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Agenda item 16

HUMAN RIGHTS

Report of the Second (Social) Committee

1. The Second (Social) Committee considered the question of human rights (agenda item 16) at its 9th to 15th meetings, from 20 to 24 May 1985. 1/ It had before it the following documents:

- (a) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/40/232-E/1985/40 and Add.1);
- (b) Letter dated 25 April 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/267-E/1985/69);
- (c) Note by the Secretary-General on the draft declaration on the right to development (A/40/277-E/1985/70);
- (d) Report of the Commission on Human Rights on its forty-first session; 2/
- (e) Note by the Secretariat on allegations regarding infringements of trade union rights in South Africa (E/1985/41);
- (f) Letter dated 20 May 1985 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (E/1985/87).

1/ At its 7th plenary meeting, on 7 May 1985, the Council allocated the item to the Committee.

2/ Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22).

ACTION TAKEN BY THE SECOND (SOCIAL) COMMITTEE

2. At its 9th to 15th meetings, from 20 to 24 May, the Committee held a general discussion on the item. At its 9th meeting, it heard an introductory statement by the Deputy Director of the Centre for Human Rights.
3. Also at the 9th meeting, statements were made by the representatives of the Netherlands and Ecuador, and by the observer for Italy (on behalf of the States Members of the United Nations which are members of the European Economic Community). The observer for the International Confederation of Free Trade Unions, a non-governmental organization in consultative status, category I, with the Economic and Social Council, also made a statement.
4. At the 10th meeting, on 21 May, statements were made by the representatives of Spain and India, and by the observers for Ireland, Norway and Austria.
5. At the 11th meeting, on 21 May, statements were made by the representatives of Morocco, Canada and the United Kingdom of Great Britain and Northern Ireland, and by the observers for Bolivia and the Byelorussian Soviet Socialist Republic.
6. At the 12th meeting, on 22 May, statements were made by the representatives of Thailand, Poland, France and China, and by the observers for Democratic Kampuchea and Australia.
7. At the 13th meeting, on 23 May, statements were made by the representatives of Venezuela, Sri Lanka, Yugoslavia, the German Democratic Republic, Costa Rica, Sweden and Finland, and by the observers for the Lao People's Democratic Republic, and Viet Nam.
8. At the 14th meeting, on 24 May, statements were made by the representatives of New Zealand, Bangladesh, Zimbabwe, the United States of America and the Union of Soviet Socialist Republics and by the observers for Mongolia and Denmark.
9. At the 15th meeting, on 24 May, statements were made by the representatives of Malaysia, Algeria, Mexico, Bulgaria and by the observer for Cuba.

Recommendations contained in the report of the Commission
on Human Rights on its forty-first session

10. Chapter I of the report of the Commission on Human Rights on its forty-first session 2/ contained 6 draft resolutions and 18 draft decisions recommended for adoption by the Council. The administrative and programme budget implications of the draft resolutions and draft decisions recommended by the Commission were contained in annex III to its report.
11. At the 15th meeting, on 24 May, the representative of the Budget Division of the Office of Financial Services made a statement on the administrative and programme budget implications of the draft resolutions and draft decisions recommended by the Commission.

The administration of justice and the human rights of detainees

12. At its 15th meeting, on 24 May, the Committee adopted draft resolution I, entitled "The administration of justice and the human rights of detainees" (see para. 61 below, draft resolution I).

United Nations Voluntary Fund for Indigenous Populations

13. At the same meeting, the Committee adopted draft resolution II, entitled "United Nations Voluntary Fund for Indigenous Populations" (see para. 61 below, draft resolution II).

Situation in Equatorial Guinea

14. At the same meeting, the Committee adopted draft resolution III, entitled "Situation in Equatorial Guinea" (see para. 61 below, draft resolution III).

Summary or arbitrary executions

15. At the same meeting, the Committee adopted draft resolution IV, entitled "Summary or arbitrary executions" (see para. 61 below, draft resolution IV).

Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

16. At the same meeting, the Committee adopted draft resolution V, entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty" (see para. 61 below, draft resolution V).

Question of a convention on the rights of the child

17. At the same meeting, the Committee adopted draft resolution VI, entitled "Question of a convention on the rights of the child" (see para. 61 below, draft resolution VI).

Study of the problem of discrimination against indigenous populations

18. At the same meeting, the Committee adopted draft decision 1, entitled "Study of the problem of discrimination against indigenous populations" (see para. 62 below, draft decision I).

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

19. At the same meeting, the Committee adopted draft decision 2, entitled "General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized" (see para. 62 below, draft decision II).

Discontinuance of consideration of the human rights situation in Uruguay

20. At the same meeting, the Committee adopted draft decision 3, entitled "Discontinuance of consideration of the human rights situation in Uruguay" (see para. 62 below, draft decision III).

Situation of human rights in South Africa

21. At the same meeting, the Committee adopted draft decision 4, entitled "Situation of human rights in South Africa", by 51 votes to 1, with no abstentions (see para. 62 below, draft decision IV).

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

22. At the same meeting, the Committee adopted draft decision 5, entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", by 52 votes to 1, with no abstentions (see para. 62 below, draft decision V).

23. Before the draft decision was adopted, a statement was made by the representative of the United States of America.

Question of enforced or involuntary disappearances

24. At the same meeting, the Committee adopted draft decision 6, entitled "Question of enforced or involuntary disappearances" (see para. 62 below, draft decision VI).

Slavery and slavery-like practices: mission to Mauritania

25. At the same meeting, the Committee adopted draft decision 7, entitled "Slavery and slavery-like practices: mission to Mauritania" (see para. 62 below, draft decision VII).

Torture and other cruel, inhuman or degrading treatment or punishment

26. At the same meeting, the Committee adopted draft decision 8, entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (see para. 62 below, draft decision VIII).

Situation of human rights in El Salvador

27. At the same meeting, the Committee adopted draft decision 9, entitled "Situation of human rights in El Salvador" (see para. 62 below, draft decision IX).

Situation of human rights in Guatemala

28. At the same meeting, the Committee adopted draft decision 10, entitled "Situation of human rights in Guatemala" (see para. 62 below, draft decision X).

29. Before the draft decision was adopted, statements were made by the representatives of Sweden and the Union of Soviet Socialist Republics.

Question of human rights and fundamental freedoms in Afghanistan

30. At the same meeting, the Committee adopted draft decision 11, entitled "Question of human rights and fundamental freedoms in Afghanistan", by 38 votes to 5, with 7 abstentions (see para. 62 below, draft decision XI).

31. Before the draft decision was adopted, statements were made by the representative of the Union of Soviet Socialist Republics (on behalf also of the German Democratic Republic, Bulgaria and Poland) and by the observer for Afghanistan.

Situation of human rights in the Islamic Republic of Iran

32. At the same meeting, the Committee adopted draft decision 12, entitled "Situation of human rights in the Islamic Republic of Iran", by 24 votes to 2, with 20 abstentions (see para. 62 below, draft decision XII).

The right to development

33. At the same meeting, the Committee adopted draft decision 13, entitled "The right to development", by a recorded vote of 34 to 9, with 7 abstentions (see para. 62 below, draft decision XIII).

34. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, German Democratic Republic, Guinea, Haiti, India, Indonesia, Lebanon, Malaysia, Mexico, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Sri Lanka, Suriname, Thailand, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: Canada, Finland, Germany, Federal Republic of, Iceland, Japan, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Luxembourg, Morocco, Netherlands, Somalia, Spain, Turkey.

35. Before the draft decision was adopted, statements were made by the representatives of the Netherlands, New Zealand and Senegal.

Question of human rights in Chile

36. At the same meeting, the Committee considered draft decision 14, entitled "Question of human rights in Chile".

37. At the same meeting, the representative of Mexico orally proposed an amendment to the draft decision, by which the words "and requests the Secretary-General to ensure that the necessary financial resources and sufficient staff will be provided to implement the above-mentioned resolution" would be added at the end of the draft decision.

38. At the same meeting, the Committee adopted the draft decision, as amended (see para. 62 below, draft decision XIV).

39. Before the draft decision was adopted, statements were made by the representatives of the Union of Soviet Socialist Republics and the United States of America. After it was adopted, a statement was made by the representative of Mexico.

Organization of the work of the Commission on Human Rights

40. At the same meeting, the Committee adopted draft decision 15, entitled "Organization of the work of the Commission on Human Rights" (see para. 62 below, draft decision XV).

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

41. At the same meeting, the Committee adopted draft decision 16, 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" (see para. 62 below, draft decision XVI).

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

42. At the same meeting, the Committee adopted draft decision 17, entitled "Organization of the work of the Commission on Human Rights" (see para. 62 below, draft decision XVII).

Report of the Commission on Human Rights

43. At the same meeting, the Committee adopted draft decision 18, entitled "Report of the Commission on Human Rights" (see para. 62 below, draft decision XVIII).

Other draft proposals

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

44. At the 15th meeting, on 24 May, the representative of India on behalf of Algeria, Australia, 3/ Bangladesh, Botswana, China, Congo, Costa Rica, Cyprus, 3/ Djibouti, Egypt, 3/ Finland, Guinea, Haiti, India, Mali, 3/ Nigeria, Pakistan, 3/ Senegal, Sierra Leone, Somalia, the Sudan, 3/ Turkey, Uganda, Yugoslavia, Zaire, Zambia, 3/ Zimbabwe, introduced a draft resolution entitled "Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations of infringements of trade union rights in the Republic of South Africa" (E/1985/C.2/L.10). Subsequently, Morocco, Rwanda and Saudi Arabia joined in sponsoring the draft resolution.

45. In introducing the draft resolution, the representative of India orally revised it as follows:

(a) In the last preambular paragraph, the phrase "that severe repression" was replaced by the phrase "the severe repression";

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

(b) In operative paragraph 2, the word "Condemns" was replaced by the word "Deplores";

(c) Operative paragraph 5, which read:

"5. Demands the immediate release of all imprisoned trade unionists and the lifting of the orders banning trade unionists and trade union organizations",

was changed to read as follows:

"5. Demands the immediate release of all trade unionists imprisoned for exercising their legitimate trade union rights and the lifting of the orders banning trade unionists and trade union organizations".

46. At the same meeting, the Committee adopted the draft resolution, as revised, (see para. 61 below, draft resolution VII).

Solemn commemorative ceremony in the light of General
Assembly resolution 39/114

47. At the 15th meeting, on 24 May, the representative of the Union of Soviet Socialist Republics, on behalf of Afghanistan, 3/ Bulgaria, Byelorussian Soviet Socialist Republic, 3/, Cuba, 3/ Czechoslovakia, 3/ German Democratic Republic, Hungary, 3/ Mongolia, 3/ Poland, Ukrainian Soviet Socialist Republic, 3/ Union of Soviet Socialist Republics and Viet Nam, 3/ introduced a draft resolution entitled "Fortieth anniversary of the victory in the Second World War" (E/1985/C.2/L.11), which read as follows:

"The Economic and Social Council,

"Taking note of General Assembly resolution 39/114 of 14 December 1984, in which the Assembly declared 8 and 9 May 1985 the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of the struggle against them,

"Paying a tribute of respect to the peoples whose great efforts and sufferings led to that victory and to the establishment of the United Nations forty years ago,

"Recalling that the United Nations embodies the resolve of peoples to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

"Noting the wide acclaim of the solemn ceremony, held on 8 May 1985 by the Economic and Social Council, commemorating the fortieth anniversary of the victory in the Second World War and the founding of the United Nations,

"Having considered 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, 4/ prepared in the light of the discussion that took place in the Commission on Human Rights at its forty-first session 2/ and on the basis of comments provided by States and international organizations,

"1. Takes note of the report of the Secretary-General;

"2. Expresses its deep appreciation to the Secretary-General for his report and measures taken in accordance with General Assembly resolution 39/114;

"3. Acknowledges with satisfaction that many States have taken measures for the solemn celebration of this anniversary;

"4. Calls upon all States, specialized agencies, and intergovernmental and international non-governmental organizations on the occasion of this anniversary to renew their efforts to promote human rights and fundamental freedoms, in particular the fundamental right to life, liberty and security of peoples;

"5. Decides to transmit, in accordance with General Assembly resolution 39/114, the report of the Secretary-General and relevant information received from States to the General Assembly at its fortieth session for its consideration."

48. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf also of the Netherlands, introduced amendments (E/1985/C.2/L.13) to the draft resolution, by which:

(a) The title of the draft resolution was changed to read:

"Fortieth anniversary of the end of the Second World War";

(b) In the first preambular paragraph, the words "the struggle" were replaced by the words "that struggle";

(c) A new second preambular paragraph was added, reading:

"Taking note also of Commission on Human Rights resolution 1985/31 of 13 March 1985, entitled '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', and Commission on Human Rights resolution 1985/32 of 13 March 1985, entitled 'Fortieth anniversary of the end of the Second World War'";

(d) In the existing second preambular paragraph, the words "that victory" were replaced by the words "the end of the Second World War";

(e) The fourth preambular paragraph was replaced by the following:

"Noting that on 8 May 1985 the Economic and Social Council held a solemn commemorative ceremony in the light of General Assembly resolution 39/114, bearing in mind the continuing relevance of the Charter of the United Nations, in particular its emphasis on the importance of international co-operation towards peace, security and development, fundamental human rights and the dignity of the human person, and fundamental freedoms for all without distinction as to race, sex, language or religion";

(f) The following three new preambular paragraphs were inserted after the existing fourth preambular paragraph:

"Recalling 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,

"Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices,

"Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic and cultural spheres";

(g) In the existing fifth preambular paragraph, the following words were inserted after the words "forty-first session":

"under its agenda item on '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'";

(h) In operative paragraph 1, the words "with appreciation" were inserted after the words "Takes note" and the words "and decides to transmit it to the General Assembly" were added at the end of the paragraph;

(i) Operative paragraph 2 was deleted;

(j) Operative paragraph 3 was replaced by the following:

"Acknowledges with satisfaction that many States have taken measures for the solemn commemoration of the anniversary of the end of the Second World War and the founding of the United Nations";

(k) The following new operative paragraph 4 was inserted:

"Endorses the determination expressed by the Commission on Human Rights in its resolution 1985/31 to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity";

(l) In existing operative paragraph 4, the word "peoples" was replaced by the word "persons";

(m) Operative paragraph 5 was deleted.

49. At the same meeting, the Committee had before it a revised text of the draft resolution (E/1985/C.2/L.11/Rev.1), sponsored by Afghanistan, 3/ Bulgaria, Byelorussian Soviet Socialist Republic 3/ Cuba, 3/ Czechoslovakia, 3/ German Democratic Republic, Hungary, 3/ Mongolia, 3/ Poland, Ukrainian Soviet Socialist Republic, 3/ Union of Soviet Socialist Republics and Viet Nam, 3/ which read as follows:

"Fortieth anniversary of the victory and the end of the Second World War

"The Economic and Social Council,

"Taking note of General Assembly resolution 39/114 of 14 December 1984, entitled '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', in which the Assembly declared 8 and 9 May 1985 the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of that struggle against them,

"Taking note also of Commission on Human Rights resolution 1985/31 of 13 March 1985, entitled 'Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist based on racial or ethnical exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences' and Commission on Human Rights resolution 1985/32 of 13 March 1985 entitled 'Fortieth anniversary of the end of the Second World War',

"Paying a tribute of respect to the peoples whose great efforts and sufferings led to that victory, the end of the Second World War, and to the establishment of the United Nations 40 years ago,

"Recalling that the United Nations embodies the resolve of peoples to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

"Noting the wide acclaim of the solemn ceremony, held on 8 May 1985 by the Economic and Social Council, commemorating the fortieth anniversary of the victory in the Second World War, in the light of General Assembly resolution 39/114, bearing in mind the continuing relevance of the Charter of the United Nations, in particular its emphasis on the importance of international co-operation towards peace, security and development, fundamental human rights and the dignity of the human person, and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Deeply concerned that in the contemporary world there continue to exist racist, colonialist and other repressive régimes which, in their implementation of totalitarian ideologies and practices such as nazism and fascism, practise mass and flagrant violations of human rights and deprive the oppressed peoples of their right to self-determination and free development,

"Deeply alarmed at the existence and intensification of activities of groups and organizations which propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby threaten the purposes and principles laid down in the Charter of the United Nations,

"Noting that the totalitarian entities and régimes based on racial or ethnic exclusiveness or intolerance, hatred or terror or systematic denial of human rights and fundamental freedoms pursue the purpose of ensuring their domination and their economic and social privileges at the expense of other peoples or racial or ethnic groups, which they suppress and exploit,

"Recalling 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,

"Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices, and have set up legal regulations which are designed to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

"Noting that such totalitarian ideologies and practices entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality or opportunity in civil, political, economic and cultural spheres,

"1. Takes note with appreciation of the report of the Secretary-General and decides to transmit it to the General Assembly;

"2. Acknowledges with satisfaction that many States have taken measures for the solemn celebration of the anniversary of this victory, of the end of the Second World War and the founding of the United Nations;

"3. Endorses the condemnation expressed by the Commission on Human Rights in its resolution 1985/31 of 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 and its determination to resist all such ideologies, and practices which deprive people of basic human rights and fundamental freedoms and of equality of opportunity in civil, political, economic, social and cultural spheres and of social justice;

"4. Calls upon all States, specialized agencies, and intergovernmental and international non-governmental organizations on the occasion of this anniversary to renew their efforts to promote human rights and fundamental freedoms, in particular the fundamental right to life, liberty and security of people and of each human person."

50. Also at the same meeting, the Committee had before it amendments (E/1985/C.2/L.14) to the revised draft resolution, sponsored by the Netherlands and the United Kingdom of Great Britain and Northern Ireland, by which:

(a) In the title, the words "the victory and" were deleted;

(b) In the third preambular paragraph, the words "that victory" were deleted;

(c) In the fifth preambular paragraph, the words "Noting the wide acclaim ... Second World War" were replaced by the words "Noting that on 8 May 1985 the Economic and Social Council held a solemn commemorative ceremony";

(d) The sixth to eighth preambular paragraphs were replaced by the following preambular paragraph:

"Deeply concerned that in the contemporary world there continue to exist racism, colonialism and other repressive régimes which, in their implementation of totalitarian ideologies and practices, violate human rights and fundamental freedoms, in particular the right to self-determination, to life, liberty and security of persons and to freedom from discrimination, and suppress and exploit other peoples or racial and ethnic groups";

(e) In the tenth preambular paragraph, the words "and have set up legal regulations which are designed to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations" were deleted;

(f) In the eleventh preambular paragraph, the words "Noting that such ... practices" were replaced by the words "Noting that nevertheless there continue to exist various forms of totalitarian ideologies and practices";

(g) In operative paragraph 2, the words "celebration of this" were replaced by the words "commemoration of the";

(h) In operative paragraph 3, the words "all such ideologies" were replaced by the words "all totalitarian ideologies";

(i) In operative paragraph 4, the words "peoples and each human person" were replaced by the words "person and self-determination of peoples".

51. At the same meeting, following consultations among the sponsors of the draft resolution (E/1985/C.2/L.11/Rev.1) and the amendments thereto (E/1985/C.2/L.14), the Committee adopted an agreed text (see para. 61 below, draft resolution VIII).

52. After the adoption of the resolution, the representative of the United States of America made a statement.

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

53. At the 12th meeting, on 22 May, the representative of Thailand, on behalf of Bangladesh, Belgium, 3/ Brunei Darussalem, 3/ Canada, Costa Rica, Fiji, 3/ Germany, Federal Republic of, Honduras, 3/ Iceland, Italy, 3/ Japan, Liberia, 3/ Luxembourg, Malaysia, Morocco, Nepal, 3/ Netherlands, New Zealand, Oman, 3/ Pakistan, 3/ Papua New Guinea, 3/ Philippines, 3/ Saint Lucia, 3/ Senegal, Singapore, 3/ Somalia, Spain, Swaziland, 3/ Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, 3/ and Zaire, introduced a draft decision entitled "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" (E/1985/C.2/L.8). Subsequently, Samoa 3/ joined in sponsoring the draft decision.

54. At the 15th meeting, on 24 May, the representative of the Union of Soviet Socialist Republics (on behalf also of the German Democratic Republic, Bulgaria and Poland) made a statement.

55. At the same meeting, the Committee adopted the draft decision by a recorded vote of 37 to 5, with 7 abstentions (see para. 62 below, draft decision XIX). The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, Ecuador, France, Germany, Federal Republic of, Haiti, Iceland, Indonesia, Japan, Luxembourg, Malaysia, Morocco, Netherlands, New Zealand, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Zaire.

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

Abstaining: Algeria, Congo, Finland, Lebanon, Mexico, Suriname, Uganda.

Material on human rights in Argentina

56. At the 15th meeting, on 24 May, the representative of Argentina, on behalf of Argentina, Brazil, Colombia, Costa Rica, Ecuador, Mexico and Venezuela, introduced a draft decision entitled "Material on human rights in Argentina" (E/1985/C.2/L.9).

57. At the same meeting, the Committee adopted the draft decision (see para. 62 below, draft decision XX).

Situation in southern Lebanon

58. At the 15th meeting, on 24 May, the representative of Lebanon, on behalf also of Morocco, the Syrian Arab Republic ^{3/} and Tunisia, ^{3/} introduced a draft decision entitled "Situation in southern Lebanon" (E/1985/C.2/L.12). Subsequently, Saudi Arabia joined in sponsoring the draft decision.

59. At the same meeting, the Committee adopted the draft decision by a recorded vote of 30 to 1, with 19 abstentions (see para. 62 below, draft decision XXI). The voting was as follows: ^{5/}

In favour: Algeria, Bangladesh, Botswana, Brazil, Bulgaria, China, Congo, Ecuador, German Democratic Republic, Guinea, India, Indonesia, Lebanon, Malaysia, Morocco, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Suriname, Thailand, Turkey, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Haiti, Iceland, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zaire.

60. After the draft decision was adopted, the observer for Israel made a statement.

^{5/} The representative of Djibouti indicated that had he been present during the voting, his delegation would have voted in favour of the draft decision.

RECOMMENDATION OF THE SECOND (SOCIAL) COMMITTEE

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

DRAFT RESOLUTION I

The administration of justice and the human rights of detainees

The Economic and Social Council,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 of 6 September 1983 and Commission on Human Rights resolution 1983/18 of 22 February 1983 and decision 1984/104 of 6 March 1984 on an annual basis;
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 first annual report to the Sub-Commission at its thirty-ninth session.

DRAFT RESOLUTION II

United Nations Voluntary Fund for Indigenous Populations

The Economic and Social Council,

Recalling its resolution 1982/34 of 7 May 1982, authorizing the establishment annually of a working group on indigenous populations,

Recommends the following draft resolution to the General Assembly for adoption:

"The General Assembly,

"Taking note of Economic and Social Council resolution 1982/34 of 7 May 1982, by which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations,

"Taking note of Commission on Human Rights resolution 1984/32 of 12 March 1984,

"Convinced that the establishment of a voluntary trust fund for indigenous populations would constitute a significant development for the future promotion and protection of the human rights of indigenous populations,

"Decides to establish a voluntary trust fund in accordance with the following criteria:

"(a) The name of the fund shall be the United Nations Voluntary Fund for Indigenous Populations;

"(b) The purpose of the Fund shall be to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

"(c) The only type of activity to be supported by the Fund is that described in subparagraph (b) above;

"(d) The only beneficiaries of assistance from the Fund shall be representatives of indigenous peoples' organizations and communities:

- (i) Who are so considered by the Board of Trustees described in subparagraph (e);
- (ii) Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;
- (iii) Who would be able to contribute to a deeper knowledge by the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation;

"(e) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions set forth in the annex to the note by the Secretary-General, 6/ with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Sub-Commission; at least one member of the Board shall be a representative of a widely-recognized organization of indigenous people."

DRAFT RESOLUTION III

Situation in Equatorial Guinea

The Economic and Social Council,

Recalling its resolutions 1982/36 of 7 May 1982, 1983/35 of 27 May 1983 and 1984/36 of 24 May 1984,

6/ E/CN.4/Sub.2/1983/20.

Bearing in mind Commission on Human Rights resolution 1985/30 of 11 March 1985, 7/

Considering that the conclusions and recommendations 8/ of the expert appointed by the Secretary-General pursuant to Council resolution 1984/36 of 24 May 1984 concerning his recent mission to Equatorial Guinea indicate that more needs to be done by the United Nations and the Government of Equatorial Guinea to implement and make better use of the plan of action 9/ proposed by the United Nations and accepted by the Government of Equatorial Guinea,

1. Requests the Government of Equatorial Guinea to consider the possibility of continuing to implement the plan of action, taking particular account of the expert's new proposals, especially those concerning amendments to the Fundamental Law of that country;

2. Further requests the Government of Equatorial Guinea to take steps to facilitate the repatriation of all refugees and exiles, including the adoption of measures enabling all citizens of Equatorial Guinea to participate fully in the country's political, economic, social and cultural affairs, thus helping to relieve the shortage of specialized personnel mentioned in the expert's report;

3. Appeals to the Government of Equatorial Guinea to accede to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, among other international instruments concerning human rights and fundamental freedoms;

4. Requests the Secretary-General, in accordance with the expert's report, to hold discussions with the Government of Equatorial Guinea with a view to carrying out the expert's recommendations regarding assistance to that country, so that the plan of action can be fully implemented in the interests of the full and effective observance of human rights and fundamental freedoms;

5. Further requests the Secretary-General to appoint an expert to co-operate with the Government of Equatorial Guinea in the full implementation of the plan of action proposed by the United Nations and accepted by that Government;

6. Requests the Commission on Human Rights to consider this matter further at its forty-second session.

7/ See Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22), chap. II.

8/ E/CN.4/1985/9, chap. II.

9/ Ibid., annex II.

DRAFT RESOLUTION IV

Summary or arbitrary execution

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 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, 37/182 of 17 December 1982, 38/96 of 16 December 1983 and 39/110 of 14 December 1984,

Taking note of resolution 1982/13 of 7 September 1982 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 or arbitrary executions,

Taking note also of the work done by the Committee on Crime Prevention and Control in the area of summary and arbitrary executions, ^{10/} including the elaboration of minimum legal guarantees and safeguards to prevent recourse to such extra-legal executions, to be considered by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985,

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

1. Strongly deplores, once again, the large 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 organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

^{10/} See Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16), chap. VII.

3. Takes note with appreciation of the report of Mr. S. Amos Wako, Special Rapporteur; 11/
4. Decides to continue the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;
5. Requests the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions;
6. Requests the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened;
7. 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 and to take due account of official declarations and government information which come to his attention;
8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may carry out his mandate effectively;
9. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur;
10. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-second session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

DRAFT RESOLUTION V

Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

The Economic and Social Council,

Noting resolution 1984/7 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1985/46 of 14 March 1985 7/ concerning 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,

1. Authorizes the Sub-Commission to entrust Mr. M. Bossuyt, as Special Rapporteur, with the task of preparing an analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
2. Requests the Special Rapporteur to take into account the documents considered and the views expressed in the General Assembly, the Commission on Human Rights and the Sub-Commission in favour of or against the idea of elaborating such a protocol;
3. Invites the Special Rapporteur to present, on the basis of his analysis, recommendations for further consideration by the Sub-Commission at its thirty-ninth session;
4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the completion of his task.

DRAFT RESOLUTION VI

Question of a convention on the rights of the child

The Economic and Social Council,

Recalling General Assembly resolution 39/135 of 14 December 1984, by which the General Assembly requested the Commission on Human Rights to give the highest priority to and to make every effort at its forty-first session to complete the draft convention on the rights of the child and to submit it, through the Economic and Social Council, to the General Assembly at its fortieth session,

Considering that it was not found possible to complete the work on the draft convention during the forty-first session of the Commission on Human Rights,

Taking note of Commission on Human Rights resolution 1985/50 of 14 March 1985, 7/

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the forty-second session of the Commission on Human Rights, with a view to completing the work on the draft convention on the rights of the child at that session;
2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-second session of the Commission to enable it to fulfil its task successfully, and notes the usefulness of providing the working group, in advance of its session, with such working documents as a compilation of all amendments and new proposals, and relevant provisions of other international instruments.

DRAFT RESOLUTION VII

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

The Economic and Social Council,

Recalling its resolution 1984/42 of 24 May 1984,

Having examined the extract from the progress report of the Ad Hoc Working Group of Experts on southern Africa, 12/

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

Noting further with indignation the severe repression against trade unionists in the so-called "homelands",

1. Takes note of the extract from the progress report of the Ad Hoc Working Group of Experts on southern Africa;
2. Deploras the repression by the Government of South Africa against the growing independent black trade union movement;
3. Demands once again the cessation of persecution of trade unionists and repression of the independent black trade union movement by the Government of South Africa;
4. Calls once again for the immediate recognition of the unimpeded exercise of freedom of association and trade union rights by the entire population of South Africa, without discrimination of any kind;
5. Demands the immediate release of all trade unionists imprisoned for exercising their legitimate trade union rights and the lifting of the orders banning trade unionists and trade union organizations;
6. Requests the Ad Hoc Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Council;
7. Also requests the Ad Hoc Working Group of Experts, in the discharge of its mandate, to consult with the International Labour Organisation and the Special Committee against Apartheid, as well as with international and African trade union confederations;

12/ E/1985/41, annex.

8. Decides to consider at its first regular session of 1986 the question of allegations of infringements of trade union rights in South Africa as a sub-item of the item entitled "Human rights questions".

DRAFT RESOLUTION VIII

Solemn commemorative ceremony in the light of General Assembly
resolution 39/114

The Economic and Social Council,

Taking note of General Assembly resolution 39/114 of 14 December 1984, in which the Assembly declared that 8 and 9 May 1985 would be the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of the struggle against them,

Taking note also of Commission on Human Rights resolutions 1985/31 of 13 March 1985, entitled "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", and 1985/32 of 13 March 1985, entitled "Fortieth anniversary of the end of the Second World War", 7/

Paying a tribute of respect to the peoples whose great efforts and sufferings led to the end of the Second World War and to the establishment of the United Nations forty years ago,

Recalling that the United Nations Organization embodies the resolve of peoples to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

Noting that on 8 May 1985 the Economic and Social Council held a solemn commemorative ceremony in the light of General Assembly resolution 39/114, bearing in mind the continuing relevance of the Charter of the United Nations, in particular its emphasis on the importance of international co-operation towards peace, security and development, fundamental human rights and the dignity of the human person, and fundamental freedoms for all without distinction as to race, sex, language or religion,

1. Takes notes with appreciation, of the report of the Secretary-General 13/ and decides to transmit it to the General Assembly;

2. Acknowledges with satisfaction that many States have taken measures for the solemn commemoration of this anniversary and of the founding of the United Nations;

3. Considers that the solemn commemoration by the Council of this anniversary should serve the promotion of human rights and fundamental freedoms, in particular the fundamental right to life, liberty and security of person.

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

DRAFT DECISION I

Study of the problem of discrimination against indigenous populations

The Economic and Social Council, recalling its earlier resolutions authorizing the study on the human rights of indigenous populations and expressing its appreciation for the report 14/ prepared by Mr. Martínez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requests the Secretary-General to issue the full report of Mr. Martínez Cobo in a consolidated form and to disseminate it widely to Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and other academic and research institutions, and decides that the conclusions and recommendations of the above-mentioned report shall be printed, with a suitable introduction to be prepared by the Secretary-General.

DRAFT DECISION II

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

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1985/106 of 5 March 1985, 7/ to set up a working group composed of five of its members to meet for one week prior to its forty-second 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-eighth session under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission is seized.

14/ E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; E/CN.4/Sub.2/1983/21 and Add.1-8.

DRAFT DECISION III

Discontinuance of consideration of the human rights
situation in Uruguay 14/

The Economic and Social Council, noting Commission on Human Rights decision 1985/107 of 8 March 1985, 7/ encourages the Government of Uruguay to persist in its endeavours fully to restore respect for human rights and fundamental freedoms throughout the country and decides, as requested by the Government of Uruguay, that the material relating to Uruguay which has been before the Commission under Council resolution 1503 (XLVIII) of 27 May 1970 shall no longer be restricted.

DRAFT DECISION IV

Situation of human rights in South Africa

The Economic and Social Council, noting Commission on Human Rights resolution 1985/8 of 26 February 1985, 7/ approves the Commission's decision to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa. The Council also approves the authorization given by the Commission to the Chairman of the Ad Hoc Working Group to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid.

DRAFT DECISION V

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

The Economic and Social Council, noting the recommendation made by the Commission on Human Rights in paragraph 7 of its resolution 1985/11 of 26 February 1985, 7/ decides to organize in 1986, in Africa, an international seminar on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid.

DRAFT DECISION VI

Question of enforced or involuntary disappearances

The Economic and Social Council, noting Commission on Human Rights resolution 1985/20 of 11 March 1985, 7/ approves the Commission's decision to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980. The Council further approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner.

DRAFT DECISION VII

Slavery and slavery-like practices: mission to Mauritania

The Economic and Social Council, noting Commission on Human Rights resolution 1985/24 of 11 March 1985, 7/ approves the Commission's request to the expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Marc Bossuyt, to prepare a follow-up report on the basis of replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter, in particular with respect to assistance which could be provided to Mauritania, and to submit to the Sub-Commission an interim report at its thirty-eighth session and a final report at its thirty-ninth session.

DRAFT DECISION VIII

Torture and other cruel, inhuman or degrading treatment
or punishment

The Economic and Social Council, noting Commission on Human Rights resolution 1985/33 of 13 March 1985, 7/ approves the Commission's decision to appoint for one year a special rapporteur to examine questions relevant to torture. The Council also approves the Commission's request to the special rapporteur to submit a comprehensive report to the Commission at its forty-second session on his activities regarding the question of torture, including the occurrence and extent of its practice, together with his conclusions and recommendations. It further approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

DRAFT DECISION IX

Situation of human rights in El Salvador

The Economic and Social Council, noting Commission on Human Rights resolution 1985/35 of 13 March 1985, 7/ approves the Commission's decision to extend the mandate of the Special Representative for another year and to request him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its fortieth session and to the Commission at its forty-second session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

DRAFT DECISION X

Situation of human rights in Guatemala

The Economic and Social Council, noting Commission on Human Rights resolution 1985/36 of 13 March 1985, 7/ approves the Commission's decision to extend the mandate of the Special Rapporteur for another year to enable him to continue his thorough study of the human rights situation in Guatemala and its request to the Special Rapporteur, in preparing his report, to continue to take into account information from all reliable sources, to assess in particular allegations of politically motivated killings, disappearances, acts of torture, extrajudicial executions and confinement in clandestine prisons, to draw conclusions from his findings and to make further recommendations designed to help bring about improvements in the situation of human rights in Guatemala, and its request to the Special Rapporteur to submit an interim report to the General Assembly at its fortieth session and a final report to the Commission at its forty-second session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

DRAFT DECISION XI

Question of human rights and fundamental freedoms in Afghanistan

The Economic and Social Council, noting Commission on Human Rights resolution 1985/38 of 13 March 1985, 7/ approves the Commission's decision to extend the mandate of the Special Rapporteur for a year and to request him to report to the General Assembly at its fortieth session and to the Commission at its forty-second session on the situation of human rights in Afghanistan, including the human and material losses resulting from bombardments of the civilian population. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

DRAFT DECISION XII

Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, noting Commission on Human Rights resolution 1985/39 of 13 March 1985, 7/ approves the Commission's decision to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for one year and its request to the Special Representative to present an interim report to the General Assembly at its fortieth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

DRAFT DECISION XIII

The right to development

The Economic and Social Council, noting Commission on Human Rights resolution 1985/43 of 14 March 1985, 7/ approves the Commission's decision to transmit to the General Assembly, through the Council, the report of the Working Group of Governmental Experts on the Right to Development, 15/ the part of the report of the Commission on Human Rights dealing with the right to development, the summary records of the Commission's discussion on the question during its forty-first session and any other relevant documents, so as to enable the Assembly to adopt a declaration on the right to development. The Council further approves the Commission's decision to convene the Working Group for three weeks in January 1986 to study the measures necessary to promote the right to development and its request to the Secretary-General to provide all necessary assistance to the Working Group.

DRAFT DECISION XIV

Question of human rights in Chile

The Economic and Social Council, noting Commission on Human Rights resolution 1985/47 of 14 March 1985, 7/ approves the Commission's decision to renew the mandate of the Special Rapporteur for a year and to request him to report on the situation of human rights in Chile to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session, and requests the Secretary-General to ensure that the necessary financial resources and sufficient staff will be provided to implement the above-mentioned resolution.

DRAFT DECISION XV

Organization of the work of the Commission on Human Rights

The Economic and Social Council, noting Commission on Human Rights decision 1985/111 of 14 March 1985, 7/ decides to authorize, if possible within existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-second session. The Council takes note of the Commission's decision to request its Chairman at the forty-second session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

15/ E/CN.4/1985/11.

DRAFT DECISION XVI

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

The Economic and Social Council approves the decision taken by the Commission on Human Rights, in its decision 1985/112 of 14 March 1985, 7/ that the working group established under Commission decision 1984/116 of 6 March 1984 to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, will be convened at the forty-second session of the Commission, meeting for one week prior to the session.

DRAFT DECISION XVII

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

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1985/113 of 14 March 1985, 7/ to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through the Chairman or another member it may designate, at the consideration of its report during the forty-second session of the Commission.

DRAFT DECISION XVIII

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 forty-first session. 16/

DRAFT DECISION XIX

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

The Economic and Social Council fully endorses Commission on Human Rights resolution 1985/12 of 27 February 1985, 7/ by which the Commission, inter alia, 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. The Council reaffirms its decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983 and 1984/148 of 24 May 1984 and reiterates its call for the withdrawal of all foreign forces from Kampuchea in order to allow the people of Kampuchea to exercise their fundamental freedoms and human rights, including the right to self-determination as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981 17/ and in General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982, 38/3 of 27 October 1983 and 39/5 of 30 October 1984.

The Council expresses its grave concern at the increasing activities of the foreign forces in Kampuchea, particularly the severity and the scope of the attacks on Kampuchean civilian encampments along the Thai-Kampuchean border since November 1984, resulting in serious loss of life and property of Kampucheans and forcing more than approximately 230,000 Kampuchean civilians to flee into Thailand.

The Council takes note of the statements made by the Secretary-General on 27 December 1984 and 13 March 1985 expressing serious concern about the escalation of fighting along the Thai-Kampuchean border and his appeal to all concerned to avoid endangering thousands of Kampuchean civilian lives and adding to the misery and deprivation which already afflicts these most unfortunate people. The Council notes with appreciation the visit undertaken by the Secretary-General to the South-East Asian region in January-February 1985 in an effort to bring about a peaceful solution to the Kampuchean problem.

The Council requests the Secretary-General to report to the Council any further violations of humanitarian principles perpetrated against Kampuchean civilian refugees by the foreign occupying troops along the border, and also requests him 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 of the Kampuchean problem and the restoration of fundamental human rights in Kampuchea.

The Council takes note of the communiqués issued by the Ad Hoc Committee of the International Conference on Kampuchea on 17 January 1985 and 15 February 1985. The Council notes with appreciation the ongoing efforts of the Committee and requests that the Committee continue its work, pending the reconvening of the Conference.

17/ 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.

DRAFT DECISION XX

Material on human rights in Argentina

The Economic and Social Council, bearing in mind the decision of the Commission on Human Rights at its fortieth session 18/ to terminate the study of the situation with respect to human rights in Argentina, and in view of the full restoration of human rights in that country, decides that the material relating to Argentina which the Commission has had before it under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 shall cease to be confidential.

DRAFT DECISION XXI

Situation in southern Lebanon

The Council, noting Commission on Human Rights resolution 1985/41 of 13 March 1985, 7/ endorses the request of the Commission to the Secretary-General to monitor the implementation of that resolution and to submit to the General Assembly at its fortieth session a report on the results of his efforts in that regard.

18/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), para. 277.