars)

Travel and subsistence of 32 participants and 3 representatives of the liberation movements	
Travel (based on global rate air fare)	63 000
Subsistence	34,600
Consultants' fees for 3 background papers	3 000
Hospitality	500
	101 100

3. In addition, the relevant conference servicing requirements under section 29 B (Conference Services, Geneva), on a full cost basis, are estimated at \$171,700 in 1984.

Resolution 1983/44. Human rights and scientific and technological developments -
Guidelines, principles and guarantees for the protection of persons detained on
grounds of mental ill-health or suffering from mental disorder

1. Under operative paragraph 1 of draft resolution VII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1983/44, the Council would request the Special Rapporteur, Mrs. Erica-Irene Daes, expeditiously to supplement her final report containing the body of principles, guidelines and guarantees as well as the summary compilation of replies received from

Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and in the Commission on Human Rights, and to include in the report any new replies from Governments or specialized agencies that might be transmitted in the meantime. Under operative paragraph 2 of the draft resolution, the Council would request the Sub-Commission to establish a sessional working group to examine the above-mentioned body of principles, guidelines and guarantees, and to submit the revised final report of the Special Rapporteur, together with the documentation referred to in paragraph 1, to the Commission on Human Rights at its fortieth session.

2. The relevant costs, to be financed under section 23 (Human rights) are estimated at \$1,500 for 1983 and \$1,500 for 1984, as follows:

	<u>1983</u>	<u>1984</u>
	(US dollars)	
Travel and subsistence (8 working days) (Athens/Geneva/Athens), economy class, of the Special Rapporteur for consultations with the Centre for Human Rights in 1983 and for submission of the revised final report in 1984	1 500	1 500

Resolution 1983/48. 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

1. Under operative paragraph 1 of draft resolution VIII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1983/48, the Council would authorize a meeting of an open-ended working group for a period of one week prior to the fortieth 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. The relevant conference servicing requirements in 1984 under section 29 B (Conference Services, Geneva), on a full-cost basis, are estimated at \$57,700.

Resolution 1983/52. Question of a convention on the rights of the child

1. In paragraph 2 of resolution 1983/52, the Commission on Human Rights requested the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the fortieth session of the Commission on Human Rights to facilitate and speed up completion of the work on a draft convention on the rights of the child.

2. The relevant conference servicing requirements in 1984 under section 29 B (Conference Services, Geneva), on a full-cost basis, are estimated at \$57,700.

Resolution 1983/53. Rights of persons belonging to national, ethnic, religious and linguistic minorities

1. By paragraph 1 of resolution 1983/53, the Commission on Human Rights decided to consider, at its fortieth session, the item "Rights of persons belonging to national, ethnic, religious and linguistic minorities". By paragraph 2 the Commission further decided to establish at its fortieth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents.
2. The relevant conference servicing requirements in 1984 under section 29 B (Conference Services, Geneva), on a full-cost basis, are estimated at \$57,700.

Decision 1983/109. Organization of the work of the session

1. Under decision 1983/109, the Commission on Human Rights decided to recommend to the Economic and Social Council that it authorize 20 fully-serviced additional meetings, including summary records, for the Commission's fortieth session and to request the Chairman of the fortieth session of the Commission to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Council might authorize to be utilized only if such meetings proved to be absolutely necessary.
2. Conference servicing costs to be financed under section 29 B (Conference Services, Geneva), on a full-cost basis, are estimated at \$230,800 for 1984. These estimates include interpretation and translation services in the six official languages of the Commission as well as summary records in English, French and Spanish.

Decision 1983/110. 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

1. Under decision 1983/110, the Commission on Human Rights decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its fortieth 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-sixth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.
2. For the purpose of determining the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission. Conference servicing costs to be financed under section 29 B (Conference Services, Geneva), on a full-cost basis, are estimated at \$57,900 for 1984.

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b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

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