



Economic and Social Council

Distr.
GENERAL

E/1986/95
22 May 1986

ORIGINAL: ENGLISH

First regular session of 1986
Agenda item 9

HUMAN RIGHTS

Report of the Second (Social) Committee

1. The Second (Social) Committee considered the question of human rights (agenda item 9) at its 14th to 20th meetings, on 16 and from 19 to 21 May 1986. 1/ It had before it the following documents:

(a) Note by the Secretary-General on the regional arrangements for the promotion and protection of human rights in the Asian region (A/41/180-E/1986/20);

(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/41/317-E/1986/36);

(c) Letter dated 12 May 1986 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/41/337-E/1986/87);

(d) Letter dated 16 May 1986 from the Secretary-General to the Permanent Representative of Israel to the United Nations (A/41/343-E/1986/91);

(e) Note by the Secretariat on the prevention of prostitution (E/1986/21);

(f) Report of the Commission on Human Rights on its forty-second session (E/1986/22); 2/

1/ At its 4th plenary meeting, on 7 February 1986, the Council allocated the item to the Committee.

2/ Official Records of the Economic and Social Council, 1986, Supplement No. 2.

(g) Note by the Secretariat on allegations regarding infringement of trade-union rights in South Africa (E/1986/37);

(h) Letter dated 19 May 1986 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Economic and Social Council (E/1986/110).

ACTION TAKEN BY THE SECOND (SOCIAL) COMMITTEE

2. At its 14th to 19th meetings, the Committee held a general discussion on the item. At its 14th meeting, on 16 May, it heard an introductory statement by the Deputy Director of the Centre for Human Rights.

3. Also at the 14th meeting, a statement was made by the observer for the Netherlands, on behalf of the States Members of the United Nations that are members of the European Economic Community.

4. At the 15th meeting, on 19 May, statements were made by the representatives of France, Argentina, Sweden, China, the Byelorussian Soviet Socialist Republic and Poland, and the observers for Norway, Ireland and Mongolia. The representative of the International Confederation of Free Trade Unions, a non-governmental organization in consultative status, category I, with the Council, also made a statement.

5. At the 16th meeting, on 19 May, statements were made by the representatives of Haiti, Canada, Morocco, Indonesia, the United States of America, Finland, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, and the observers for Democratic Kampuchea and Viet Nam.

6. At the 17th meeting, on 20 May, statements were made by the representatives of Brazil, Yugoslavia, the German Democratic Republic, Sweden, (on behalf of the five Nordic countries), Australia and the Byelorussian Soviet Socialist Republic, and the observers for Algeria and Denmark. The observer for the Organization of the Islamic Conference also made a statement.

7. At the 18th meeting, on 20 May, statements were made by the representatives of Senegal, the Philippines, Sri Lanka, Bangladesh and Uganda, and the observers for Austria, Mexico, Cuba, Nicaragua, Guatemala, Afghanistan, the Lao People's Democratic Republic and Bulgaria.

8. At the 19th meeting, on 20 May, statements were made by the representative of Turkey, and the observer for Cyprus.

**Recommendations contained in the report of
the Commission on Human Rights**

9. Chapter I of the report of the Commission on Human Rights on its forty-second session contained 8 draft resolutions and 12 draft decisions recommended for adoption by the Council.

Documentation of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities

10. At its 20th meeting, on 21 May, the Committee adopted draft resolution I, entitled "Documentation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 52 below, draft resolution I).

Study of the problem of discrimination against
indigenous populations

11. At its 20th meeting, on 21 May, the Committee adopted draft resolution II, entitled "Study of the problem of discrimination against indigenous populations" (see para. 52 below, draft resolution II).

Procedure for the election of members of the Sub-Commission on
Prevention of Discrimination and Protection of Minorities

12. At its 20th meeting, on 21 May, the Committee adopted draft resolution III, entitled "Procedure for the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 52 below, draft resolution III).

Summary or arbitrary executions

13. At its 20th meeting, on 21 May, the Committee adopted draft resolution IV, entitled "Summary or arbitrary executions" (see para. 52 below, draft resolution IV).

Question of a draft declaration on the right and responsibility of
individuals, groups and organs of society to promote and protect
universally recognized human rights and fundamental freedoms

14. At its 20th meeting, on 21 May, the Committee adopted draft resolution V, entitled "Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms" (see para. 52 below, draft resolution V).

Study on amnesty laws

15. At its 20th meeting, on 21 May, the Committee adopted draft resolution VI, entitled "Study on amnesty laws" (see para. 52 below, draft resolution VI).

Situation in Equatorial Guinea

16. At its 20th meeting, on 21 May, the Committee adopted draft resolution VII, entitled "Situation in Equatorial Guinea" (see para. 52 below, draft resolution VII).

Question of a convention on the rights of the child

17. At its 20th meeting, on 21 May, the Committee adopted draft resolution VIII, entitled "Question of a convention on the rights of the child" (see para. 52 below, draft resolution VIII).

The right to development

18. At its 20th meeting, on 21 May, the Committee adopted draft decision 1, entitled "The right to development" by a recorded vote of 37 to 1, with 9 abstentions (see para. 53 below, draft decision I). The voting was as follows: 3/

In favour: Argentina, Bangladesh, Brazil, Byelorussian Soviet Socialist Republic, China, Costa Rica, Djibouti, Egypt, France, Gabon, German Democratic Republic, Guinea, India, Indonesia, Iraq, Italy, Jamaica, Morocco, Mozambique, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Spain, Sri Lanka, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Belgium, Canada, Finland, Germany, Federal Republic of, Iceland, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland.

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

19. At the 20th meeting, on 21 May, the representative of the Byelorussian Soviet Socialist Republic orally proposed the following draft decision:

"The Economic and Social Council decides to defer taking action on draft decision 2, contained in the report of the Commission on Human Rights on its forty-second session, until its first regular session of 1987."

3/ The delegation of Zimbabwe subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft decision.

/...

20. At the same meeting, the Committee rejected the proposal by a recorded vote of 27 to 8, with 15 abstentions. The voting was as follows:

In favour: Byelorussian Soviet Socialist Republic, German Democratic Republic, Indonesia, Iraq, Poland, Romania, Syrian Arab Republic, Union of Soviet Socialist Republics.

Against: Argentina, Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Guinea, Haiti, Iceland, Italy, Jamaica, Japan, Panama, Papua New Guinea, Peru, Philippines, Senegal, Sierra Leone, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, China, Djibouti, Egypt, Gabon, India, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Sri Lanka, Uganda, Venezuela, Yugoslavia.

21. At the same meeting, the Committee adopted draft decision 2 entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", by a recorded vote of 30 to 4, with 15 abstentions (see para. 53 below, draft decision II). The voting was as follows: 4/

In favour: Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Guinea, Haiti, Iceland, Italy, Jamaica, Japan, Panama, Papua New Guinea, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Byelorussian Soviet Socialist Republic, German Democratic Republic, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: China, Egypt, Gabon, India, Indonesia, Iraq, Morocco, Mozambique, Nigeria, Pakistan, Poland, Romania, Sri Lanka, Uganda, Yugoslavia.

Situation of human rights in El Salvador

22. At its 20th meeting, on 21 May, the Committee adopted draft decision 3, entitled "Situation of human rights in El Salvador" (see para. 53 below, draft decision III).

4/ The delegation of Zimbabwe subsequently indicated that, had it been present during the voting, it would have voted against the draft decision.

Question of human rights and fundamental freedoms
in Afghanistan

23. At its 20th meeting, on 21 May, the Committee adopted draft decision 4, entitled "Question of human rights and fundamental freedoms in Afghanistan" by a recorded vote of 36 to 7, with 5 abstentions (see para. 53 below, draft decision IV). The voting was as follows: 5/

In favour: Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, Egypt, France, Gabon, Germany, Federal Republic of, Guinea, Haiti, Iceland, Italy, Jamaica, Japan, Morocco, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Byelorussian Soviet Socialist Republic, German Democratic Republic, India, Poland, Romania, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Iraq, Nigeria, Sri Lanka, Yugoslavia.

Situation of human rights in the Islamic Republic of Iran

24. At its 20th meeting, on 21 May, the Committee adopted draft decision 5, entitled "Situation of human rights in the Islamic Republic of Iran" by a recorded vote of 24 to 7, with 13 abstentions (see para. 53 below, draft decision V). The voting was as follows: 6/

In favour: Australia, Belgium, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Haiti, Iceland, Iraq, Italy, Jamaica, Japan, Panama, Philippines, Rwanda, Sierra Leone, Spain, Sweden, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, Indonesia, Pakistan, Poland, Romania, Syrian Arab Republic, Turkey.

Abstaining: Argentina, Brazil, Egypt, Gabon, India, Morocco, Mozambique, Nigeria, Peru, Senegal, Sri Lanka, Yugoslavia, Zaire.

5/ The delegation of Zimbabwe subsequently indicated that, had it been present during the voting, it would have abstained in the vote on the draft decision.

6/ The delegation of Zimbabwe subsequently indicated that, had it been present during the voting, it would have abstained in the vote on the draft decision.

Torture and other cruel, inhuman or degrading
treatment or punishment

25. At its 20th meeting, on 21 May, the Committee adopted draft decision 6, entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (see para. 53 below, draft decision VI).

Question of enforced or involuntary disappearances

26. At its 20th meeting, on 21 May, the Committee adopted draft decision 7, entitled "Question of enforced or involuntary disappearances" (see para. 53 below, draft decision VII).

Situation of human rights in Guatemala

27. At its 20th meeting, on 21 May, the Committee adopted draft decision 8, entitled "Situation of human rights in Guatemala" (see para. 53 below, draft decision VIII).

Organization of the work of the Commission on Human Rights

28. At its 20th meeting, on 21 May, the Committee adopted draft decision 9, entitled "Organization of the work of the Commission on Human Rights" (see para. 53 below, draft decision IX).

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

29. At its 20th meeting, on 21 May, the Committee adopted draft decision 10, 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. 53 below, draft decision X).

Situation of human rights in Chile

30. At its 20th meeting, on 21 May, the Committee adopted draft decision 11, entitled "Situation of human rights in Chile" (see para. 53 below, draft decision XI).

Report of the Commission on Human Rights

31. At its 20th meeting, on 21 May, the Committee adopted draft decision 12, entitled "Report of the Commission on Human Rights" (see para. 53 below, draft decision XII).

Other proposals

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

32. At the 20th meeting, on 21 May, the representative of Senegal introduced orally a draft decision reading as follows:

"The Economic and Social Council, noting Commission on Human Rights resolution 1986/6 of 28 February 1986, approves the request addressed by the Commission to the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, and to make available to him two economists to assist him to expand his work on the analyses and annotations of certain selected cases as reflected in his report."

33. At the same meeting, the Committee adopted the draft decision by a recorded vote of 32 to 7, with 6 abstentions (see para. 53 below, draft decision XIII). The voting was as follows: 7/

In favour: Argentina, Bangladesh, Brazil, Byelorussian Soviet Socialist Republic, China, Costa Rica, Djibouti, Egypt, Gabon, Guinea, German Democratic Republic, India, Indonesia, Iraq, Jamaica, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

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

Abstaining: Australia, Canada, Finland, Iceland, Spain, Sweden.

Realization of the right to adequate housing

34. At the 15th meeting, on 19 May, the observer for Mongolia, on behalf of the Byelorussian Soviet Socialist Republic, Cuba, 8/ Czechoslovakia, 8/ the German Democratic Republic, Guyana, Mongolia, 8/ Panama, the Syrian Arab Republic and Viet Nam, 8/ introduced a draft resolution (E/1986/C.2/L.8) entitled "Realization of the right to adequate housing".

7/ The delegation of Romania subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft decision.

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

35. At the 20th meeting, on 21 May, the observer for Mongolia orally revised the draft resolution to incorporate the following changes proposed by the representative of Australia:

(a) In the penultimate preambular paragraph, the words "basic human rights" were replaced by the words "economic, social and cultural rights";

(b) Operative paragraph 4 which had read:

"4. Decides to consider the question of the realization of the right to adequate housing at its first regular session of 1987, under the items entitled 'Human rights' and 'Social development'",

was replaced by the following text:

"4. Decides to consider the question of the realization of the right to adequate housing, as contained in the International Covenant on Economic, Social and Cultural Rights, at its first regular session of 1987, under the item entitled 'Human rights'".

36. At the same meeting, the Committee adopted the draft resolution, as revised, by a recorded vote of 49 to none, with 2 abstentions (see para. 52 below, draft resolution IX). The voting was as follows:

In favour: Argentina, Australia, Bangladesh, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Costa Rica, Djibouti, Egypt, Finland, France, Gabon, German Democratic Republic, Guinea, Guyana, Iceland, India, Indonesia, Iraq, Italy, Jamaica, Japan, Morocco, Mozambique, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire.

Against: None.

Abstaining: Germany, Federal Republic of, United States of America.

Status of the Convention on the Prevention and Punishment of
the Crime of Genocide

37. At the 15th meeting, on 19 May, the representative of the Byelorussian Soviet Socialist Republic, on behalf of the Byelorussian SSR and Poland, introduced a draft resolution (E/1986/C.2/L.9) entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide".

38. At its 20th meeting, on 21 May, the Committee adopted the draft resolution (see para. 52 below, draft resolution X).

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

39. At the 20th meeting, on 21 May, the representative of Nigeria, on behalf of Afghanistan, 8/ Algeria, 8/ Angola, 8/ Botswana, 8/ Cuba, 8/ Ethiopia, 8/ the German Democratic Republic, Guyana, Mongolia, 8/ Morocco, Mozambique, Nicaragua, 8/ Nigeria, Senegal, Sierra Leone, the Syrian Arab Republic, Uganda, the Ukrainian Soviet Socialist Republic, 8/ Viet Nam, 8/ and Zimbabwe, introduced a draft resolution (E/1986/C.2/L.14), entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination", and orally revised it as follows:

(a) In the sixth preambular paragraph, the words "and 40/74 of 11 December 1985" were inserted after the words "14 December 1979";

(b) A new operative paragraph 5 was added, which read:

"5. Encourages the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries to make every effort to complete its mandate and to submit a draft convention to the General Assembly".

The subsequent operative paragraphs were renumbered accordingly.

40. At the same meeting, the representative of Pakistan proposed the following amendments to the draft resolution:

(a) The insertion of two new preambular paragraphs after the first preambular paragraph, reading:

"Reaffirming the purpose and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

"Recognizing the legitimacy of the struggle of the peoples and their national liberation movements against racism, apartheid, colonial or alien domination or foreign occupation and for the realization of the right of self-determination";

(b) The addition, at the end of operative paragraph 3, of the words "struggling against racism, apartheid, colonial or alien domination or foreign occupation".

41. At the same meeting, the representative of Nigeria further revised the draft resolution taking into account the proposals made by the representative of Pakistan, as follows:

(a) In the first preambular paragraph, the words "as well as scrupulous respect for the principle of the non-use or threat of use of force in international relations" were inserted after the words "self-determination of peoples";

(b) A new preambular paragraph was added after the first preambular paragraph, reading:

"Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid, foreign intervention and occupation";

(c) At the end of operative paragraph 3, the words "struggling against racism, apartheid, colonial domination, foreign intervention and occupation for their independence, territorial integrity and national unity" were added.

42. At the same meeting, the Committee took action on the revised draft resolution.

43. The fourth preambular paragraph (former third) was adopted by a recorded vote of 30 to 11, with 8 abstentions. The voting was as follows: 9/

In favour: Bangladesh, Byelorussian Soviet Socialist Republic, China, Djibouti, Egypt, Gabon, German Democratic Republic, Guinea, Guyana, Haiti, India, Indonesia, Iraq, Morocco, Mozambique, Nigeria, Pakistan, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zimbabwe.

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

Abstaining: Argentina, Costa Rica, Finland, Iceland, Jamaica, Panama, Sweden, Turkey.

44. Operative paragraph 6 (former paragraph 5) was adopted by a recorded vote of 31 to 13, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Byelorussian Soviet Socialist Republic, China, Djibouti, Egypt, Gabon, German Democratic Republic, Guinea, Haiti, India, Indonesia, Iraq, Morocco, Mozambique, Pakistan, Peru, Poland, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: Australia, Belgium, Canada, Finland, France, Germany, Federal Republic of, Iceland, Italy, Japan, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Colombia, Costa Rica, Jamaica, Panama, Philippines, Turkey.

9/ The delegation of Venezuela subsequently indicated that it had intended to abstain in the vote on the paragraph.

45. The draft resolution as a whole, as revised, was adopted by a recorded vote of 36 to 7, with 9 abstentions (see para. 52 below, draft resolution XI). The voting was as follows:

- In favour: Argentina, Bangladesh, Brazil, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Djibouti, Egypt, Gabon, German Democratic Republic, Guinea, Guyana, Haiti, India, Indonesia, Iraq, Morocco, Mozambique, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zimbabwe.
- Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Australia, Canada, Finland, Iceland, Jamaica, Panama, Spain, Sweden, Turkey.

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

46. At the 18th meeting, on 20 May, the representative of the Philippines, on behalf of Bangladesh, Belgium, Brunei Darussalam, 8/ Cameroon, 8/ Canada, Costa Rica, Fiji, 8/ the Federal Republic of Germany, Haiti, Honduras, 8/ Iceland, Italy, Japan, Liberia, 8/ Luxembourg, 8/ Malaysia, 8/ Morocco, Nepal, 8/ the Netherlands, 8/ New Zealand, 8/ Oman, 8/ Pakistan, Papua New Guinea, the Philippines, Saint Lucia, 8/ Samoa, 8/ Senegal, Sierra Leone, Singapore, 8/ Somalia, Spain, Thailand, 8/ Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, 8/ and Zaire, introduced a draft decision (E/1986/C.2/L.10) entitled "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

47. At its 20th meeting, on 21 May, the Committee adopted the draft decision by a recorded vote of 39 to 6, with 3 abstentions (see para. 53 below, draft decision XIV). The voting was as follows:

- In favour: Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, Egypt, France, Gabon, Germany, Federal Republic of, Guinea, Haiti, Iceland, Indonesia, Iraq, 10/ Italy, Jamaica, Japan, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Spain, Sri Lanka, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

10/ The delegation of Iraq subsequently indicated that its vote should have been recorded as an abstention.

Against: Byelorussian Soviet Socialist Republic, German Democratic Republic, India, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Uganda, Zimbabwe.

Materials on human rights in the Philippines

48. At the 18th meeting, on 20 May, the representative of the Philippines, on behalf of Argentina, Australia, Canada, Costa Rica, Morocco, Peru, the Philippines, Spain and Thailand, 8/ introduced a draft decision (E/1986/C.2/L.12) entitled "Materials on human rights in the Philippines".

49. At its 20th meeting, on 21 May, the Committee adopted the draft decision (see para. 53 below, draft decision XV).

Situation in southern Lebanon

50. At the 20th meeting, on 21 May, the observer for Lebanon, on behalf of Lebanon, 8/ Morocco and the Syrian Arab Republic, introduced a draft decision (E/1986/C.2/L.13) entitled "Situation in southern Lebanon".

51. At the same meeting, the Committee adopted the draft decision by a recorded vote of 31 to 1, with 17 abstentions (see para. 53 below, draft decision XVI). The voting was as follows: 11/

In favour: Bangladesh, Brazil, Byelorussian Soviet Socialist Republic, China, Colombia, Djibouti, Egypt, Gabon, German Democratic Republic, Guinea, India, Indonesia, Iraq, Jamaica, Mozambique, Nigeria, Pakistan, Papua New Guinea, Philippines, Poland, Romania, Rwanda, Sierra Leone, Sri Lanka, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Australia, Belgium, Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Haiti, Iceland, Italy, Japan, Panama, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela.

11/ The delegation of Morocco subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft decision.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

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

DRAFT RESOLUTION I

Documentation of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities

The Economic and Social Council

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities henceforth to submit to the Commission on Human Rights, after a thorough examination, the studies and reports prepared by the Special Rapporteurs of the Sub-Commission with a brief written introductory statement by the Special Rapporteur, and to discontinue the practice of requesting Special Rapporteurs to introduce their reports personally to the Commission;
2. Further requests the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that Special Rapporteurs responsible for preparing reports and studies are brief and concise and that their reports and studies, as far as possible, do not exceed 32 pages;
3. Requests the Secretary-General to transmit to member States or organizations concerned only those resolutions or decisions of the Commission or the Sub-Commission which require specific responses on their part;
4. Decides that henceforth studies prepared by Special Rapporteurs of the Sub-Commission shall be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications.

DRAFT RESOLUTION II

Study of the problem of discrimination against
indigenous populations

The Economic and Social Council,

Mindful of its resolution 1982/34 of 7 May 1982, by which it authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a pre-sessional working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards,

Recalling General Assembly resolution 40/131 of 13 December 1985, by which the Assembly decided to establish the United Nations Voluntary Fund for Indigenous Populations with a view to securing a broad geographical representation of indigenous organizations in the future work of the Working Group,

Convinced of the need for the widest possible exchange of views in this field among Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations,

Decides that the Working Group on Indigenous Populations shall meet for up to eight working days before the annual sessions of the Sub-Commission, the first three working days to be devoted to unserved meetings for the purpose of the preliminary drafting of international standards.

DRAFT RESOLUTION III

Procedure for the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Mindful of the need to ensure better continuity in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides that, from 1987 onwards, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, shall be elected for a term of four years;
2. Further decides that half of the membership of the Sub-Commission and the corresponding alternates, if any, shall be elected every two years and that accordingly, at the elections held in 1987, the Chairman shall draw lots to select those members whose terms will expire in two years;
3. Authorizes the Chairman of the forty-third session of the Commission on Human Rights to draw lots to select the members and, as applicable, their corresponding alternates, whose terms will expire after two years in accordance with the following pattern: three members from African States; three members from Asian States; three members from Latin American States; one member from Eastern European States; and three members from Western European and other States;
4. Invites the Secretary-General to make the necessary arrangements so that elections of members of the Sub-Commission can be conducted from 1987 onwards in accordance with the decisions set out in the present resolution.

DRAFT RESOLUTION IV

Summary or arbitrary executions

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, 12/ 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, 13/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/17^F 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, 39/110 of 14 December 1984 and 40/143 of 13 December 1985,

Taking note of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 14/ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Bearing in mind the endorsement by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of safeguards guaranteeing protection of the rights of those facing the death penalty, 15/ as well as the ongoing work on summary or arbitrary executions within the Committee on Crime Prevention and Control,

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

12/ General Assembly resolution 217 A (III).

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

14/ See E/CN.4/1983/4 and Corr.1, chap. XXI, sect. A.

15/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E, resolution 15. For the safeguards, see Economic and Social Council resolution 1984/50, annex.

1. Strongly condemns, 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;
3. Takes note with appreciation of the report of the Special Rapporteur, Mr. S. Amos Wako; 16/
4. Decides to renew 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 on Human Rights;
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 or when such an execution has occurred;
7. Takes note of the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations are conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;
8. Invites the Special Rapporteur to receive information from appropriate United Nations agencies and other international organizations and to examine the elements to be included in such standards and to report to the Commission on Human Rights on progress made in this respect;
9. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;
10. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;
11. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-third 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

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1986/44 of 12 March 1986, 17/

1. Authorizes an open-ended working group to meet for a period of one week prior to the forty-third session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;
2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-third session of the Commission and, to enable the group to continue its work on the elaboration of the draft declaration, to transmit to all member States in advance of the meeting the report of the working group that met prior to and during the forty-second session 18/ and all documents submitted to that group.

DRAFT RESOLUTION VI

Study on amnesty laws

The Economic and Social Council,

Taking account of resolution 1985/33 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 19/ and Commission on Human Rights resolution 1986/51 of 13 March 1986 17/ entitled "Study on amnesty laws",

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission, Mr. Louis Joinet, for his report 20/ on the study on amnesty laws and their role in the safeguard and promotion of human rights;

17/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II.

18/ E/CN.4/1986/40.

19/ See E/CN.4/1986/5, chap. XX, sect. A.

20/ E/CN.4/Sub.2/1985/16.

2. Decides that the study should be disseminated as widely as possible in all the official languages of the United Nations.

DRAFT RESOLUTION VII

Situation in Equatorial Guinea

The Economic and Social Council,

Recalling its resolutions 1982/36 of 7 May 1982, 1983/35 of 27 May 1983, 1984/36 of 24 May 1984 and 1985/39 of 30 May 1985,

Bearing in mind Commission on Human Rights resolution 1986/53 of 13 March 1986, 17/

Considering that the conclusions and recommendations 21/ of the expert appointed by the Secretary-General pursuant to Council resolution 1984/36 concerning his most 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 22/ 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 reports;

3. Appeals to the Government of Equatorial Guinea to accede to the International Covenant on Economic, Social and Cultural Rights, 23/ the International Covenant on Civil and Political Rights 23/ and the Optional Protocol to the International Covenant on Civil and Political Rights, 23/ among other international instruments concerning human rights and fundamental freedoms;

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

22/ Ibid., annex II.

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

4. Requests the Secretary-General, with a view to implementing the plan of action and bearing in mind the discussions held in New York between the Government of Equatorial Guinea and the expert, to seek ways and means of establishing a system for co-ordinating assistance furnished by the Centre for Human Rights under the programme of advisory services in the field of human rights with all other forms of assistance to Equatorial Guinea, both multilateral and bilateral;

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 keep this matter under consideration at its forty-third session.

DRAFT RESOLUTION VIII

Question of a convention on the rights of the child

The Economic and Social Council,

Recalling General Assembly resolution 40/113 of 13 December 1985, by which the Assembly requested the Commission on Human Rights to give the highest priority to, and to make every effort at its forty-second 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 forty-first session,

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

Taking note of Commission on Human Rights resolution 1986/59 of 13 March 1986, 17/

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the forty-third 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-third 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 IX

Realization of the right to adequate housing

The Economic and Social Council,

Recalling General Assembly resolution 37/221 of 20 December 1982, in which the Assembly proclaimed the year 1987 International Year of Shelter for the Homeless,

Recalling further that the objective of activities before and during the Year is to improve the shelter and neighbourhoods of some of the poor and disadvantaged by the end of 1987, according to national priorities, and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the poor and disadvantaged,

Bearing in mind that the Universal Declaration of Human Rights 24/ and the International Covenant on Economic, Social and Cultural Rights 25/ provide that all persons have the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realization of that right,

Noting that the objectives of the International Year of Shelter for the Homeless are related to the realization of the economic, social and cultural rights set out in the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights and that the Economic and Social Council could make an important contribution to the achievement of the objectives of the Year, taking into account the activities of the United Nations bodies and agencies in this field, notably the United Nations Centre for Human Settlements (Habitat), which was designated as the body responsible for organizing the Year,

Taking note of Commission on Human Rights resolution 1986/36 of 12 March 1986, 17/

1. Reiterates the right of all persons to an adequate standard of living for themselves and their families, including adequate housing;
2. Expresses its deep concern that millions of people do not enjoy the right to housing;
3. Calls upon all Governments and all concerned institutions, both national and international, to intensify their efforts to help achieve the objectives and goals of the International Year of Shelter for the Homeless;

24/ General Assembly resolution 217 A (III).

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

4. Decides to consider the question of the realization of the right to adequate housing, as contained in the International Covenant on Economic, Social and Cultural Rights, at its first regular session of 1987, under the item entitled "Human rights".

DRAFT RESOLUTION X

Status of the Convention on the Prevention and
Punishment of the Crime of Genocide

The Economic and Social Council,

Recalling General Assembly resolution 260 A (III) of 9 December 1948, by which the Assembly approved and proposed for signature and ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the Convention,

Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

Expressing its conviction that recognition and strict observance of the provisions of the Convention by all States are necessary for the prevention and punishment of the crime of genocide,

Welcoming General Assembly resolution 40/142 of 13 December 1985 and Commission on Human Rights resolution 1986/18 of 10 March 1986, 17/

1. Once again strongly condemns the crime of genocide;
2. Reaffirms the necessity of international co-operation to liberate mankind from such an odious scourge;
3. Takes note with appreciation of the fact that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;
4. Urges those States that have not yet become parties to the Convention to ratify it or accede to it without further delay.

DRAFT RESOLUTION XI

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The Economic and Social Council,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use or threat of use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 26/

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid, foreign intervention and occupation,

Deeply concerned about the increasing menace which the activities of mercenaries represent for all States, particularly African States and other developing States of the world,

Recognizing that mercenarism is a threat to international peace and security and, like genocide, is a crime against humanity,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Bearing in mind the provision concerning mercenaries of Additional Protocol I to the Geneva Conventions of 1949,

Recalling the resolutions of the General Assembly, particularly resolutions 1514 (XV) of 14 December 1960, 2395 (XXIII) of 29 November 1968, 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973, 34/140 of 14 December 1979 and 40/74 of 11 December 1985, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

26/ General Assembly resolution 2625 (XXV), annex.

Recalling also Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 26 May 1982, in which the Council, inter alia, condemned any State which persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations,

Welcoming the adoption by the Commission on Human Rights of resolution 1986/26 of 10 March 1986, 17/ in which the Commission condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries,

Reaffirming the decision of the General Assembly, in its resolution 32/130 of 16 December 1977, to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned at the loss of life, substantial damage to property and the long-term negative effects on the economy of southern African countries resulting from mercenary aggressions,

Strongly condemning the racist régime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as other forms of support to mercenaries, including so-called humanitarian aid, for the purpose of destabilizing and overthrowing the Governments of southern African States and fighting against the national liberation movements of peoples struggling for the exercise of their right of self-determination;

2. Denounces any State which persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them;

3. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or

the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination, foreign intervention and occupation for their independence, territorial integrity and national unity;

4. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory and other territories under their control;

5. Encourages the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries to make every effort to complete its mandate and to submit a draft convention to the General Assembly;

6. Urges the Commission on Human Rights to appoint a special rapporteur on this subject with the view to preparing a report for consideration at the forty-fourth session of the Commission;

7. Calls upon the General Assembly to pay due attention to the matter at its forty-first session;

8. Requests the Secretary-General to submit a report on this question to the General Assembly at its forty-first session.

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

DRAFT DECISION I

The right to development

The Economic and Social Council, noting Commission on Human Rights resolution 1986/16 of 10 March 1986, 17/ approves the Commission's decision to convene its Working Group of Governmental Experts on the Right to Development for three weeks in January 1987 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 II

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 1986/20 of 10 March 1986, 17/ approves the Commission's decision to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 27/ and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments. The Council also approves the Commission's request to the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, 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 III

Situation of human rights in El Salvador

The Economic and Social Council, noting Commission on Human Rights resolution 1986/39 of 12 March 1986, 17/ approves the Commission's decision to extend for another year the mandate of the Special Representative on the situation of human rights in El Salvador and to request him to submit his report on further developments in the human rights situation in that country to the General Assembly at its forty-first session and to the Commission at its forty-third 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.

27/ General Assembly resolution 36/55.

DRAFT DECISION IV

Question of human rights and fundamental freedoms
in Afghanistan

The Economic and Social Council, noting Commission on Human Rights resolution 1986/40 of 12 March 1986, 17/ approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan and to request him to report on the question to the General Assembly at its forty-first session and to the Commission at its forty-third session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

DRAFT DECISION V

Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, noting Commission on Human Rights resolution 1986/41 of 12 March 1986, 17/ approves the Commission's decision to extend for one year the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as set out in Commission resolution 1984/54 of 14 March 1984, 28/ and to request its Chairman to appoint an individual of recognized international standing to fill the vacancy created by the resignation of Mr. Andrés Aguilar. The Council also approves the Commission's request to the newly appointed Special Representative to submit an interim report to the General Assembly at its forty-first session on the situation of human rights 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-third 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 VI

Torture and other cruel, inhuman or degrading
treatment or punishment

The Economic and Social Council, noting Commission on Human Rights resolution 1986/50 of 13 March 1986, 17/ approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of torture, in order to enable him to submit further conclusions and recommendations to the Commission. The Council also approves the Commission's

28/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II.

request to the Special Rapporteur to submit a comprehensive report to the Commission at its forty-third 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 VII

Question of enforced or involuntary disappearances

The Economic and Social Council, noting Commission on Human Rights resolution 1986/55 of 13 March 1986, 17/ approves the Commission's decision to extend for two years, on an experimental basis, the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, 29/ in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and to reconsider the question at its forty-fourth session. 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, so as to reduce to the minimum any discontinuity in the activities of the Working Group.

DRAFT DECISION VIII

Situation of human rights in Guatemala

The Economic and Social Council, noting Commission on Human Rights resolution 1986/62 of 13 March 1986, 17/ approves the Commission's decision to request the Chairman of the forty-second session of the Commission on Human Rights to appoint a special representative to receive and evaluate full and detailed information which the Government of Guatemala has expressed its willingness to provide on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session. The Council further approves the Commission's request to the Secretary-General to provide such advisory services and other assistance as may be requested by the constitutional Government of Guatemala under paragraph 7 of Commission resolution 1986/62.

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

DRAFT DECISION IX

Organization of the work of the Commission

The Economic and Social Council, noting Commission on Human Rights decision 1986/108 of 13 March 1986, 17/ decides to authorize, if possible within existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-third session. The Council takes note of the Commission's decision to request its Chairman at the forty-third session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

DRAFT DECISION X

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 on Human Rights, in its decision 1986/109 of 13 March 1986, 17/ to set up a working group composed of five of its members to meet for one week prior to its forty-third 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-ninth session under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission is seized.

DRAFT DECISION XI

Situation of human rights in Chile

The Economic and Social Council, noting Commission on Human Rights resolution 1986/63 of 14 March 1986, 17/ approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Chile and to request him to report on the situation of human rights in that country to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session. The Council further approves the Commission's recommendation, in paragraph 10 of resolution 1986/63, that the necessary financial resources and sufficient staff be provided to implement the resolution.

DRAFT DECISION XII

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-second session. 30/

DRAFT DECISION XIII

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

The Economic and Social Council, noting Commission on Human Rights resolution 1986/6 of 28 February 1986, 17/ approves the request addressed by the Commission to the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, and to make available to him two economists to assist him to expand his work on the analyses and annotations of certain selected cases as reflected in his report. 31/

DRAFT DECISION XIV

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 1986/25 of 10 March 1986, 17/ 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, 1984/148 of 24 May 1984 and 1985/155 of 30 May 1985 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 32/ and in General Assembly resolutions 34/22 of

30/ Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22).

31/ E/CN.4/Sub.2/1985/8 and Add.1 and 2.

32/ 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.

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, 39/5 of 30 October 1984 and 40/7 of 5 November 1985.

The Council expresses its grave concern at the unresolved dilemma of the approximately 250,000 Kampuchean civilians still stranded in Thailand as a result of the armed attacks by the foreign forces in Kampuchea on the Kampuchean civilian encampments along the Thai-Kampuchean border since 1984. The Council recalls the statements made by the Secretary-General on 27 December 1984 and 13 March 1985 which, inter alia, appealed to all concerned to avoid endangering the lives of these Kampuchean civilians and adding to the misery and deprivation which already afflicts these most unfortunate people.

The Council also expresses its grave concern at the more than one thousand land mines recently found planted in Thai territory near the Thai-Kampuchean border. The existence of these land mines and other possible undiscovered minefields has prevented the Kampuchean civilians from exercising their inalienable right to return to their homeland and their right to self-determination. As at February 1986, the land mines had claimed the lives of twenty-five Thai civilians and injured another one hundred and thirty.

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 recalls 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 the visits undertaken by the Chairman and members of the Committee to a number of countries in 1985 in an effort to find a comprehensive political solution to the Kampuchean problem. The Council also notes with appreciation the ongoing efforts of the Committee and requests that the Committee continue its work, pending the reconvening of the Conference.

DRAFT DECISION XV

Materials on human rights in the Philippines

The Economic and Social Council, bearing in mind the decision of the Commission on Human Rights at its forty-second session to discontinue consideration of the situation with respect to human rights in the Philippines, 33/ and in view of the strong commitment of the Government of

33/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), para. 369.

that country to the full restoration and promotion of human rights, decides that the material relating to the Philippines which had been before the Commission under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 should cease to be confidential.

DRAFT DECISION XVI

Situation in southern Lebanon

The Economic and Social Council, noting Commission on Human Rights resolution 1986/43 of 12 March 1986, 17/ 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 forty-first session a report on the results of his efforts in that regard.
