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Agenda item 9

HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee

1. The Second (Social) Committee considered human rights questions (agenda item 9) at its 15th to 22nd meetings, from 15 to 19 May 1989. It had before it the following documents:

(a) Note by the Secretary-General transmitting the report of the meeting of Chairpersons of human rights treaty bodies convened pursuant to General Assembly resolution 42/105 (A/44/98);

(b) Report of the Commission on Human Rights on its forty-fifth session (E/1989/20); 1/

(c) Note by the Secretary-General on allegations regarding infringements of trade union rights (E/1989/49);

(d) Report of the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights (E/1989/53);

(e) Note by the Secretariat transmitting the general comments of the Human Rights Committee adopted at its thirty-fifth session (E/1989/57);

(f) Report of the Committee on Economic, Social and Cultural Rights on its third session (E/1989/L.9); 2/

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1/ Official Records of the Economic and Social Council, 1989, Supplement No. 2.

2/ To be issued as Official Records of the Economic and Social Council, 1989, Supplement No. 4 (E/1989/22).

(g) Summary records of the third session of the Committee on Economic, Social and Cultural Rights (E/C.12/1989/SR.1-25);

(h) Statement submitted by the International Federation of Women Lawyers, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/1989/NGO/3);

(i) Statement submitted by Pax Christi, International Catholic Peace Movement, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/1989/NGO/4).

2. At its 15th to 19th meetings, the Committee held a general discussion on the item. At its 15th meeting, on 15 May, it heard an introductory statement by the Deputy Director of the Centre for Human Rights.

3. Also at the 15th meeting, statements were made by the representative of Colombia and by the observer for Spain (on behalf of the States Members of the United Nations that are members of the European Economic Community). The observer for the International Confederation of Free Trade Unions, a non-governmental organization in consultative status with the Council (category I), also made a statement.

4. At the 16th meeting, on 16 May, statements were made by the representatives of Poland and the Ukrainian Soviet Socialist Republic and by the observer for Mexico. The observer for the International Planned Parenthood Federation, a non-governmental organization in consultative status with the Council (category I), also made a statement.

5. At the 17th meeting, on 16 May, statements were made by the representatives of Czechoslovakia and the Libyan Arab Jamahiriya and by the observer for Romania.

6. At the 18th meeting, on 17 May, statements were made by the representatives of India, Iraq and Ireland and by the observers for Hungary, Viet Nam, Sweden and Australia.

7. At the 19th meeting, on 17 May, statements were made by the representatives of Brazil and Greece and by the observers for Cyprus, the German Democratic Republic, the Byelorussian Soviet Socialist Republic and Iceland (on behalf of the Nordic countries).

8. At the 20th meeting, on 18 May, statements were made by the representatives of Jordan, Venezuela, Italy, Nicaragua, New Zealand, China, the United States of America, the Union of Soviet Socialist Republics, Canada, the Sudan and Tunisia and by the observers for the Lao People's Democratic Republic and the Philippines.

9. At the 21st meeting, on 18 May, statements were made by the representatives of Uruguay, Japan, France, Norway, Yugoslavia, Bulgaria and Cuba and by the observers for Costa Rica, Mongolia, Austria, Finland and Democratic Kampuchea.

Recommendations contained in the report of the Commission  
on Human Rights

10. Chapter I of the report of the Commission on Human Rights on its forty-fifth session (E/1989/20) contained eight draft resolutions and 20 draft decisions recommended for adoption by the Council. The administrative and programme budget implications of the resolutions and decisions were contained in annex III to the report.

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: report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

11. At its 22nd meeting, on 19 May, the Committee adopted draft resolution I, entitled "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: report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", by a recorded vote of 39 to 7, with 7 abstentions (see para. 59 below, draft resolution I). The voting was as follows:

In favour: Bahamas, Belize, Bolivia, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Nicaragua, Niger, Oman, Poland, Rwanda, Saudi Arabia, Somalia, Sri Lanka, Sudan, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

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

Abstaining: Canada, Denmark, Greece, Ireland, Japan, New Zealand, Norway.

Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

12. At the 20th meeting, on 18 May, the representative of the Netherlands introduced amendments (E/1989/C.2/L.16) to draft resolution II, entitled "Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", which called for the insertion of a new operative paragraph after operative paragraph 2, to read as follows:

"3. Endorses the request of the Commission on Human Rights, in its resolution 1988/42 of 8 March 1988, 3/ to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30 of 26 May 1983, and the request of the Commission, in its resolution 1989/35, 4/ to the Secretary-General to report on the comments received to the Council at its first regular session of 1990".

13. At its 22nd meeting, on 19 May, the Committee adopted the proposed amendment.

14. At the same meeting, the Committee adopted the draft resolution, as amended (see para. 59 below, draft resolution II).

#### Status of special rapporteurs

15. At its 22nd meeting, on 19 May, the Committee adopted draft resolution III, entitled "Status of special rapporteurs" by a recorded vote of 26 to 9, with 16 abstentions (see para. 59 below, draft resolution III). 5/ The voting was as follows:

In favour: Bahamas, Belize, Bolivia, Brazil, Cameroon, Canada, Colombia, Denmark, France, Germany, Federal Republic of, Greece, India, Ireland, Italy, Japan, Kenya, Netherlands, New Zealand, Norway, Portugal, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Bulgaria, Cuba, Czechoslovakia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: China, Ghana, Guinea, Indonesia, Iraq, Jordan, Lesotho, Niger, Oman, Rwanda, Sri Lanka, Sudan, Thailand, Tunisia, Zaire, Zambia.

16. Before the draft resolution was adopted a statement was made by the representative of the Federal Republic of Germany; the observer for Romania made statements before and after the draft resolution was adopted.

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3/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12 and Corr.1), chap. II, sect. A.

4/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

5/ The delegation of Trinidad and Tobago subsequently indicated that it had intended to vote in favour of the draft resolution.

Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder

17. At the 20th meeting, on 18 May, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of France, the Federal Republic of Germany, Italy, Peru, 6/ the Philippines 6/ and the United Kingdom, introduced an amendment (E/1989/C.2/L.17) to draft resolution IV, entitled "Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder". The amendment called for the insertion of a new operative paragraph after operative paragraph 2, to read as follows:

"3. Requests the Secretary-General, on the basis of the comments received from Governments, specialized agencies and non-governmental organizations in response to paragraph 6 of Commission on Human Rights resolution 1989/40, to prepare a working paper showing the modifications to the existing text, which would result from these comments".

18. At its 22nd meeting, on 19 May, the Committee adopted the amendment.

19. The representative of Japan made a statement.

20. At the same meeting, the Committee adopted the draft resolution, as amended (see para. 59 below, draft resolution IV).

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

21. At its 22nd meeting, on 19 May, the Committee adopted draft resolution V, entitled "Study on treaties, agreements and other constructive arrangements between States and indigenous populations" (see para. 59 below, draft resolution V).

Guidelines on the use of computerized personal files

22. At its 22nd meeting, on 19 May, the Committee adopted draft resolution VI, entitled "Guidelines on the use of computerized personal files" (see para. 59 below, draft resolution VI).

Question of a convention on the rights of the child

23. At its 22nd meeting, on 19 May, the Committee adopted draft resolution VII, entitled "Question of a convention on the rights of the child" (see para. 59 below, draft resolution VII).

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

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

24. At its 22nd meeting, on 19 May, the Committee adopted draft resolution VIII, 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. 59 below, draft resolution VIII).

Situation of human rights in South Africa

25. At its 22nd meeting, on 19 May, the Committee adopted draft decision 1, entitled "Situation of human rights in South Africa" (see para. 60 below, draft decision I).

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

26. At its 22nd meeting, on 19 May, the Committee adopted draft decision 2, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", by a recorded vote of 40 to 1, with 13 abstentions (see para. 60 below, draft decision II). The voting was as follows:

In favour: Bahamas, Belize, Bolivia, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Nicaragua, Niger, Oman, Poland, Rwanda, Saudi Arabia, Somalia, Sri Lanka, Sudan, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland.

27. After the draft decision was adopted, the representative of New Zealand made a statement.

Realization of economic, social and cultural rights

28. At its 22nd meeting, on 19 May, the representative of Portugal proposed to amend draft decision 3, entitled "Realization of economic, social and cultural rights", by inserting the words "and resolution 1989/13" after the words "resolution 1989/12".

29. At the same meeting, the Committee adopted the draft decision, as orally amended (see para. 60 below, draft decision III).

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

30. At its 22nd meeting, on 19 May, the Committee considered draft decision 4, entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty".

31. The representative of Saudi Arabia moved that the draft decision be put to a vote.

32. At the same meeting, following a statement by the Chairman, the draft decision was adopted by a recorded vote of 28 to 4, with 17 abstentions (see para. 60 below, draft decision IV). The voting was as follows:

In favour: Bolivia, Brazil, Bulgaria, Canada, Colombia, Czechoslovakia, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Kenya, Netherlands, New Zealand, Nicaragua, Niger, Norway, Poland, Portugal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Against: Iran (Islamic Republic of), Libyan Arab Jamahiriya, Oman, Saudi Arabia.

Abstaining: Bahamas, Belize, Cameroon, Cuba, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Rwanda, Somalia, Sri Lanka, Sudan, Trinidad and Tobago, Yugoslavia.

33. Before the draft decision was adopted, statements were made by the representatives of the Federal Republic of Germany, Colombia, Norway, the Netherlands, Guinea, Bulgaria and the Sudan and by the observers for Australia, Egypt, Sweden and Algeria. After the draft decision was adopted, statements were made by the representatives of the Netherlands, Tunisia, the Sudan, Cameroon, India, Iraq, Guinea, Oman, the Federal Republic of Germany and Jordan and by the observers for Sweden, Australia, Algeria, Pakistan and Egypt.

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

34. At its 22nd meeting, on 19 May, the Committee adopted draft decision 5, entitled "Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 60 below, draft decision V).

The right to development

35. At the 22nd meeting, on 19 May, the Committee adopted draft decision 6, entitled "The right to development" (see para. 60 below, draft decision VI).

36. At the same meeting, the representative of the United States of America made a statement.

Reporting obligations of States parties to international instruments on human rights and effective functioning of bodies established pursuant to such instruments; ways and means of improving the reporting system under the United Nations human rights instruments

37. At its 22nd meeting, on 19 May, the Committee adopted draft decision 7, entitled "Reporting obligations of States parties to international instruments on human rights and effective functioning of bodies established pursuant to such instruments; ways and means of improving the reporting system under the United Nations human rights instrument" (see para. 60 below, draft decision VII).

Effective functioning of bodies established pursuant to United Nations human rights instruments

38. At its 22nd meeting, on 19 May, the Committee adopted draft decision 8, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments" (see para. 60 below, draft decision VIII).

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

39. At its 22nd meeting, on 19 May, the Committee adopted draft decision 9, 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. 60 below, draft decision IX).

Enhancing the effectiveness of the principle of periodic and genuine elections

40. At its 22nd meeting, on 19 May, the Committee adopted draft decision 10, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" (see para. 60 below, draft decision X).

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

41. At its 22nd meeting, on 19 May, the Committee adopted draft decision 11, entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities" (see para. 60 below, draft decision XI).

Situation of human rights and fundamental freedoms in Chile

42. At its 22nd meeting, on 19 May, the Committee adopted draft decision 12, entitled "Situation of human rights and fundamental freedoms in Chile" (see para. 60 below, draft decision XII).



#### Situation of human rights in the Islamic Republic of Iran

43. At its 22nd meeting, on 19 May, the Committee adopted draft decision 13, entitled "Situation of human rights in the Islamic Republic of Iran", by a recorded vote of 23 to 8 with 15 abstentions (see para. 60 below, draft decision XIII). The voting was as follows:

In favour: Bahamas, Canada, Colombia, Denmark, France, Germany, Federal Republic of, Greece, Iraq, Ireland, Italy, Japan, Jordan, Lesotho, Netherlands, New Zealand, Norway, Portugal, Rwanda, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Cuba, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nicaragua, Oman, Sri Lanka, Sudan.

Abstaining: Belize, Bolivia, Brazil, Cameroon, Ghana, Guinea, India, Kenya, Niger, Saudi Arabia, Somalia, Thailand, Tunisia, Yugoslavia, Zaire.

#### Question of human rights and fundamental freedoms in Afghanistan

44. At its 22nd meeting, on 19 May, the Committee adopted draft decision 14, entitled "Question of human rights and fundamental freedoms in Afghanistan" (see para. 60 below, draft decision XIV).

#### Situation of human rights and fundamental freedoms in El Salvador

45. At its 22nd meeting, on 19 May, the Committee adopted draft decision 15, entitled "Situation of human rights and fundamental freedoms in El Salvador" (see para. 60 below, draft decision XV).

#### Situation in Equatorial Guinea

46. At its 22nd meeting, on 19 May, the Committee adopted draft decision 16, entitled "Situation in Equatorial Guinea" (see para. 60 below, draft decision XVI).

#### Assistance to Haiti in the field of human rights

47. At its 22nd meeting, on 19 May, the Committee adopted draft decision 17, entitled "Assistance to Haiti in the field of human rights" (see para. 60 below, draft decision XVII).

#### Assistance to Guatemala in the field of human rights

48. At its 22nd meeting, on 19 May, the Committee adopted draft decision 18, entitled "Assistance to Guatemala in the field of human rights" (see para. 60 below, draft decision XVIII).

Human rights situation in Romania

49. At its 22nd meeting, on 19 May, the Committee adopted draft decision 19, entitled "Human rights situation in Romania", by a recorded vote of 21 to 7, with 18 abstentions (see para. 60 below, draft decision XIX). The voting was as follows:

In favour: Canada, Colombia, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Kenya, Netherlands, New Zealand, Norway, Portugal, Saudi Arabia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: China, Cuba, Indonesia, Iran (Islamic Republic of), Nicaragua, Somalia, Sri Lanka.

Abstaining: Bahamas, Belize, Bolivia, Brazil, Cameroon, Ghana, Guinea, India, Iraq, Jordan, Lesotho, Niger, Oman, Rwanda, Sudan, Thailand, Zaire, Zambia.

50. Before the draft decision was adopted, statements were made by the representative of Zaire and by the observer for Romania.

Organization of the work of the forty-sixth session of the Commission on Human Rights

51. At its 22nd meeting, on 19 May, the Committee adopted draft decision 20, entitled "Organization of the work of the forty-sixth session of the Commission on Human Rights" (see para. 60 below, draft decision XX).

Other proposals

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

52. At the 22nd meeting, on 19 May, the representative of Thailand, on behalf of Belgium, 6/ Belize, Brunei Darussalam, 6/ Cameroon, Colombia, Costa Rica, 6/ Denmark, Fiji, 6/ France, Gambia, 6/ the Federal Republic of Germany, Greece, Guatemala, 6/ Haiti, 6/ Honduras, 6/ Iceland, 6/ Japan, Luxembourg, 6/ Malaysia, 6/ Morocco, 6/ Nepal, 6/ Norway, Oman, Pakistan, 6/ Papua New Guinea, 6/ the Philippines, 6/ Saint Lucia, 6/ Senegal, 6/ Sierra Leone, 6/ Singapore, 6/ Somalia, Spain, 6/ the Sudan, Thailand, Turkey, 6/ the United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire, introduced a draft decision (E/1989/C.2/L.18) entitled "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". Subsequently, Djibouti 6/ joined in sponsoring the draft decision.

53. At the same meeting, the Committee adopted the draft decision by a recorded vote of 42 to 8, with 4 abstentions (see para. 60 below, draft decision XXI). The voting was as follows:

In favour: Bahamas, Belize, Bolivia, Brazil, Cameroon, Canada, China, Colombia, Denmark, France, Germany, Federal Republic of, Ghana, Greece, Guinea, Indonesia, Ireland, Italy, Japan, Kenya, Lesotho, Liberia, Netherlands, New Zealand, Niger, Norway, Oman, Portugal, Rwanda, Saudi Arabia, Somalia, Sri Lanka, Sudan, Thailand, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

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

Abstaining: Iran (Islamic Republic of), Iraq, Jordan, 7/ Nicaragua.

54. After the draft decision was adopted, the representative of the United States of America made a statement.

#### International Covenants on Human Rights

55. At the 22nd meeting, on 19 May, the observer for the Byelorussian Soviet Socialist Republic, 6/ on behalf of Australia, 6/ Bulgaria, the Byelorussian Soviet Socialist Republic, 6/ Czechoslovakia, Denmark, the German Democratic Republic, 6/ Hungary, 6/ Italy, Mongolia, 6/ Norway, Poland, Portugal, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (E/1989/C.2/L.19) entitled "International Covenants on Human Rights".

56. At the same meeting, the Committee adopted the draft resolution (see para. 59 below, draft resolution IX).

#### Infringements of trade union rights in South Africa

57. At the 22nd meeting, on 19 May, the observer for Burkina Faso, 6/ on behalf of the African States, introduced a draft resolution (E/1989/C.2/L.20) entitled "Infringements of trade union rights in South Africa".

58. At the same meeting, the Committee adopted the draft resolution (see para. 59 below, draft resolution X).

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7/ The delegation of Jordan subsequently indicated that its vote on the draft resolution should have been recorded as being in favour and not as an abstention.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

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

[For the text of draft resolution I, see the report of the Commission on Human Rights (E/1989/20), chap. I, sect. A.]

DRAFT RESOLUTION II

Report of the Working Group on Contemporary Forms of Slavery  
of the Sub-Commission on Prevention of Discrimination and  
Protection of Minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

Recalling also Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Considering that the report of the Special Rapporteur of the Economic and Social Council 8/ on the suppression of the traffic in persons and the exploitation of the prostitution of others still constitutes a useful basis for further action,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade and slavery-like practices still exist, that there are modern manifestations of those phenomena and that these practices represent some of the gravest violations of human rights,

Aware of the complexity of the issue of the suppression of the traffic in persons and the exploitation of the prostitution of others and the need for further co-ordination and co-operation to implement the recommendations made by the Special Rapporteur and by various United Nations bodies,

1. Reminds States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for

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8/ E/1983/7 and Corr.1 and 2.

the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Slavery and Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI);

2. Endorses the request of the Commission on Human Rights, in its resolution 1989/35 of 6 March 1989, to the Secretary-General to assign a full-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices;

3. Endorses the request of the Commission on Human Rights, in its resolution 1988/42 of 8 March 1988, 9/ to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30 of 26 May 1983, and the request of the Commission, in its resolution 1989/35 of 6 March 1989, 10/ to the Secretary-General to report on the comments received to the Council at its first regular session of 1990;

4. Endorses the request of the Commission on Human Rights, in its resolution 1989/35, to the Secretary-General to designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

5. Decides to consider the question of the suppression of traffic in persons at its first regular session of 1990 under the agenda item entitled "Human rights".

[For the text of draft resolution III, see the report of the Commission on Human Rights (E/1989/20), chap. I, sect. A.]

#### DRAFT RESOLUTION IV

##### Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1989/40 of 6 March 1989,

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9/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12 and Corr.1), chap. II, sect. A.

10/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-sixth session of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care submitted to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 11/ with a view to submitting it to the Commission at its forty-sixth session;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-sixth session of the Commission;

3. Requests the Secretary-General, on the basis of the comments received from Governments, specialized agencies and non-governmental organizations in response to paragraph 6 of Commission on Human Rights resolution 1989/40, to prepare a working paper showing the modifications that would be made to the existing draft body of principles and guarantees as a result of those comments.

[For the texts of draft resolutions V-VIII, see the report of the Commission on Human Rights (E/1989/20), chap. I, sect. A.]

#### DRAFT RESOLUTION IX

##### International Covenants on Human Rights

The Economic and Social Council,

Bearing in mind its important responsibilities in relation to the co-ordination of activities to promote the International Covenants on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and Optional Protocol, 12/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

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11/ See E/CN.4/Sub.2/1988/23, sect. IV.

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

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its third session, 13/ as well as the general comments of the Human Rights Committee adopted at its thirty-fifth session,

Emphasizing the importance of General Assembly resolution 43/128 of 8 December 1988, by which the Assembly decided to launch a World Public Information Campaign for Human Rights,

Convinced of the continuing need to promote the universal observance and enjoyment of human rights, which contributes to peaceful and friendly relations among nations,

1. Reaffirms the central importance of the International Covenants on Human Rights in international efforts to promote universal respect for and observance of human rights and fundamental freedoms, and recognizes these instruments as a basis for any standard setting and codification in the field of human rights, bearing in mind General Assembly resolution 41/120 of 4 December 1986;
2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in order that the Covenants acquire genuine universality, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;
3. Emphasizes the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;
4. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;
5. Stresses the importance of avoiding the erosion of human rights by derogation, and the necessity for strict observance of all the agreed conditions and procedures for derogation, under article 4 of the International Covenant on Civil and Political Rights;
6. Reaffirms the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with respect to the

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13/ E/1989/L.9; for the final report, see Official Records of the Economic and Social Council, 1989, Supplement No. 4 (E/1989/22).

implementation by States parties of the International Covenants on Human Rights, and expresses its satisfaction with the serious and constructive manner in which the committees are carrying out their functions;

7. Welcomes the general comments made by the Human Rights Committee on article 24 of the International Covenant on Civil and Political Rights;

8. Also welcomes the decision of the Committee on Economic, Social and Cultural Rights to consider articles 22 and 23 of the Covenant, as well as to continue to focus on article 11, with a view to developing general comments at its fourth session, so as to encourage States parties to the Covenant to take appropriate steps to ensure the implementation of this article;

9. Further welcomes the relevant activities of the Human Rights Commission in the field of effective implementation of economic, social, cultural, civil and political rights, and the promotion of universal adherence to the International Covenants on Human Rights;

10. Urges the Secretary-General, in conjunction with the World Public Information Campaign for Human Rights to publicize the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to ensure sufficient administrative and related support of their meetings and activities to enable them to carry out their respective functions effectively;

11. Encourages all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenants on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

12. Decides to include in the agenda of its first regular session of 1990 an item entitled "International Covenants on Human Rights" and to consider under that question the general comments adopted by the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights on its fourth session;

13. Also decides to transmit the report of the Committee on Economic, Social and Cultural Rights on its third session to the General Assembly at its forty-fourth session for consideration under the agenda item entitled "International Covenants on Human Rights".

#### DRAFT RESOLUTION X

##### Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1988/41 of 27 May 1988,



Having examined the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights 14/ and having considered the complaint by the Congress of South African Trade Unions against the South African régime concerning the infringement of the freedom of association, referred to the Economic and Social Council in accordance with its resolution 277 (X) of 17 February 1950 and contained in annex II of the note by the Secretary-General, 15/

Noting that the reply from the South African régime addressed to the Secretary-General and contained in annex III of the note by the Secretary-General pre-dates the enactment of the legislation which constitutes the subject of the complaint,

Gravely concerned at the further deterioration of the situation as a result of the enactment of new legislation placing drastic restrictions on the exercise of trade union rights,

Noting with indignation that dehumanizing conditions imposed on black workers by the Government of South Africa and police intervention in industrial disputes, including mass arrests, banning and harassment of trade unionists, continue,

Aware of the ever-growing importance of the role of the independent black trade union movement in the struggle against apartheid,

1. Takes note of the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights;
2. Condemns the increased repression of the independent black trade union movement by the Government of South Africa;
3. Demands once again that the persecution of trade unionists and repression of the independent black trade union movement cease;
4. Requests once again immediate recognition of the right of the entire population of South Africa to exercise freedom of association and to form and join trade unions without impediment or discrimination of any kind;
5. Demands the immediate unconditional release of all trade unionists imprisoned for exercising their legitimate trade union rights;
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 Economic and Social Council;

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14/ E/1989/53, annex.

15/ E/1989/49.

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;

8. Decides to consider at its first regular session of 1990 the question of allegations regarding infringements of trade union rights in South Africa as a sub-item of the item entitled "Human rights";

9. Requests the Secretary-General to persist in his efforts to ensure that the South African régime refer the complaint of the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation.

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

[For the texts of draft decisions I and II, see the report of the Commission on Human Rights (E/1989/20, chap. I, sect. B, draft decisions 1 and 2.)

#### DRAFT DECISION III

##### 3. Realization of economic, social and cultural rights

The Economic and Social Council, noting Commission on Human Rights resolutions 1989/12 and 1989/13 of 2 March 1989, endorses the Commission's request to the Secretary-General to provide the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk, with all the assistance he may require for the successful completion of the study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, in accordance with the guidelines contained in Sub-Commission resolution 1989/29.

[For the texts of draft decisions IV-XX, see the report of the Commission on Human Rights (E/1989/20), chap. I, sect. B, draft decisions 4-20.]

#### DRAFT DECISION XXI

##### 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 concerned about the protection of the human rights in Kampuchea, endorses Commission on Human Rights resolution 1989/20 of 6 March 1989 and 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, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987 and 1988/143 of 27 May 1988, which reiterate 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, 16/ 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, 39/5 of 30 October 1984, 40/7 of 5 November 1985, 41/6 of 21 October 1986, 42/3 of 14 October 1987 and 43/19 of 3 November 1988.

The Council, while taking note of the announcement of the Government of Viet Nam that it will withdraw all its occupying forces by September 1989, as well as the diplomatic activities and dialogue between the parties directly involved and other countries concerned, expresses its grave concern at the unresolved problem of the approximately 350,000 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. In this connection, the Council recalls the statements made by the Secretary-General on 27 December 1984 and 13 March 1985 in which, inter alia, he appealed to all concerned to avoid endangering the lives of those Kampuchean civilians and adding to the misery and deprivation that already afflicted those most unfortunate people.

The Council also expresses its grave concern at the continued violations of fundamental human rights, the principles of international law and the Charter of the United Nations by the foreign occupying forces in Kampuchea, particularly the shelling of Khmer civilian camps along the border.

The Council requests the Secretary-General to report to the Council any further violations of human rights and of humanitarian principles perpetrated against Kampuchean civilian refugees by the foreign occupying forces 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. 17/ The Council notes the visits undertaken by the Chairman and members of the Committee to a number of countries in 1988 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.

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16/ 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.

17/ See A/CONF.109/9, para. 7.