



**Economic and Social Council**

Distr.  
GENERAL

E/1983/61  
25 May 1983

ORIGINAL: ENGLISH

---

First regular session of 1983  
Agenda item 10

HUMAN RIGHTS

Report of the Second (Social) Committee

1. The Economic and Social Council, at its 3rd plenary meeting, on 3 May 1983, allocated agenda item 10 to the Second (Social) Committee, which considered the items at its 11th to 14th and 16th to 19th meetings, held from 13 to 18 May and from 19 to 23 May 1983.
2. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Commission on Human Rights on its thirty-ninth session; <sup>1/</sup>
  - (b) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/38/166-E/1983/34);
  - (c) Note by the Secretariat transmitting extracts from the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations regarding infringements of trade union rights (E/1983/28);
  - (d) Note by the Secretary-General on allegations regarding infringements of trade union rights (E/1983/49).

---

<sup>1/</sup> Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13).

## CONSIDERATION OF DRAFT PROPOSALS

### A. Recommendations contained in chapter I of the report of the Commission on Human Rights on its thirty-ninth session

3. Chapter I, section A, of the report of the Commission on Human Rights contained nine draft resolutions, and section B, 20 draft decisions that were recommended by the Commission for adoption by the Council. The programme budget implications of the draft resolutions and draft decisions recommended by the Commission were contained in annex III of its report and revised in documents E/1983/55, E/1983/L.25 and E/1983/L.26.
4. At its 18th and 19th meetings, on 23 May, the Committee considered the draft resolutions and draft decisions contained in the report of the Commission on Human Rights.

#### 1. Draft resolutions

##### Draft resolution I

5. At its 18th meeting, the Committee adopted draft resolution I, entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights", by 38 votes to 1 (for the text, see para. 53 below, draft resolution I).
6. The representative of the United Kingdom made a statement following the adoption of the draft resolution.

##### Draft resolution II

7. At its 18th meeting, the Committee adopted draft resolution II, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session", by 32 votes to 6, with 7 abstentions (for the text, see para. 53 below, draft resolution II).
8. The representatives of the Union of Soviet Socialist Republics, Poland, Bulgaria, the United Kingdom of Great Britain and Northern Ireland and Argentina made statements before the adoption of the draft resolution.

##### Draft resolutions III to IX

9. At its 18th meeting, the Committee adopted draft resolution III, entitled "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"; draft resolution IV, entitled "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"; draft resolution V, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation in Equatorial Guinea"; draft resolution VI, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Summary or arbitrary executions"; draft resolution VII, entitled "Human rights and scientific and technological developments"; draft resolution VIII entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: torture and other cruel, inhuman or degrading treatment or punishment"; and draft resolution IX, entitled "Question of a convention on the rights of the child" (for the texts, see para. 53 below, draft resolutions III to IX).

10. The representative of the United States of American made a statement following the adoption of draft resolutions VIII and IX.

## 2. Draft decisions

### Draft decision 1

11. At its 18th meeting, the Committee adopted draft decision 1, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts" (for the text, see para. 54 below, draft decision 1.)

### Draft decision 2

12. At its 18th meeting, the Committee adopted draft decision 2, entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts" (for the text, see para. 54 below, draft decision 2).

### Draft decision 3

13. At its 18th meeting, the Committee adopted draft decision 3, entitled "The adverse consequences for the enjoyment of human rights, of political, military economic and other forms of assistance given to colonial and racist régimes in southern Africa" by 33 votes to 4, with 10 abstentions (for the text, see para. 54 below, draft decision 3).

### Draft decision 4

14. At its 18th meeting, the Committee adopted draft decision 4, entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination" (for the text, see para. 54 below, draft decision 4).

15. The representative of the United States of America made a statement following the adoption of the draft decision.

Draft decision 5

16. At its 18th meeting, the Committee adopted draft decision 5, entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights" (for the text, see para.54 below, draft decision 5).

Draft decision 6

17. At its 18th meeting, the Committee adopted draft decision 6, entitled "The new international economic order and the promotion of human rights" by 45 votes to 1 (for the text, see para. 54 below, draft decision 6).

18. The representative of the United States of America made a statement before the adoption of the draft decision.

Draft decision 7

19. At its 18th meeting, the Committee adopted draft decision 7, entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: question of enforced or involuntary disappearances" (for the text, see para. 54 below, draft decision 7).

20. The representatives of the Union of Soviet Socialist Republics and the United Kingdom made statements before the adoption of the draft decision.

Draft decision 8

21. At its 18th meeting, the Committee adopted draft decision 8, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session" (for the text, see para. 54 below, draft decision 8).

Draft decision 9

22. At its 18th meeting, the Committee adopted draft decision 9, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session - Updating of the Report on Slavery", by 45 votes to 1 (for the text, see para. 54 below, draft decision 9).

23. The representative of the United States of America made a statement before the adoption of the draft decision.

Draft decision 10

24. At its 18th meeting, the Committee adopted draft decision 10, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in El Salvador", by a recorded vote of 28 to 3, with 15 abstentions (for the text, see para. 54 below, draft decision 10). The voting was as follows:

In favour: Algeria, Austria, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Greece, India, Japan, Kenya, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Suriname, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Venezuela.

Against: Argentina, Brazil, United States of America.

Abstaining: Bangladesh, China, Colombia, Djibouti, Ecuador, Liberia, Malaysia, Mali, Pakistan, Peru, Qatar, Saudi Arabia, Sudan, Thailand, Tunisia.

25. The representatives of the United States of America and Venezuela made statements before the adoption of the draft decision.

Draft decision 11

26. At its 18th meeting, the Committee adopted draft decision 11, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in Poland", by a recorded vote of 18 to 10, with 18 abstentions (for the text, see para. 54 below, draft decision 11). The voting was as follows:

In favour: Austria, Botswana, Canada, Colombia, Denmark, France, Germany, Federal Republic of, Greece, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, China, German Democratic Republic, India, Poland, Romania, Union of Soviet Socialist Republics.

Abstaining: Bangladesh, Brazil, Burundi, Congo, Djibouti, Ecuador, Liberia, Malaysia, Mali, Pakistan, Peru, Qatar, Saudi Arabia, Sudan, Suriname, Thailand, Tunisia, United Republic of Cameroon.

27. The representative of Poland made a statement before and after the adoption of the draft decision.

Draft decision 12

28. At its 18th meeting, the Committee adopted draft decision 12, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in Bolivia", by 33 votes to 1, with 7 abstentions (for the text, see para. 54 below, draft decision 12).

29. The representative of the United States of America made a statement before the adoption of the draft decision.

Draft decision 13

30. At its 18th meeting, the Committee adopted draft decision 13, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in the Islamic Republic of Iran", by a recorded vote of 17 to 1, with 26 abstentions (for the text, see para. 54 below, draft decision 13). The voting was as follows: 2/

In favour: Austria, Botswana, Canada, Denmark, France, Germany, Federal Republic of, Greece, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Suriname, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Pakistan

Abstaining: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Ecuador, German Democratic Republic, India, Liberia, Malaysia, Mali, Mexico, Peru, Poland, Qatar, Saudi Arabia, Sudan, Thailand, Tunisia, Union of Soviet Socialist Republics, United Republic of Cameroon.

Draft decision 14

31. At its 18th meeting, the representative of the Netherlands, in order to update the text of the draft decision, suggested the replacement in the second, third and fourth lines of the words "endorses the Commission's decision to request once again

---

2/ Subsequently, the representative of Algeria stated that his vote should have been recorded as being against draft decision 13.

that the Chairman appoint with the shortest possible delay, after consultation with the Bureau of the Commission" by the words "welcomes the appointment by the Chairman of the Commission of" and the insertion of the words "endorses the Commission's decision" after the word "and", in the eighth line.

32. At the same meeting, the Committee adopted draft decision 14, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories - Situation of human rights in Guatemala", as orally amended, by 25 votes 1, with 19 abstentions (for the text, see para. 54 below, draft decision 14).

#### Draft decision 15

33. At its 18th meeting, the Committee adopted draft decision 15, entitled "Question of human rights in Chile", by a recorded vote of 32 to 4, with 10 abstentions (for the text, see para. 54 below, draft decision 15). The voting was as follows:

In favour: Algeria, Austria, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Greece, India, Japan, Kenya, Luxembourg, Mali, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Sudan, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

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

Abstaining: Bangladesh, China, Colombia, Ecuador, Liberia, Malaysia, Peru, Suriname, Thailand, United Republic of Cameroon.

#### Draft decision 16

34. At its 18th meeting, the Committee adopted draft decision 16, entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" by 42 votes to none, with

Draft decision 18

37. At its 18th meeting, the Committee adopted draft decision 18, entitled "Organization of the work of the session" by 39 votes to none, with 7 abstentions (for the text, see para. 54 below, draft decision 18).

38. Statements before the vote were made by the representatives of Poland and the United Kingdom, and after the vote by the representative of the United States of America.

Draft decision 19

39. At its 18th meeting, the Committee adopted draft decision 19, entitled "General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized" (for the text, see para. 54 below, draft decision 19).

40. The representative of the United States of America made a statement following the adoption of the draft decision.

Draft decision 20

41. At its 18th meeting, the Committee adopted draft decision 20, entitled "Report of the Commission on Human Rights" (for the text, see para. 54 below, draft decision 20).

42. The representative of Romania made a statement following the adoption of the draft decision.

\* \* \*

43. Statements were also made by the observers for Chile and Cuba.

B. Draft resolution E/1983/C.2/L.12

44. At the 17th meeting, on 20 May, the representative of Mexico, on behalf of Algeria, Argentina, Benin, Colombia, Jordan, 3/ Mexico, Nicaragua, Pakistan and Yugoslavia 3/ introduced a draft resolution (E/1983/C.2/L.12), entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families". Subsequently, Mali and the Philippines 3/ joined in sponsoring the draft resolution.

---

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



45. At its 19th meeting, on 23 May, the Committee adopted the draft resolution (for the text, see para. 53 below, draft resolution X.)

C. Draft decision E/1983/C.2/L.13

46. At its 17th meeting, on 20 May, the representative of Thailand, on behalf of Bangladesh, Belgium, 3/ Canada, Costa Rica, 3/ Fiji, the Gambia, 3/ Germany, the Federal Republic of, Italy, 3/ Japan, Malaysia, the Netherlands, New Zealand, Pakistan, Papua New Guinea, 3/ the Philippines, 3/ Saint Lucia, Samoa, 3/ Singapore, 3/ Solomon Islands, 3/ the Sudan, Thailand, the United Kingdom of Great Britain and Northern Ireland and Uruguay, 3/ introduced a draft decision (E/1983/C.2/L.13), entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

47. At its 19th meeting, on 23 May, the Committee adopted the draft decision by a recorded vote of 34 to 8, with 4 abstentions (for the text, see para. 54 below, draft decision 21). The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Brazil, Burundi, Canada, China, Colombia, Denmark, Djibouti, Ecuador, France, Germany, Federal Republic of, Greece, Japan, Kenya, Liberia, Luxembourg, Malaysia, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Qatar, Saint Lucia, Saudi Arabia, Sudan, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

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

Abstaining: Algeria, Mali, Mexico, Suriname.

48. The representative of Poland (on behalf also of Bulgaria, the Byelorussian Soviet Socialist Republic, the German Democratic Republic and the Union of Soviet Socialist Republics) made a statement before the adoption of the draft decision.

49. Statements were also made by the observers for Viet Nam and Democratic Kampuchea.

D. Allegations regarding infringements of trade union rights in South Africa (E/1983/49)

50. At its 19th meeting, on the proposal by the Chairman, the Committee adopted a draft decision entitled "Allegations regarding infringements of trade union rights in South Africa" (for the text, see para. 54 below, draft decision 22).

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

51. At its 19th meeting, on 23 May, on the proposal of the Chairman, the Committee decided to recommend to the Council that it should take note of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations regarding trade union rights in South Africa (E/1983/28, annex) (for the text, see para. 54 below, draft decision 23).

F. Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/38/166-E/1983/34)

52. At its 19th meeting on the proposal of the Chairman, the Committee decided to recommend to the Council that it should take note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/38/166-E/1983/34) and transmit it to the General Assembly for consideration at its thirty-eighth session (for the text, see para. 54 below, draft decision 24).

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

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

DRAFT RESOLUTION 1

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

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 32/130 of 16 December 1977, 34/46 of 23 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.

#### DRAFT RESOLUTION II

##### Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session

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 (XXXVII) of 10 March 1981 and 1982/3 of 10 March 1982,

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) Nomination 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.

DRAFT RESOLUTION 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

The Economic and Social Council,

Mindful of resolution 1982/2 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/24 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.

DRAFT RESOLUTION 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

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",

---

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

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.

#### DRAFT RESOLUTION 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

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,

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. Rubén 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".

#### DRAFT RESOLUTION 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

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,

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, 5/

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,

---

5/ 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.

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 deplores, 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 6/ 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;

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".

---

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

DRAFT RESOLUTION VII

Human rights and scientific and technological developments

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, 7/

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, 8/

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

---

7/ E/CN.4/Sub.2/1982/16.

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



DRAFT RESOLUTION 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

The Economic and Social Council,

Recalling General Assembly resolution 37/193 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.

DRAFT RESOLUTION IX

Question of a convention on the rights of the child

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,

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

1. Authorizes a meeting of an open-end 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.

#### DRAFT RESOLUTION X

##### Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families

The Economic and Social Council,

Mindful of the need for international co-operation in solving international problems of an economic, social, intellectual or humanitarian nature and in developing and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling in that regard the provisions of the Universal Declaration of Human Rights, 9/ of the International Convention on the Elimination of All Forms of Racial Discrimination 10/ and of the International Covenants on Human Rights, 11/

Mindful of the contribution made by migrant workers to the economic growth and the social and cultural development of the host countries,

Noting, in particular, that the problems of migrant workers, which are becoming more serious in some regions for political and economic reasons and for social and cultural reasons, constitute a matter of grave concern and continue to be of the greatest importance to certain countries,

Mindful of the important contribution made by the International Labour Organisation in the protection of the rights of all migrant workers,

Appreciating also the efforts of the United Nations Educational, Scientific and Cultural Organization in matters relating to migrant workers,

---

9/ General Assembly resolution 217 A (III).

10/ General Assembly resolution 2106 A (XX), annex.

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

Deeply concerned at the fact that, despite the general effort made by Member States, regional intergovernmental organizations and various United Nations bodies, migrant workers are still unable fully to exercise their rights in the social field and in the labour field as defined in the Universal Declaration of Human Rights,

Emphasizing, therefore, the efforts that must still be made effectively to protect the rights of all migrant workers and their living conditions,

Recalling its resolutions 1981/21 of 6 May 1981 and 1983/ of May 1983, recommended for adoption by the Commission for Social Development, and resolution 1983/45 of 9 March 1983 of the Commission on Human Rights,

Recalling also its resolutions 1980/16 of 30 April 1980 and 1981/35 of 9 May 1981,

1. Welcomes the progress made by the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and their Families, established in pursuance of General Assembly resolution 34/172 of 17 December 1979;

2. Expresses again its conviction that the drafting of that convention will further facilitate the exchanges of views needed for protecting the human rights and improving the situation of migrant workers and their families;

3. Expresses the hope that substantial progress will be made by the Working Group during its two following meetings to be held in 1983 in accordance with General Assembly resolution 37/170 of 17 December 1982, with a view to completing the drafting of the convention during the thirty-eighth session of the General Assembly;

4. Decides to consider at its first regular session of 1984 the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers" and to monitor the status of work done with a view to protecting the rights of all migrant workers and their families.

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

#### DRAFT DECISION 1

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

The Economic and Social Council, noting Commission on Human Rights resolution 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 finding 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.

#### DRAFT DECISION 2

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

The Economic and Social Council, noting Commission on Human Rights resolution 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.

#### DRAFT DECISION 3

##### The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

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 régime in South Africa, subject to annual review, and to submit, through the Sub-Commission, the revised report to the Commission.

#### DRAFT DECISION 4

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

The Economic and Social Council, noting Commission on Human Rights resolution 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 to Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983.

DRAFT DECISION 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

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.

DRAFT DECISION 6

The new international economic order and the promotion of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1983/16 of 22 February 1982, authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities 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. 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.

DRAFT DECISION 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

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.

DRAFT DECISION 8

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

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.

DRAFT DECISION 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

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.

DRAFT DECISION 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

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.

DRAFT DECISION 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

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.

DRAFT DECISION 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

The Economic and Social Council, noting Commission on Human Rights resolution 1983/33 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.

DRAFT DECISION 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

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 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.

DRAFT DECISION 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

The Economic and Social Council, noting Commission on Human Rights resolution 1983/37 of 8 March 1983, welcomes the appointment by the Chairman of the Commission of 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 endorses the Commission's decision 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.

DRAFT DECISION 15

Question of human rights in Chile

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.

DRAFT DECISION 16

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

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.

DRAFT DECISION 17

Rights of persons belonging to national, ethnic,  
religious and linguistic minorities

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.

DRAFT DECISION 18

Organization of the work of the session

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.

DRAFT DECISION 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 (XLVIII) and those situations of which the Commission is seized

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 (XLVIII) and those situations of which the Commission is seized.

DRAFT DECISION 20

Report of the Commission on Human Rights

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

DRAFT DECISION 21

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

The Economic and Social Council endorses resolution 1983/5 of 15 February 1983 of the Commission on Human Rights, by which the Commission, inter alia, recognized

that the continuing illegal occupation of Kampuchea by foreign forces had compelled a large number of Kampuchean to flee their own homeland; deplored the violations of the fundamental principles of humanitarianism and of the Charter of the United Nations, particularly the recent military attack by occupying troops against border encampments, including a hospital for Kampuchean on the Thai-Kampuchean border; and reaffirmed that the continuing occupation of Kampuchea by foreign forces deprived the people of Kampuchea of the exercise of their right to self-determination and constituted the primary violation of human rights in Kampuchea at present.

In this connection, the Council reaffirms its decision 1982/143 of 7 May 1982 and once again repeats the call for the withdrawal of all foreign forces from Kampuchea and the exercise of the right to self-determination by the Kampuchean people as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981 <sup>12/</sup> and endorsed by the General Assembly in its resolutions 36/5 of 21 October 1981 and 37/6 of 28 October 1982.

The Council expresses its grave concern over the continuing activities of the foreign forces in Kampuchea, particularly the systematic attacks on other refugee encampments along the Thai-Kampuchean border, resulting in further loss of life and property of Kampuchean and forcing large numbers of Kampuchean civilians to flee into Thailand.

The Council notes with appreciation the role of the Secretary-General and requests him to continue to monitor closely the developments in Kampuchea and to look into the situation, including the violations of humanitarian principles perpetrated against Kampuchean civilian refugees by the foreign-occupying troops along the border, as well as to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement of the Kampuchean problem and the restoration of fundamental human rights in Kampuchea.

The Council notes with appreciation the efforts of the Ad Hoc Committee of the International Conference on Kampuchea and requests that the Committee continue its work, pending the reconvening of the Conference.

#### DRAFT DECISION 22

##### Allegations regarding infringements of trade union rights in South Africa

The Economic and Social Council, noting that the consent of the Government of South Africa has been obtained, as required under paragraph 1 (c) (i) of Council resolution 277 (X) of 17 February 1950, decides, in conformity with paragraph 1 (c) (ii) of that resolution, to transmit to the Fact-Finding and

---

<sup>12/</sup> See Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

Conciliation Commission on Freedom of Association of the International Labour Organisation, through the Governing Body of the International Labour Office, the allegations of infringements of trade union rights in South Africa submitted by the International Confederation of Free Trade Unions on 12 February 1982 13/ and the World Federation of Trade Unions on 13 July 1982, 14/ together with the text of the consent of the Government concerned; 15/ the Council also decides that, in accordance with the procedure outlined in its resolution 277 (X), the Commission's findings should be transmitted to the Council as soon as possible, in keeping with the Commission's established practice.

DRAFT DECISION 23

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

The Economic and Social Council takes note of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations regarding infringements of trade union rights in South Africa (E/1983/28, annex).

DRAFT DECISION 24

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

The Economic and Social Council takes note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/38/166) and decides to transmit it to the General Assembly at its thirty-eighth session.

-----

---

13/ E/1983/49, annex I.

14/ Ibid., annex II.

15/ Ibid., annex III.