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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS THIRTY-SECOND SESSION

Geneva, 20 August - 7 September 1979

Rapporteur: Mr. Raúl Ferrero

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I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-second session at the United Nations Office at Geneva from 20 August to 7 September 1979.
2. The session was opened (828th meeting) by Mr. Abdelwahab Bouhdiba (Tunisia), Chairman of the Sub-Commission at its thirty-first session, who made a statement.
3. The Director of the Division of Human Rights made an introductory statement.

Attendance

4. The session was attended by members of the Sub-Commission, by observers from Member States, by a representative of the Office of the United Nations High Commissioner for Refugees, by a representative of the Commission on the Status of Women and by representatives of three specialized agencies, two regional intergovernmental organizations, a national liberation movement and non-governmental organizations. Details of attendance appear in annex I.
5. Some members informed the Secretary-General that they were unable to attend the whole or part of the session and, in accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates were therefore granted during the session the same status as members of the Sub-Commission, including the right to vote.

Election of officers

6. At its 828th meeting, the Sub-Commission unanimously elected the following officers:

| | |
|-----------------------|--|
| <u>Chairman:</u> | Mr. Yuli Bahnev |
| <u>Vice-Chairman:</u> | Mr. Abdullah El Khani Mr. Ibrahim Jimeta Mr. Benjamin Whitaker |
| <u>Rapporteur:</u> | Mr. Raúl Ferrero |

Agenda

7. At its 828th meeting the Sub-Commission unanimously adopted the following agenda:
 1. Election of officers
 2. Adoption of the agenda
 3. Review of further developments in fields with which the Sub-Commission has been concerned
 4. Measures to combat racism and racial discrimination and the role of the Sub-Commission

5. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa
6. 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
7. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)
8. Question of the human rights of persons subjected to any form of detention or imprisonment
9. The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights
10. Human rights and scientific and technological developments
11. Study of the problem of discrimination against indigenous populations
12. Exploitation of child labour
13. The New International Economic Order and the promotion of human rights
14. Rights of persons belonging to national, ethnic, religious and linguistic minorities
15. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-third session of the Sub-Commission
16. Report on the thirty-second session.

Organization of work

8. The Sub-Commission took up the items of its agenda in the following order: 3, 5, 13, 12, 4, 8, 11, 6, 7, 9, 10, 14, 15.

Meetings, resolutions and documentation

9. The Sub-Commission held 27 meetings (828th to 854th). The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/SR.828-854).

10. The Sub-Commission heard statements by observers from Argentina (840th and 841st meetings), Australia (843rd meeting), Colombia (836th meeting), Cyprus (829th meeting), the German Democratic Republic (838th and 844th meetings), Greece (829th meeting), Iraq (834th and 838th meetings), Israel (830th and

838th meetings); Netherlands (835th meeting), Norway (832nd meeting), Poland (836th meeting), Turkey (829th meeting), United Kingdom (832nd meeting), and the United States of America (838th meeting).

11. A statement was made by the representative of the Commission on the Status of Women (850th meeting).

12. Statements were made by the representative of the International Labour Organisation (830th, 832nd and 835th meetings) and the representative of the World Health Organization (850th meeting).

13. The Sub-Commission heard statements by the representatives of the following non-governmental organizations in consultative status:

category I: World Federation of United Nations Associations (835th meeting);

category II: Amnesty International (841st and 850th meetings), Anti-Slavery Society for the Protection of Human Rights (830th, 836th, 842nd and 844th meetings), International Association of Democratic Lawyers (838th meeting), International Commission of Jurists (840th and 844th meetings), International Federation of Human Rights (841st meeting), International League for Human Rights (841st and 844th meeting), International Movement for Fraternal Union among Races and Peoples (838th meeting), International Union for Child Welfare (830th and 836th meetings);

roster: Minority Rights Group (842nd and 844th meetings).

14. A statement was made by the representative of the Palestine Liberation Organization (830th meeting).

15. The Sub-Commission adopted resolutions 1 (XXXII) to 9 (XXXII) and took several decisions. The texts of these resolutions and decisions appear in chapter XVI below. The Sub-Commission also adopted a confidential resolution relating to agenda item 7.

16. Statements of the financial and administrative implications of resolutions 2A and B (XXXII), 3 (XXXII), 5B (XXXII), 7A (XXXII) and 8 (XXXII) and of decisions 3 and 4, prepared by the Secretary-General, are reproduced in annex II. Annex III contains a list of the documents submitted for the Sub-Commission's consideration.

II. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

17. The Sub-Commission considered agenda item 3 at its 829th, 830th, 851st and 852nd meetings, held on 21 August and 5 September 1979.

18. It had before it a note by the Secretary-General relating to developments between 16 May 1978 and 15 June 1979 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/421), a memorandum summarizing the recent activities of the International Labour Organisation in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/422 and Add.1, Corr.1 (English only), Corr.2 (Spanish only) and Corr.3 (Russian only)) and a memorandum summarizing the recent activities of UNESCO in combating discrimination in education and in the field of race relations (E/CN.4/Sub.2/423). It also had before it the Fifteenth Special Report of the Director-General on the Application of the Declaration concerning the Policy of Apartheid of the Republic of South Africa, prepared for the 65th session of the International Labour Conference, 1979.

19. Speakers noted the progress achieved in the human rights activities described in the above-mentioned documents, while observing also that much remained to be done. Satisfaction was expressed at the activities of the ILO and UNESCO relating to the prevention of discrimination and the protection of minorities. Attention was drawn to the low number of ratifications of the International Covenants on Human Rights and of the International Covenant on the Suppression and Punishment of the Crime of Apartheid during the past year. The importance of urging all States to consider ratification was recognized. One speaker raised the question of whether a State needs to meet all the relevant requirements prior to ratifying the International Covenants on Human Rights or whether ratification could occur as soon as possible and be followed by concerted efforts to meet the relevant requirements. The view was expressed that the latter course might be acceptable. Another speaker indicated that the approach of the Committee on the Elimination of Racial Discrimination was that ratification should not occur until appropriate legislation had been adopted.

20. Special appreciation was expressed for the work of the ILO in relation to its Fifteenth Special Report on Apartheid, its second mission to the occupied Arab territories and its activities in relation to migrant workers and for the work of UNESCO in the adoption of both the Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War and the Declaration on Race and Racial Prejudice. Attention was drawn to the reference in the latter declaration to the right of individuals and groups to be different. The view was expressed that it would be useful if the reports of the Specialized Agencies could be presented by their representatives who could also respond to questions. It was stated that a report by FAO on relevant activities would have been useful and it was proposed that the future reports of the Secretary-General under this item might include a short summary of the activities of the Human Rights Committee.

21. Members of the Sub-Commission noted the importance of measures to improve the situation and ensure the human rights and dignity of all migrant workers. All three of the organizations reporting to the Sub-Commission on the present item had programmes in this field. The view was expressed that greater consideration should be given to the problems of migrant workers in regions other than Western Europe, such as in North, Central and South America. Attention was also drawn to the plight of the children of migrant workers, who were often unable to fully enjoy their cultural heritage and were not completely accepted within their adopted societies.

22. The right of peoples to self-determination was noted and several speakers referred in this connexion to the importance of recognizing and promoting realization of the full rights of the Palestinian people. The role of the Palestine Liberation Organization (PLO) as the official representative of the Palestinian people was also noted. Regret was expressed that the study of the question of the prevention and punishment of the crime of genocide had not been published and one member of the Sub-Commission expressed the view that recent events in southern Lebanon constituted genocide. Several speakers referred to the importance of continued concern for the promotion of respect for human rights in Chile, including the question of disappeared persons.

23. Several references were made to the human rights situation in Cyprus. Members of the Sub-Commission emphasized the need to avoid recriminatory statements and to seek constructive and helpful approaches. It was pointed out to one observer that observers who participated in meetings of the Sub-Commission were obliged to respect the forms and procedures of the United Nations.

24. One speaker suggested that, in connexion with efforts to protect the human rights of persons subjected to any form of detention or imprisonment, the embryonic concept of an international habeas corpus or amparo could be developed by means of a convention. One of the objectives would be the creation of a basic international reporting system in respect of detained persons, to establish at least their whereabouts and the grounds for their detention. Suggestions were also made concerning the preparation of an international charter or convention on the independence of the judiciary, impartiality of jurors and assessors and the independence of lawyers and for the preparation of a report on the relationship between human rights and the new international economic order, to be followed by the drafting of a body of principles or a declaration on the subject.

25. On 28 August 1979 a draft resolution (E/CN.4/Sub.2/L.712) was submitted by Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mr. El Khani, Mr. Ferrero, Mr. Kelin, Mr. Khalifa, Mr. Sadi, Mr. Singhvi and Mrs. Warzazi. Mr. Pisek and Mr. Hashmi later became sponsors of the draft resolution. At the 851st meeting, the draft resolution was introduced by Mr. Chowdhury

26. Mrs. Warzazi proposed that observers and representatives of non-governmental organizations should not be allowed to speak during the adoption of resolutions. The proposal was adopted by 14 votes to 2, with 7 abstentions.

27. Mr. Whitaker submitted an oral amendment to operative paragraph 2 of the draft resolution.

28. The Sub-Commission decided by 13 votes to 3, with 5 abstentions to adjourn consideration of the draft resolution to the next meeting.

29. At the 852nd meeting, the amendment by Mr. Whitaker, as sub-amended, was adopted by 15 votes to 0, with 5 abstentions.

30. The text of the resolution, as amended, was adopted by 22 votes to 0, with no abstentions.

31. The text of the resolution as adopted appears in Chapter III, Section A, as resolution 1A (XXXII).

32. On 29 August 1979 a draft resolution (E/CN.4/Sub.2/L.716) was submitted by Mr. Ferrero, Mr. Khalifa and Mrs. Questiaux. Mr. Jimeta later became sponsor of the draft resolution. At the 851st meeting the draft resolution was introduced by Mrs. Questiaux. Mr. Kelin requested the deletion of part of operative paragraph 3

beginning with the words "and, if necessary". Mr. Singhvi requested the deletion of the whole of operative paragraph 3. The proposal of Mr. Singhvi was rejected by 9 votes to 9, with 4 abstentions. The proposal by Mr. Kelin was rejected by 8 votes to 9, with 4 abstentions.

33. The text of the resolution as amended was adopted by 17 votes to 2, with 3 abstentions.

34. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 1B (XXXII).

35. At its 852nd meeting the Sub-Commission decided to recall its resolution 8 (XXXI), to request the Secretary-General to provide a report to the Sub-Commission concerning the implementation of the aforesaid resolution, and to defer the question of the consideration of the said sub-item until its next session (see Chapter XVI, section B, decision 2).

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

36. The Sub-Commission considered agenda item 5 at its 831st, 832nd and 852nd meetings, held on 22 August and 5 September 1979.

37. It had before it the final report prepared by Mr. Ahmed Khalifa, Special Rapporteur (E/CN.4/Sub.2/425 and Add.1-3).

38. In introducing the report the Special Rapporteur referred to his study contained in document E/CN.4/Sub.2/383/Rev.1, and said that the latter verified the assumption that assistance given to the colonial and racist régimes in southern Africa adversely affect the human rights and fundamental freedoms of the oppressed peoples there. It had been only logical to append to this study a list identifying banks, firms and other organizations which give assistance to the colonial and racist régimes in southern Africa. The list contained in document E/CN.4/Sub.2/425 was a compilation of indices of guilt. It was an international warning and should influence world mass media to unmask the hidden support of apartheid. Listing of people had always been more disturbing than mere facts and usually motivated a reaction such as an attempt to justify or rectify a situation. It was necessary to join the forces with other United Nations bodies to complete the present list. The Special Rapporteur expressed the view that the list should be permanently up-dated, as changes requiring additions or deletions are constantly happening. Therefore he presumed that his task had come to an end with the present compilation of several hundred cases, and he requested the Sub-Commission to relieve him of his task as Special Rapporteur and therefore of his duty to report again to the Sub-Commission. He suggested that the report be transmitted to the Commission to act upon it, and that he would follow the usual practices whenever his report was discussed. 1/

39. All speakers thanked Mr. Khalifa for his final report. Most congratulated him for the excellent quality of his valuable work and pointed out that he had prepared the report in accordance with the guidance of the Sub-Commission and the Commission on Human Rights. It was stated that the Special Rapporteur had fulfilled his difficult mandate.

40. Various speakers stated that any assistance provided to the racist régimes in southern Africa kept them intact and therefore resulted in adverse consequences for human rights in general. It was quite clear that progress could be achieved only if governments of countries where banks, firms and other organizations provided assistance of any kind to the racist régimes put a stop to such activities. If the Sub-Commission did not put pressure on governments to take strong measures vis-à-vis the firms mentioned in the list, the efforts spent on the report would be wasted. It was said that the list provided in the report was tantamount to prima facie evidence of guilt of the countries in question and they would have to demonstrate that they were not guilty of providing assistance to the racist South African régimes.

1/ A fuller summary of the Special Rapporteur's statement appears in document E/CN.4/Sub.2/SR.831.

41. Other speakers said that the mere presence of a company or a diplomatic mission in southern Africa did not constitute assistance to the colonial and racist régimes. Some companies were actually trying to bring about changes in that part of the world, and to brand them as collaborators was a fundamental error. The view was expressed that the existence of relations with a certain country, be they diplomatic, political or trade relations, did not constitute ipso facto assistance to a country or its ruling régime.

42. Some speakers stressed that according to press reports, a number of countries, in particular Israel, were giving direct military aid to the racist régimes in southern Africa. It could be said that they helped to create a nuclear arsenal in that part of the world.

43. Several speakers maintained that other countries were not included in the list which had trade or other relations with South Africa.

44. Various speakers regretted that few governments had responded to the Secretary-General's request made in accordance with Sub-Commission resolution 2 (XXXI), for comments on those parts of the list which related to them.

45. The most encouraging reply was that from Denmark. In this connexion, the Observer of Norway said that the Danish reply provided information on the joint nordic programme of action adopted in March 1978 by the Governments of the Nordic States. Some speakers noted that the new Government of Iran, as well as Sweden and other States, had taken positive steps towards ending all co-operation with the régimes of southern Africa.

46. Most speakers suggested that the list prepared by Mr. Khalifa should be given the widest possible publicity. It was also suggested by some speakers that there be established a working group which would elaborate a system of sanctions to be applied to States whose firms, banks and public organizations were giving political, economic, military and other assistance to the racist régimes in southern Africa.

47. In his final observations, the Special Rapporteur expressed his appreciation of the encouragement and support he had received. A number of speakers had commented that the absence of names from certain other countries gave the list an appearance of being unbalanced. However, he could not invent cases in order to create the impression of impartiality. He would be happy if information on firms in other parts of the world could be provided. After investigation, he would put them on the list. He endorsed the suggestion that the revised report should be appended to the original report (E/CN.4/Sub.2/383/Rev.1) and he was prepared to write a general introduction to the list.

48. On 29 August 1979 a draft resolution (E/CN.4/Sub.2/L.715) was submitted by Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Sadi, Mr. Singhvi and Mrs. Warzazi. Mr. Jimota later became sponsor of the draft resolution. At the 352nd meeting the draft resolution was introduced by Mr. Bouhdiba.

49. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

50. The text of the resolution as amended was adopted without a vote.

51. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 3 (XXXII).

IV. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

52. The Sub-Commission considered agenda item 13 at its 832nd to 835th and 853rd meetings held on 22, 23 and 24 August and 5 September 1979.

53. In accordance with Commission on Human Rights resolution 4 (XXXV) of 2 March 1979, the Sub-Commission had before it a report by the Secretary-General on the international dimensions of the right to development (E/CN.4/1334), some relevant General Assembly resolutions (as reproduced in A/AC.196/L.2) and a report by UNESCO on an "expert meeting on human rights, human needs and the establishment of a New International Economic Order" (UNESCO document SS.78/CONF.630/12).

54. Many members of the Sub-Commission observed that the relationship between the establishment of a new international economic order and the promotion of human rights was one of the most complex, important and wide-ranging issues before the Sub-Commission. The consideration of this issue was said to be particularly timely in view of the General Assembly's decision in resolution 32/174 to convene a special session of the Assembly in 1980 to assess the progress made in the establishment of a new international economic order. Reference was made to paragraph 1 (f) of resolution 32/130 in which the General Assembly decided that the approach to the future work within the United Nations system with respect to human rights should take into account the principle that "the realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority". Decision 1979/30 of the Economic and Social Council to hold a seminar in 1980, within the framework of the advisory services programme on the new international economic order and human rights was also noted.

55. Several speakers recalled that the importance of promoting respect for human rights in the context of development programmes had been affirmed in a number of United Nations instruments. Specific reference was made to Chapters I and II of the Charter of Economic Rights and Duties of States (General Assembly resolution 3281 (XXIX)) and to article 2 of the Declaration on Social Progress and Development (General Assembly resolution 2542 (XXIV)). Reference was also made to article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights.

56. Most speakers noted that the concept of development extended beyond economic growth and encompassed the satisfaction of both material and non-material needs including full respect for human rights. One speaker stated that the reconciliation of economic, social and cultural rights objectives on the one hand with civil and political rights objectives on the other hand was the major challenge facing the United Nations not only in its human rights endeavours but in all its work. It was said that the two sets of rights are interdependent and indivisible. This was shown by the fact that economic and social development is impeded by the absence of civil and political rights in some countries. It was also said that many of the victims of civil and political rights violations were those working to promote the realization of economic, social and cultural rights by deprived groups.

57. Several members of the Sub-Commission spoke of the vital importance of disarmament as a prerequisite for full realization of the right to development. In this connexion it was said that a 10 per cent reduction in world spending on armaments would release resources which could be devoted to economic and social development.

58. It was said that, in terms of traditional classifications of human rights, civil and political rights may be considered as belonging to a first generation of rights which are internationally protected, and social, economic and cultural rights belong to a second generation. It could be said that solidarity rights, relating to such all-embracing objectives as development, environmental well-being, peace, and the need for a new international economic order, belong to a third generation of human rights for which appropriate analytical tools and machinery for implementation have yet to be elaborated.

59. The view was expressed that relatively little progress had been made in establishing a new international economic order. It was said that the gap between the developed and developing countries was growing larger. One speaker stated that the objectives of the new international economic order implied a radical criticism of the existing system's goals and the means used to attain them. The same speaker described the "challenge of universalism" which was said to require the mobilization of potentially contradictory forces behind an approach of solidarity in the quest for a new order.

60. Several speakers expressed their appreciation of the report of the Secretary-General (E/CN.4/1334). One speaker noted the need to move away from universal analyses to more precise and rigorous analysis of specific issues. In this regard he proposed that greater precision of meaning be given to the right to development through a systematic analysis of existing legal norms, that more empirical, sectoral research be undertaken to facilitate implementation of the right to development, and that strategies for promotion of the right to development should be considered at all levels ranging from the global level to that of the individual. With regard to the right to development several speakers expressed the view that it was a right of individuals as well as of States and other entities. However, one speaker considered that the right could only be characterized as one attaching to groups and not to individuals.

61. It was stated that the dichotomy between the international economic order on the one hand and the international political, social and cultural orders on the other hand was a false one. All these matters must together form part of an integrated approach to development. One of the Sub-Commission's tasks was to consider what should be the jural postulates of international public order. These postulates should reflect the inter-relationship between human rights, human needs and human values as pointed out in the report by UNESCO. It was said that the frontiers of development are strewn with potential hazards for the enjoyment of human rights and that it was necessary to examine the de facto as well as theoretical problems that arose in this context. The need to establish operative linkages between development strategies and human rights objectives was noted. The view was expressed that an international public order was needed which would encompass economic and legal concepts that were in accordance with the aim of eliminating existing disparities. Such an order would include some regulatory mechanism to ensure that transnational corporations contributed to realization of the right to development. It was suggested that consideration be given to a system of international registration of all economic assistance projects, including both publicly and privately financed projects, with a view to promoting greater public accountability. A "human rights audit" to monitor all development assistance investments and a world development tax were also proposed.

62. Suggestions were also made that the summary records of the debate in the Sub-Commission and any resolutions adopted in connexion with this item should be forwarded to the Commission on Human Rights with a request that they be among the materials transmitted through the Economic and Social Council to the General Assembly

at its special session in 1980. Most speakers agreed with a suggestion to authorize one or more members of the Sub-Commission to attend the seminar on human rights and the new international economic order to be held in 1980 in order to present the views of the Sub-Commission as expressed at its thirty-second session.

63. Several members suggested that it would be useful to appoint a special rapporteur to prepare a study on those aspects of the relationship between the establishment of a new international economic order and the promotion and protection of human rights which have not yet already been sufficiently studied or are in the process of being properly elaborated within the United Nations system. One member maintained that it would be premature at that stage to appoint a special rapporteur and that it would be preferable to better define the issues before taking such action.

64. On 27 August 1979 a draft resolution (E/CN.4/Sub.2/L.710) was submitted by Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Holguín Holguín and Mr. Whitaker. Mr. Amadeo, Mr. Bouhdiba, Mr. Jimeta, Mr. Kelin, Mr. Martínez Baez, Mr. Martínez Cobo and Mr. Sadi later became sponsors of the draft resolution. At the 853rd meeting the draft resolution was introduced by Mrs. Daes.

65. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

66. On 31 August 1979 an amendment to this draft resolution (E/CN.4/Sub.2/L.719/Rev.1) was submitted by Mr. Sadi. At the 853rd meeting the amendment was introduced by Mr. Sadi. A sub-amendment was accepted by Mr. Sadi and his amendment was accepted by the sponsors of the draft resolution.

67. The text of the resolution as amended was adopted without a vote.

68. The text of the resolution as adopted appears in Chapter XVI, section A, as resolution 8 (XXXII).

V. EXPLOITATION OF CHILD LABOUR

69. The Sub-Commission considered agenda item 12 at its 835th, 836th and 853rd meetings, held on 24 August and 5 September 1979.

70. Pursuant to paragraph 12 of Sub-Commission resolution 6 B (XXXI), the Secretary-General had prepared a report on the question which was circulated both to the Working Group on Slavery at its fifth session, and to the Sub-Commission (E/CN.4/Sub.2/AC.229 -- E/CN.4/Sub.2/433). In addition, the Sub-Commission had before it relevant documentation supplied by the International Labour Office and a number of country monographs prepared by the Anti-Slavery Society for the Protection of Human Rights, which had also been submitted to the Working Group on Slavery.

71. The Sub-Commission heard a statement by a representative of the International Labour Organisation. He indicated that the main objective of ILO policy was the total abolition of child labour in the long run. At the same time, the ILO had adopted a number of measures to protect working children in the short run. He gave an account of the standard-setting, technical assistance and research activities of the ILO. He pointed out that one of the main causes of the exploitation of child labour was the underdevelopment of the countries concerned, which explained the extreme poverty of the family and the fact that the child was forced to work to contribute to the family's income. Among other causes identified by the ILO were the lack of educational facilities, the insufficient enforcement of relevant legislation, and the ignorance and indifference of public opinion.

72. In the debate, several speakers pointed out that many developing countries encountered serious difficulties in enacting and enforcing adequate legislation. They stated that poverty and hunger, lack of health care and of educational facilities deprived hundreds of millions of children throughout the world of the full enjoyment of their rights. This situation could not be corrected without the establishment of a more just international order. Moreover, millions of children were still the victims of racism and apartheid, which resulted in particularly vicious forms of exploitation.

73. Many speakers emphasized the need to draw a distinction between work performed by children as a contribution to the work of the family unit, particularly in rural areas, and the exploitation of child labour for private profit. They pointed out that in the first instance, children were usually working under the supervision of their parents or other family members and were assigned tasks compatible with their physical and mental development. Such work was not incompatible with schooling or other training, and gave the children a feeling of self-reliance and of being useful to their community. In some countries, work was part of the physical and technical training of children.

74. These speakers emphasized that what should be of concern to the Sub-Commission was the question of the exploitation of children in all its forms, whether in industry, handicraft, agriculture, the street trades, or through prostitution, sale for adoption, or otherwise. A number of speakers referred to research done by some non-governmental organizations and submitted to the Working Group on Slavery at its fifth and previous sessions. Representatives of these non-governmental organizations also reported to the Sub-Commission on some of their findings.

75. It was pointed out by a number of speakers that the question of the exploitation of child labour clearly fell within the area of competence of the Sub-Commission, since general prohibitions of such exploitation were contained in the Covenant on Economic, Social and Cultural Rights and the Declaration on the Rights of the Child, and in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery when exploitation resulted from the transfer of the child to a third person. They expressed the view that the Sub-Commission could make a substantial contribution to the International Year of the Child by using its particular expertise to study the question in all its aspects, juridical, economic, social, cultural, psychological.

76. Several speakers expressed the view that such a study should be carried out by a Special Rapporteur with the co-operation of the relevant agencies of the United Nations, and the non-governmental organizations concerned.

77. It was also suggested by one member that the Sub-Commission should inscribe the question of the exploitation of child labour as a permanent item on its agenda, and request the Working Group on Slavery to report annually to the Sub-Commission on this issue. The same member recommended that the Sub-Commission consider the possibility of promoting information campaigns, in co-operation with the relevant agencies, in countries where exploitation of child labour exists, in order to inform families of the rights of children under national legislation and international instruments and to create public awareness of the problem. She further suggested that the Sub-Commission appeal to all Governments to enact and enforce appropriate legislation to protect working children. In her view, co-operation should be established with the relevant specialized agencies, the High Commissioner for Refugees and the Red Cross to eliminate the exploitation of child labour and the sale of children.

78. In the view of another member, existing international instruments elaborated by either the United Nations or the ILO covered only some aspects of the problem; moreover, few countries had ratified these instruments. He believed that there was a need for a more general instrument which would not require ratification, such as an international declaration covering all aspects of the questions of the exploitation of child labour and of the protection of working children. In his view, such a declaration should be drafted under the sponsorship of the United Nations, since the problem with which the declaration would deal embraced various aspects, not all of which were within the competence of the ILO.

79. The Chairman of the Working Group on Slavery drew the attention of the Sub-Commission to reports on the exploitation of child labour in several countries submitted by non-governmental organizations to the Working Group at its fifth session, which had just ended. He expressed regret that, due to a 1976 decision to review the slavery item biennially, the Sub-Commission would not see the report of the Group until the thirty-third session. In his view, the activity of the Working Group would have a meaning only if effective measures could be taken by the Sub-Commission without delay. He therefore urged the Sub-Commission to reconsider its decision.

80. On 27 August 1979 a draft resolution (E/CN.4/Sub.2/L.711) was submitted by Mr. Carter, Mr. Khalifa, Mr. Martínez Baez, Mr. Martínez Cobo and Mrs. Warzazi. Mr. Ceausu, Mr. El Khani, Mr. Fisek and Mr. Jimeta later became sponsors of the draft resolution. At the 853rd meeting the draft resolution was introduced by Mr. Martínez Cobo.
81. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.
82. The text of the resolution as amended was adopted without a vote.
83. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 7 A (XXXII).
84. On 29 August 1979 a draft resolution (E/CN.4/Sub.2/L.717) was submitted by Mr. Chowdhury, Mrs. Daes and Mr. Whitaker. Mrs. Warzazi later became a sponsor of the draft resolution. At the 853rd meeting the draft was introduced by Mrs. Daes.
85. The text of the resolution as amended was adopted without a vote.
86. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 7 B (XXXII).

VI. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

87. The Sub-Commission considered agenda item 4 at its 857th, 858th and 852nd meetings held on 27 August and 5 September 1979.

88. The Sub-Commission had before it the following documents: the report of the Working Group of the Sub-Commission established in accordance with resolution 1 (XXXI) of the Sub-Commission and decision 1979/31 of the Economic and Social Council (E/CN.4/Sub.2/424), the preliminary document submitted by the Secretary-General under paragraph 2 of the Sub-Commission resolution 3 (XXX) (E/CN.4/Sub.2/L.679), the preliminary document submitted by the Secretary-General under paragraph 3 of the Sub-Commission resolution 3 (XXX) (E/CN.4/Sub.2/L.630), the report of the Secretary-General prepared in accordance with General Assembly resolutions 33/59 and 33/100 (E/1979/15 and Add.1) and the report of the World Conference to Combat Racism and Racial Discrimination (Geneva, 14-25 August 1978) (A/CONF.92/40).

89. At the 857th meeting the Chairman-Rapporteur of the Working Group of the Sub-Commission, Mr. Ahmed Khalifa, introduced the report of the Working Group (E/CN.4/Sub.2/424). He noted that there was no harm in the Sub-Commission's acting on this item within its sphere of competence, notwithstanding the recommendations which would be adopted by the thirty-fourth session of the General Assembly in relation to a tentative five-year programme of activities which could be undertaken during the second half of the Decade (E/1979/15 and Add.1). He emphasized however the importance of co-ordination and co-operation within the United Nations system concerning combating racism and racial discrimination. The title of the proposed study on situations leading to racism (E/CN.4/Sub.2/424, para. 4 A (iii)) might be reformulated to reflect the social, economic and cultural factors underlying such situations. 2/

90. The recommendations of the Working Group were as follows:

"A. Studies

The Working Group recommends that the following studies be included in the work programme of the Sub-Commission for the remaining period of the Decade.

- (i) Discriminatory treatment of racial groups at the various levels in the administration of criminal justice, such as police and/or judicial investigations, arrest, detention, trial and execution of sentences.
- (ii) Recourse procedures available to victims of racial discrimination.

2/ A fuller account of the statement of the Chairman-Rapporteur of the Working Group may be found in document E/CN.4/Sub.2/SR.837.

- (iii) The kinds of situations that lead to racism including a survey on the increase or decline of racism and racial discrimination.

B. Reports

The Working Group recommends to the Sub-Commission that it considers as a matter of priority, as part of its work programme for the remaining period of the Decade, the two preliminary reports prepared by the Secretariat in response to its resolution 3 (XXX), operative paragraphs 2 and 3 (E/CN.4/Sub.2/L.679 and E/CN.4/Sub.2/L.680) with a view to formulating concrete suggestions as regards actions which could be undertaken by Governments and private organizations.

C. Other activities

- (i) The Working Group recommends that as part of its contribution to the activities for the Decade, the Sub-Commission should embark on a programme of disseminating information derived from its reports and studies, in simplified form, in order to familiarize the general public with facts in the field of racism and racial discrimination.
- (ii) The Working Group recommends that the Sub-Commission be represented, whenever possible, at seminars, conferences, meetings, work-shops, round-tables, etc., organized within the context of the Decade by the United Nations, specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council.
- (iii) The Working Group stressed the importance of co-ordination and co-operation within the United Nations system in dealing with the various aspects of racial discrimination. In this connexion, it is recommended that close links be maintained respectively with UNESCO on matters relating to education and mass media and with ILO with regard to the question of labour and migrant workers.
- (iv) The Working Group recommends that the Sub-Commission be regularly informed with respect to action by governments and private groups in combating racism and racial discrimination."

91. All speakers paid tribute to the Chairman-Rapporteur and the members of the Working Group and supported in general the recommendations contained in the report.

92. The view was expressed that racism and racial discrimination existed in many parts of the world and took various forms, the crudest of which was apartheid in southern Africa. Some speakers referred to situations of double discrimination against women on the basis of sex and race. The Sub-Commission, it was said, should follow certain situations closely since they would justify a serious study by the Sub-Commission if they persisted. Speakers referred to racial discriminatory practices in the southern part of Africa, the Middle East, Europe and North America. Zionism as practised against the Palestinian people and in the occupied Arab territories was cited by some speakers as a form of racism and racial discrimination.

93. Some members expressed approval of the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination (Geneva, 14-25 August 1978) and United Nations resolutions condemning racism, racial discrimination and apartheid. However these members noted that concerted efforts and vigorous action should be undertaken to motivate political will and to ensure the implementation of such instruments because of the persistence of apartheid and racial discrimination which constitute a violation of human rights and a threat to peace and security.

94. Speakers pointed, in particular, to the following ways and means to ensure efficiency in combating racism and racial discrimination:

(a) dealing with the root causes of racism and racial discrimination and the adoption of action-oriented measures to combat them;

(b) the enacting of specific legislation against racial discrimination;

(c) the ensuring of adequate recourse procedures and remedies to victims of racial discrimination;

(d) the use of education and culture and the dissemination of information;

(e) benefiting from various national experiences in combating racial discrimination;

(f) cessation of all collaboration with South Africa and refraining from any relations with the authorities in the bantustans established by the apartheid régime, and further concerted action by governments, United Nations system, intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council in support of peoples struggling against racial discrimination.

95. Speakers suggested that the following aspects be taken into consideration in deciding upon the proposed studies: 3/

(a) studies and reports usually are carried out at a slow pace and thus are out of date on publication, and they fail to reach the general public quickly; such faults should be remedied;

(b) the proposed study of situations that lead to racism should examine the objective conditions, be they demographic, economic, physiological, sociological, cultural or political which underlie such situations. However, before embarking on such a study the Sub-Commission should be acquainted with studies undertaken by UNESCO in this regard;

3/ The proposed studies referred to in subparagraphs (b), (d), (e), (f) and (h) are referred to in paragraph 4.A. of the report of the Working Group (E/CN.4/Sub.2/424).

(c) the difficulty of devising a barometer to measure the increase or decline of racial discrimination could perhaps be offset by keeping abreast with the findings of social sciences related to racism and racial discrimination. It was stated also that studies and resolutions should adequately reflect such findings;

(d) the titles of the proposed studies on recourse procedures and situations leading to racism should be reformulated to read as follows:

(i) the kinds of situations conducive to racism and recourse procedures available to victims of racial discrimination;

(ii) the kinds of situations that lead to racism and difficulties of eradicating racism, racial discrimination and segregation, including a survey on the increase or decline of racism and racial discrimination;

(e) the proposed study on discriminatory treatment of racial groups should cover discriminatory treatment against individuals belonging to ethnic, religious and linguistic groups;

(f) the proposed study of situations leading to racism calls for country monographs and research into situations in Member States of the United Nations and therefore may give rise to dispute as to whether racial discrimination exists or not in the countries concerned;

(g) the summary records of the Committee on the Elimination of Racial Discrimination should be examined fully in preparing the proposed studies;

(h) the proposed study of situations leading to racism should stress the similarities rather than exaggerating the differences between various racial groups. Such a study should be specific, action-oriented, and undertaken in collaboration with the Committee on the Elimination of Racial Discrimination. The title of this study should also be reformulated to read as follows: "the kinds of ideologies or beliefs which constitute or lead to racism";

(i) previous studies should be made use of in the preparation of new studies, or be updated; in this regard reference was made to the study of equality in the administration of justice, the study on racial discrimination, the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa and the study on the rights of persons belonging to ethnic, religious and linguistic minorities;

(j) the Sub-Commission should bear in mind the resources available to the Division of Human Rights in recommending new studies and reports which would entail an extra burden on the limited resources available to the Division.

96. The following topics were suggested for new studies:

(a) discrimination and the socio-economic situation, including employment and education among non-privileged population groups;

(b) deliberate dissemination of racial prejudices and pseudo-scientific race theories through the mass media;

(c) zionism in its discriminatory practices against the people of Palestine and in the occupied Arab territories;

(d) the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. However, it was stated that such study could not be carried out independently of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and that it might be appropriate to entrust it to a member of the Committee on the Elimination of Racial Discrimination.

97. Some members referred to the two preliminary reports prepared by the Secretary-General in response to Sub-Commission resolution 3 (XXX), operative paragraphs 2 and 3 (E/CN.4/Sub.2/L.679 and E/CN.4/Sub.2/L.680). The view was expressed that in future work on the subject-matter of these reports emphasis should be put on the evaluation of available information and the results of action taken by governments and non-governmental organizations in combating racial discrimination. One member suggested that the Sub-Commission might draw up an index of reports, studies and other documents which have been undertaken in the field of combating racism and racial discrimination so as to form a sort of a data bank which could be used by governments, individuals, governmental and non-governmental organizations.

98. Apart from ideas and proposals related to studies and reports, the following points were raised in relation to other activities which could be undertaken by the Sub-Commission:

(a) several speakers emphasized the importance of close co-operation with UNESCO, ILO and the Committee on the Elimination of Racial Discrimination. One member emphasized that the reports of that committee provide a solid basis for discussing various problems of racial discrimination;

(b) it was stated that the representation of the Sub-Commission in other meetings held within the framework of the Decade is essential in order to follow up other bodies' activities in combating racial discrimination, to contribute to the work of their meetings, and to inform them about the activities of the Sub-Commission. Some members referred to the advisability of the participation of the members of the Sub-Commission in meetings of private organizations of recognized scientific status and moral integrity, in order to contribute to informing public opinion of the seriousness of the problems of racial discrimination in many parts of the world;

(c) speakers agreed that popularization of the activities of the Sub-Commission is needed to ensure that the information contained in its studies and reports reaches the public for which it was intended. Some members noted, however, that in this regard an appropriate selection of studies and reports would have to be made and financial implications as well as resources available to the Division of Human Rights should be taken into consideration;

(d) one member proposed that, in addition to the Sub-Commission, the Commission on Human Rights should be informed regularly of activities by governmental and private groups to combat racism and racial discrimination.

99. Several members of the Sub-Commission referred to the need for the publication and wide dissemination of the studies on genocide and migrant workers prepared by Mr. Ruhashyankiko and Mrs. Warzazi.

100. On 28 August 1979 a draft resolution (E/CN.4/Sub.2/L.713) was submitted by Mr. Bouhdiba, Mr. Ferrero and Mr. Fisek. Mr. Amadeo, Mrs. Daes and Mr. El Khani later became sponsors of this draft resolution. At the 352nd meeting, the draft resolution was introduced by Mr. Bouhdiba.

101. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

102. On 30 August 1979 an amendment to the draft resolution (E/CN.4/Sub.2/L.721) was submitted by Mr. Sadi. At the 352nd meeting the amendment was introduced by Mr. Sadi. It was accepted by the sponsors of the draft resolution.

103. The draft resolution as amended was adopted without a vote.

104. The text of the resolution as adopted appears in Chapter XVI, Section A as resolution 2 A (XXXII).

105. On 29 August 1979 a draft resolution (E/CN.4/Sub.2/L.718) was submitted by Mr. Bouhdiba, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Jimeta, Mr. Khalifa and Mrs. Warzazi. At the 352nd meeting the draft resolution was introduced by Mrs. Daes.

106. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

107. Oral amendments to operative paragraph 1 (a) of the draft resolution were adopted by 13 votes to 0, with 5 abstentions. It was also decided that operative paragraph 1 of E/CN.4/Sub.2/L.713 should be amended accordingly.

108. The text of the resolution as amended was adopted without a vote.

109. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 2 B (XXXII).

110. At the 352nd meeting the Sub-Commission decided to authorize the outgoing Chairman to decide on the representation of the Sub-Commission in the meetings referred to in paragraph 3 of resolution 2 B (XXXII) (see chap. XVI, section B, decision 8).

VII. QUESTION OF THE HUMAN RIGHTS OF PERSONS
SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

111. The Sub-Commission considered agenda item 8 at its 839th to 841st meetings and at its 852nd meeting on 28 and 29 August 1979 and 5 September 1979.

112. The Sub-Commission had before it a preliminary study prepared by the Secretary-General under Sub-Commission resolution 5 E (XXXI), (E/CN.4/Sub.2/428); information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, concerning General Assembly resolution 33/173 and Economic and Social Council resolution 1979/38, (E/CN.4/Sub.2/429 and Add.1); information received from Governments, specialized agencies and regional intergovernmental organizations, submitted by the Secretary-General under resolutions 7 (XXVII), 4 (XXVIII) and 3 A (XXIX), (E/CN.4/Sub.2/430 and Add.1); a synopsis, prepared by the Secretariat, of the material received from non-governmental organizations under the same resolutions, (E/CN.4/Sub.2/431); information previously received under the same resolutions and under resolution 8 (XXX), submitted in accordance with Human Rights Commission resolution 17 (XXXV), (E/CN.4/Sub.2/407 and Add. 1-2, 408 and 409); information provided by Member States in response to a questionnaire on torture, submitted under General Assembly resolutions 32/63 and 33/178, (A/33/196 and addenda); and the relevant summary records of the Economic and Social Council submitted according to Council decision 1979/43, (E/1979/SR.15 and E/1979/C/SR.18-25).

Annual review of developments concerning the human rights of
persons subjected to any form of detention or imprisonment

113. Several speakers stressed the importance of the annual review under resolution 7 (XXVII) of the Sub-Commission, which should enable the Sub-Commission to identify the main types of problems concerning the human rights of detained persons and to develop public awareness of violations in this field. In order to reach this goal, the consideration of these problems had been to some extent removed from the scope of the entirely confidential procedure of ECOSOC resolution 1503 (XLVII).

114. Many speakers expressed their appreciation for the information provided by governments and non-governmental organizations and for the documentation prepared by the Secretariat. It was felt, however, that the information received from governments was valuable but consisted too often only of texts of laws. The Sub-Commission should consider not only texts, but also concrete problems of implementation. In this respect the information received from non-governmental organizations was generally regarded as a useful complement. The wish was expressed by some members, however, that the material received from these organizations be more comprehensive as to the countries and the types of violations referred to.

115. The synopses of non-governmental organizations' information prepared by the Secretariat were extensively commented upon, particularly concerning arbitrary arrests, the lack of effectiveness of remedies such as amparo and habeas corpus under situations of emergency, detention "incommunicado", detention without trial, clandestine detention camps, death squads and other illegal activities of security police, disappearances of persons, torture and other forms of cruel, inhuman and degrading treatment or punishment, summary executions, and violation of the human rights of persons detained under a state of siege or emergency.

116. During the debate several speakers referred to specific countries. Some members suggested that the Sub-Commission should discontinue the current practice of not citing the names of the countries where human rights were said to be consistently violated, in order to allow the governments concerned to answer such allegations.

117. One member felt that, in the future, the Sub-Commission might have to consider enforcement measures, such as the sanctions imposed in connexion with apartheid, for grave violations of human rights such as torture. One speaker suggested that the Secretariat should maintain a register of those alleged to be responsible for gross violations of the human rights of detained persons in any part of the world.

118. Another suggestion was to create an information and documentation centre which would ask governments for information on the number and nature of detentions and inquire into allegations of violations of the human rights of detained persons.

119. Several members regretted, however, that the Sub-Commission had not so far been enabled by higher bodies to establish a fully effective machinery to deal with the information submitted to it under resolution 7 (XXVII). Despite the fact that the situation constantly deteriorated, as reflected in the synopses, Sub-Commission resolutions 3 A (XXIX) and 5 B (XXXI), requesting authorization to appoint a working group to analyse the material received and to prepare the annual review, had not been acted upon by the Commission on Human Rights nor by the Economic and Social Council. Considering the gravity and the urgency of the question, some members suggested that this request to the Commission be renewed.

Study on the independence and impartiality of the judiciary,
jurors and assessors and the independence of lawyers

120. Most of the speakers expressed their appreciation for the preliminary study prepared by the Secretariat on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/428). References were also made to the valuable study of Mr. Abu Rannat on equality in the administration of justice and to the draft principles relating thereto adopted by the Sub-Commission in resolution 3 (XXIII).

121. Information received from governments showed that guarantees for the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers were generally provided for by law. The Sub-Commission should concentrate its study on determining whether or to what extent these legal provisions were implemented, reinforcing the level of independence and impartiality achieved and preventing any possible degradation. Some speakers drew special attention to systems of election or co-option of the judiciary.

122. Several speakers suggested that this question be considered as a separate item and that a special rapporteur be appointed to report thereon at the next session of the Sub-Commission.

123. Some members expressed the hope that, on the basis of this report, the Sub-Commission would be able to build a body of norms elaborating upon article 10 of the Universal Declaration on Human Rights and article 14 of the Covenant on Civil and Political Rights.

Disappeared persons

124. The Sub-Commission expressed its deep concern over reports from various parts of the world relating to enforced or involuntary disappearances of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations, often while such persons are subject to detention or imprisonment, as well as of unlawful actions or widespread violence.

125. All speakers strongly condemned the use of involuntary disappearances of persons especially as a method of political intimidation. They agreed that governments should be requested to use all means at their disposal to search for disappeared persons and to prevent new disappearances. Attention was drawn to the deep anguish and the heavy material burden experienced by the families and friends of persons who had disappeared.

126. It was generally agreed that, according to operative paragraph 2 of Economic and Social Council resolution 1979/38, the task of the Sub-Commission under item 8 was to consider the question of enforced or involuntary disappearances of persons with a view to making general recommendations to the Commission on Human Rights at its thirty-sixth session. In connexion with operative paragraph 3 of the same resolution, it was stated that the consideration of communications on disappeared persons under the relevant resolutions was to be dealt with under item 7.

127. Some speakers felt that the Sub-Commission was not entitled, under these directives, to discuss publicly specific allegations or, at least, that clarification should be sought on this issue from the Commission on Human Rights and the Council.

128. However, it was felt by many members of the Sub-Commission that recommendations could not be formulated in abstracto. In their view, the Sub-Commission was entitled to discuss the specific facts and allegations brought to its attention, with a view to reaching meaningful recommendations. The character of urgency expressed in General Assembly resolution 33/173 was evoked. If members of the Sub-Commission had any information on the whereabouts of any disappeared person, their duty would be to reveal this information to the Sub-Commission or the Commission on Human Rights, notwithstanding any principle of confidentiality. Some speakers mentioned information transmitted directly to them, in particular lists of thousands of names of persons alleged to have disappeared.

129. The opinion was expressed that it should not be assumed that only governments or public agencies were guilty of such acts. It was said that many non-governmental political groups were also responsible for the disappearances of their enemies.

130. Some speakers suggested that the Commission on Human Rights be asked to appoint a group of experts to deal with the problem of disappeared persons wherever it occurs. The group would act as a good offices body more than as an investigation commission.

131. One member thought that it would not be realistic to appoint such a group because it would not be able to fulfil its task if, for instance, it had to deal with some 8,000 names. In any case, he thought that members of investigation bodies of regional organizations had certainly a better knowledge of problems in their regions. He suggested instead that the Secretary-General be requested to ask governments again to give information on their compliance with General Assembly resolution 33/173.

132. Another speaker said that the problem was not a new one and that the procedure followed in the case of Chile could also be used for other countries in respect of which the Sub-Commission had prima facie evidence of the disappearance of persons in relatively large numbers.

133. Some members of the Sub-Commission supported the idea of developing within the framework of the United Nations an international reporting machinery - an embryonic international amparo or habeas corpus system - which would attempt to trace disappeared persons and investigate the reasons for their disappearances.

134. Several speakers suggested that the question of disappeared persons be considered as a separate item on the Sub-Commission's agenda for its next session. Even if the Sub-Commission had no means of establishing the facts immediately, it was urged that the problem should be treated as a matter of highest urgency and given exceptional priority.

Study of the implications for human rights of recent developments concerning situations known as states of siege or emergency

135. Mrs. Questiaux, Rapporteur on the study of the implications for human rights of recent developments concerning situations known as states of siege or emergency, explained that her preliminary study was not yet available because the Economic and Social Council had only decided in May to authorize the Sub-Commission to request her to continue her study. Therefore she could only prepare an informal draft for discussion among interested members of the Sub-Commission. She would attempt to present a report at the next session of the Sub-Commission.

Other matters

136. One speaker felt that the consideration by the Commission on Human Rights of the draft convention against torture was too slow and suggested that the Commission should be requested to authorize the Sub-Commission to complete its elaboration.

137. Interest was also shown for developments concerning the draft body of principles for the protection of the human rights of all persons subjected to any form of detention or imprisonment, which has been sent to governments for comments with a view to its consideration by the General Assembly at its thirty-fifth session; the draft principles of medical ethics, submitted by the World Health Organization to the General Assembly at its thirty-fourth session; the draft international convention against the taking of hostages; and the draft code of conduct for law enforcement officials, which was also before the General Assembly at its thirty-fourth session. Some speakers expressed the wish that, in accordance with the latter draft code, Member States would include human rights standards into training programmes for law-enforcement officials. It was further stressed that all persons should be educated at an early age not to inflict or tolerate torture and other grave violations of human rights and to denounce them wherever they occur.

138. On 30 August 1979 a draft resolution (E/CN.4/Sub.2/L.720) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Holguín Holguín, Mr. Jimeta, Mr. Kelin, Mrs. Questiaux, Mr. Sadi, Mrs. Warzazi and Mr. Whitaker. At the 852nd meeting the draft resolution was introduced by Mrs. Questiaux.

139. The text of the resolution was adopted without a vote.

140. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 5 A (XXXII).
141. On 3 September 1979 a draft resolution (E/CN.4/Sub.2/L.724) was submitted by Mr. Bouhdiba, Mrs. Daes, Mr. Ferrero, Mr. Martínez Baez, Mrs. Questiaux, Mr. Singhvi and Mr. Whitaker. At the 852nd meeting the draft resolution was introduced by Mrs. Questiaux.
142. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.
143. Mr. Amadeo requested a separate vote on operative paragraph 4 of the draft resolution. This paragraph was retained by 12 votes to 3, with 5 abstentions.
144. The text of the resolution as a whole as amended was adopted by 16 votes to 2, with 1 abstention.
145. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 5 B (XXXII).
146. At the 854th meeting the Sub-Commission decided on the composition of the group of experts referred to in paragraph 3 of resolution 5 B (XXXII) (see Chapter XVI, Section B, Decision 7).

VIII. STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST
INDIGENOUS POPULATIONS

147. The Sub-Commission considered item 11 of its agenda at its 842nd, 843rd and 853rd meetings, on 29 and 30 August and 5 September 1979.

148. The Sub-Commission had before it the reports (E/CN.4/Sub.2/L.684 and E/CN.4/Sub.2/L.707) submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, in accordance with Sub-Commission resolution 6 (XXVII).

149. In introducing his latest report (E/CN.4/Sub.2/L.707), the Special Rapporteur stated that he was deeply concerned about finishing the study as soon as possible and hoped to be able to do so for the next session. The delay was due to the fact that the study was based on country monographs and this process required additional time. He said that many of the studies that had been prepared following such a method had lasted even longer. With the growing concern about the implementation of human rights several studies tended to be under preparation simultaneously in the Human Rights Division and the Division had other complex tasks which often were given a higher priority than the preparation of studies. 4/

150. All speakers thanked the Special Rapporteur for his report and congratulated him on having submitted outstanding material which contained a wealth of valuable information and fine legal analysis.

151. Many speakers urged the Special Rapporteur to do his best to submit his final report for the next session. In this connexion some speakers pointed out that the Special Rapporteur himself had already noted the need for updating certain parts of his report.

152. The question was raised as to why the African region had not been mentioned in the report, but no adequate reply was given.

153. One member remarked that the key problem was whether indigenous populations would become integrated in the community at large or were to be treated indefinitely as separate entities. He added that the problem of discrimination against indigenous populations had lost none of its importance; in some parts of the world, indigenous peoples still live in conditions of appalling poverty on the very edge of extinction. Several speakers noted the importance of deciding whether conferring a special legal status on indigenous populations might not in itself represent a form of discrimination. An alleged violation of the rights of indigenous populations to enjoy their individual cultures and their own land, in another part of one country was that two indigenous nations which had different traditions, languages, laws and ways of life were being compelled by legislation to move to a common territory which was to be surrounded by a barbed-wire fence.

154. A speaker mentioned the case, in another country, concerning the aborigines who still lived on remote pastoral stations where they were forced to work for little or no wages. Conditions often forced women to prostitute themselves to European land-owners. Social security rights, such as old age benefits, were denied in the absence

4/ A fuller summary of the Special Rapporteur's statement appears in document E/CN.4/Sub.2/SR.842.

of records. The only way for aborigines to escape those conditions was to leave their ancestral lands and gravitate towards the cities where poverty, alcoholism and disease awaited them. They were denied the right to vote and to assemble, and recent attempts to protest against discriminatory working conditions had been repressed by local governments.

155. There was considerable debate on the situation of indigenous populations in Australia, India and the United States. One member regretted the fact that non-governmental organizations had used the right to speak in order to attack countries that had no opportunity of defending themselves. Specific events had been alleged to have occurred only a few days earlier and the governments concerned were unaware of the statements.

156. One speaker posed the question as to what degree positive programmes of "reverse discrimination" could be promoted to achieve real equality for disadvantaged groups. The view was expressed that the question of reverse discrimination had been discussed in length and in depth 10 years earlier. Article 2, paragraph 2 of the International Convention on the Elimination of All Forms of Discrimination placed the States Parties under a legal obligation in that respect which had to be borne in mind when discussing the matter. In this context the case of a country was mentioned, with positive results of a constitutionally created commission which functioned permanently and as an advisory body to solve the problems of those communities.

157. One speaker said that there were two basic objectives: first, to protect the indigenous populations and safeguard their cultural heritage and, secondly, to ensure a minimum degree of integration into society. One of the main problems was to reach the right mixture of integration to enable these peoples to participate fully in the benefits of these societies. Emphasis on the differences among peoples could create a constant source of friction both between and within nations. It was essential to find a common denominator among people and to harmonize their differences.

158. The Special Rapporteur, in response to the comments made during the debate, said that in his opinion it was necessary to confer a special legal status to the indigenous populations. He expressed the view that the Sub-Commission would continue to have a special interest in these groups after the study had been finished and that a Working Group should be set up to carry out a yearly examination of their situation. He pointed out the fact that, in order to improve the conditions of living of the indigenous populations, legal measures were not sufficient, economic and social ones should also be taken. He said that a delicate balance had to be reached between the integrationist tendencies and the autonomist ones. The States should take into account the wishes and preferences of the indigenous groups and find the way to co-ordinate those with the aspirations of the States themselves.

159. At the 853rd meeting, the Sub-Commission decided to request the Special Rapporteur on the item to continue and finalize his work (see Chapter XVI, Section B, Decision 4).

IX. 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

160. The Sub-Commission considered item 6 of its agenda at its 843rd, 844th and 854th meetings, on 30 August and 7 September 1979.

161. The Sub-Commission had before it, pursuant to resolution 14 (XXV) of the Commission on Human Rights, a report of the Secretary-General concerning the situation of human rights in Nicaragua (E/CN.4/Sub.2/426).

162. In his introductory statement, the Director of the Division of Human Rights indicated that two situations involving violations of human rights and fundamental freedoms had been referred to the Sub-Commission at its previous and present sessions under the procedure governed by Commission resolution 8 (XXIII) and Council resolution 1235 (XLII), that is to say the situations in Democratic Kampuchea and Nicaragua. He informed the Sub-Commission that the Commission had decided to appoint a Special Rapporteur to make a thorough study of the human rights situation in Equatorial Guinea, and that the material relating to that situation before the Commission under Council resolution 1503 (XLVIII) should no longer be restricted. The Director pointed out that, in all three instances, fundamental political changes had occurred since these decisions were taken. He invited the views of members as to what policy should be adopted in those circumstances, i.e. whether the studies undertaken should be discontinued or whether they should be continued with a view to ascertaining what had happened and why, and to ensuring that such violations would not recur in future. He wondered whether the Sub-Commission should seek to promote assistance to the countries and the peoples concerned so as to secure urgent humanitarian needs, and referred to a recent appeal for international emergency aid to Nicaragua made by the Secretary-General.

163. In the debate, many references were made to reports of violations of human rights and fundamental freedoms in Equatorial Guinea, Democratic Kampuchea, Nicaragua and Uganda. The Chairman of the thirty-first session of the Sub-Commission, Mr. A. Bouhdiba, was congratulated on his analysis of the documentation concerning Democratic Kampuchea, submitted to the thirty-fifth session of the Commission (document E/CN.4/1335). Several speakers also expressed their satisfaction with the information on Nicaragua collected by the Secretariat and made extensive observations in connexion with the report of the Secretary-General (E/CN.4/Sub.2/426).

164. Several speakers stated that the mandate of the Sub-Commission or the Commission could not be changed by the fact that there had been a change in Government in the countries concerned. They expressed the view that the studies undertaken should be continued, since the Sub-Commission had no way of knowing whether the human rights situation in question had been rectified or not under the new Governments. Some speakers stated that, when the new Government was seriously trying to redress the situation, investigation of the human rights policies of the previous régime could help the new Government in its efforts to bring about a new order. The view was expressed that, in conducting such an investigation, care should be taken to avoid delaying the early restoration of human rights. The point was also made that the danger of continuing human rights violations subsisted after a new Government came to power, particularly if it engaged in vindictive measures against the officials of the previous régime. In this view, the Sub-Commission should therefore continue its investigations until it was satisfied that the situation had improved. One

speaker observed that one should not apply one rule to all situations involving a change of government and that each case should be examined on the basis of its own merits.

165. Several speakers emphasized the need to continue to investigate these situations thoroughly in all their aspects, whether economic, social, cultural or psychological. It was important, they stated, to learn the lessons of history in order to prevent the recurrence of similar situations of gross violations of human rights. Some members warned that, in carrying out its studies, the Sub-Commission should not give the impression that it endorsed revolutions.

166. Several speakers supported the suggestion made by the Director of the Division that the Sub-Commission should seek to promote humanitarian assistance by the United Nations agencies concerned to the victims of human rights violations and their families in emergency situations, such as those in Nicaragua and Democratic Kampuchea.

167. Some speakers disagreed with the view that the Sub-Commission and the Commission should pursue their investigation of situations in which the Government had changed. In their opinion, such studies should be suspended pending further developments which would show how the human rights situation in the countries concerned had evolved. In the view of one member, the Sub-Commission was not a tribunal and could not judge Governments or former Government officials. Another member pointed out that the causes for a change in Government were not always the same, and that there were procedural difficulties in carrying out studies after a change. In his view, the Sub-Commission was not a supervisory organ and it was not for it to give advice to the new Government or assess the situation. He suggested that the Sub-Commission should await further instructions from the Commission before pursuing these studies.

168. Some members belonging to different geographical areas of the world expressed serious concern about reported gross violations of human rights in a number of countries. The view was expressed that, since problems occurred world-wide, the Sub-Commission should make a stronger effort to investigate situations. In the view of one member, the Sub-Commission should investigate situations other than those commonly discussed in either the Commission or Sub-Commission. He mentioned, in this context, Argentina, Equatorial Guinea, Guatemala, Uruguay, El Salvador, Cuba, the German Democratic Republic, Western Sahara, Central African Empire, Philippines, South Korea and Afghanistan. At the same time, in his view, the Sub-Commission should seek to learn the lessons of countries where improvements in the human rights situation had been made, and the case of countries that are moving on to democratic governments such as Dominican Republic, Bolivia, Ecuador, Peru and Uganda. Another speaker indicated that alleged violations of human rights in Burma and Chad should also be studied.

169. Another member pointed out that the human rights situation in Chile had not improved despite recent attempts by the Government to improve its international image through the enactment of new legislation.

170. One speaker, supported by others, stated that the summary executions of numbers of Kurds taking place in Iran were in violation of all human rights instruments and in particular of the International Covenant on Civil and Political Rights, which Iran had ratified. She urged the Sub-Commission to place on record its grave concern about these executions and to urge the Government of Iran to put an end to them.

171. Several speakers referred to the question of death sentences and the need to consider capital punishment in relation to human rights.
172. Several speakers pointed out that the most serious violations of human rights and fundamental freedoms continued to occur in Palestine and southern Africa, and urged the Sub-Commission to pay particular attention to these situations. They expressed profound distress at the bombing of southern Lebanon by Israel.
173. In the view of some speakers, the Sub-Commission should seek to develop new procedures to avoid being selective in its choice of situations needing investigation, and to act more quickly when necessary. One speaker suggested the holding of additional sessions, including emergency sessions, of the Sub-Commission and the establishment of a working group empowered to act immediately. In his view the Sub-Commission should seek to prevent, and not only to condemn after the fact. He also suggested that the inquiry into the situation in Chile should be used as a precedent for the pursuit of further detailed working group studies. In the view of another speaker, the Sub-Commission should set up a monitoring group to review all cases of human rights violations everywhere in the world in an unbiased manner.
174. Another speaker pointed out that care should be exercised in the use of sources of information in studying cases of human rights violations. In his view, some allegations of violations appearing in the press had been politically motivated, for instance in the case of Cuba. He disagreed with suggestions that Sub-Commission procedures should be revised, since introduction of new procedures, except in special circumstances, could create undesirable precedents and pose obstacles to effective action. In his view, the Sub-Commission should make full use of existing procedures.
175. The observer for the German Democratic Republic rejected the allegation made by one member of the Sub-Commission concerning his country.
176. The Sub-Commission had before it a statement submitted by the Inter-Parliamentary Union (E/CN.4/Sub.2/NGO/79), and heard statements by some non-governmental organizations concerning alleged human rights violations in a number of countries. One non-governmental organization urged the Sub-Commission to place the issue of death penalty on its agenda so as to contribute to the ongoing discussion and study of this problem in the United Nations.
177. On 3 September 1979 a draft resolution (E/CN.4/Sub.2/L.723) was submitted by Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Kelin, Mr. Khalifa, Mr. Sadi, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. At the 852nd meeting the draft resolution was introduced by Mr. El Khani.
178. The text of the resolution as amended was adopted without a vote.
179. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 4 A (XXXII).
180. On 3 September 1979 draft resolutions (E/CN.4/Sub.2/L.726) were submitted by Mr. Whitaker. At the 852nd meeting the draft resolutions were introduced by Mr. Whitaker.
181. Mr. Ceausu requested a separate vote on the draft resolutions. Part A was adopted by 15 votes to 3, with 1 abstention and Part B was adopted by 18 votes to 2, with no abstentions.

182. The text of the resolutions as a whole was adopted by 17 votes to 2, with 2 abstentions.

183. The text of the resolutions as adopted appears in Chapter XVI, Section A, as resolutions 4 B (XXXII) and 4 C (XXXII).

184. At the 854th meeting, the Sub-Commission decided to send the following telegram to the Government of Iran:

"THE UNITED NATIONS SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES IN ITS CONCERN FOR PROTECTION OF HUMAN RIGHTS OF ALL INDIVIDUALS EXPRESSES ITS DEEP SENSE OF SHOCK AT REPORTED SUMMARY EXECUTIONS OF NUMEROUS KURDS IN IRAN AND REQUESTS THE IMMEDIATE CESSATION OF THESE INHUMAN PRACTICES"

(see Chapter XVI, Section B, Decision 6).

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE
WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2(XKIV)
IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503(XLVIII)

185. The Sub-Commission considered agenda item 7 at its 845th to 848th and 852nd closed meetings, held on 31 August, 3 September and 5 September 1979.

186. By resolution 1505(XLVIII) of 27 May 1970 the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 720 F(XLVIII) of 30 July 1959, including replies of governments thereon, with a view to bringing to the attention of the Sub-Commission those communications, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

187. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1(XKIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2(XKIV) of 16 August 1971.

188. Three of the five members of the Working Group, Mr. Carter, Mr. Pirzada and Mr. Smirnov, met from 6 to 17 August 1979 for the eighth annual session of the Working Group, to consider communications, together with replies of governments, received by the Secretary-General. The other two members of the Working Group were unable to attend the meetings. The Sub-Commission had before it a confidential report of the Working Group (E/CH.4/Sub.2/R.36 and addenda). On behalf of the Chairman-Rapporteur of the Working Group, Mr. Pirzada, who was unable to attend, Mr. Carter introduced the report. A detailed examination of the report followed.

189. At its 852nd (closed) meeting the Sub-Commission adopted a confidential report including a confidential resolution on the item (E/CH.4/R.36), by which it communicates its findings to the Commission on Human Rights.

190. At the 854th meeting the Sub-Commission decided on the composition of the Working Group for its ninth annual session (see chapter XVI, sect. B decision 7).

ANNEX I. THE INDIVIDUAL'S DUTIES TO THE COMMUNITY AND THE LIMITATIONS
ON HUMAN RIGHTS AND FREEDOMS UNDER ARTICLE 29 OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS

191. The Sub-Commission considered agenda item 9 at its 849th, 850th and 853rd meetings held on 4 and 5 September 1979.

192. The Sub-Commission had before it part of the final report on this question (E/CH.4/Sub.2/432 and Corr.1) prepared by Mrs. Erica-Irene A. Dads, Special Rapporteur, in accordance with Sub-Commission resolution 9(XXVII) and Sub-Commission decisions 5(XXVIII), 6(XXIX) and 3(XXXI).

193. The Special Rapporteur made an introductory statement in which she pointed out that the report which had been circulated contained the preface, an introduction concerning the individual and the contemporary world community, and Part One of the study, concerning the duties of the individual to the community. Parts Two to Four were not yet issued. The Special Rapporteur emphasized that the study may be used by the individual as a shield for the protection of his rights. The Special Rapporteur indicated the principal foundations on which the study was based and referred to the main sources used in her report. The Special Rapporteur stressed, in particular, that her study was based on the principle of freedom under law and equality. An attempt had been made in the study to present the de facto as well as the de jure situation with regard to the duties of the individual, which were often corollaries of his rights. An attempt had been made to study in depth the controversial problem of the international personality of the individual. The Special Rapporteur believed that there was an increasing recognition of the individual as a subject of international rights and responsibilities. She drew attention to the conclusions contained in her report and indicated that the recommendations which would appear in Part Four of the study would be partly based on these conclusions. 5/

194. The Special Rapporteur was praised for her comprehensive, well-structured and thought-provoking report. Some speakers expressed the opinion that the study should be printed and widely disseminated; one dissented from this opinion.

195. It was observed that the study faced the problem of definitions, and that it might prove necessary to provide more precise definitions of the terms "community" and "duty". A clearer distinction should also be made between the concepts of duties and responsibilities.

196. During the debate some members of the Sub-Commission felt that the study emphasized quite appropriately the emergence of the status of the individual in international law. Some other members opposed this opinion, as they felt that the obligations of individuals arose generally from national legislation rather than international law.

197. Some speakers felt that the notion of "duty" should be considered strictly from a legal standpoint and that occasional passages in the study, which appeared to go beyond legal concepts, might lead to misunderstanding. It was also noted

5/ A fuller account of the Special Rapporteur's introductory statement appears in the summary record of the 849th meeting (E/CH.4/Sub.2/SR.849).

that, once this concept was adopted, the whole study would then be in fact a study of freedom of the individual under the law, thus emphasizing the notion of freedom rather than that of duty and stressing further the cause of human rights.

198. Doubts were expressed by some speakers with regard to the existence in international law of some individual duties referred to in the study, in particular the duty to respect democracy, the duty to work and the duty to respect international law.

199. One speaker disagreed with the idea contained in the study according to which human rights were conceived "as a means to enable man to do his duty" (paragraph 142).

200. Another speaker said that it would be dangerous to make individual rights dependent upon the observance of any duty by the individual, and that the State should not be permitted to deny human rights because of suspicion of dereliction of duty.

201. The opinion was expressed that it might be possible for the Special Rapporteur not to speak about "a society" in general terms since the modern world was not homogeneous, and that two categories of duties might be identified: fundamental duties which were common to all societies in all countries of the world, and all other duties which might differ from country to country.

202. One speaker said that the study appeared to be based mainly on the European experience and that a wider analysis based on the experience of other continents would be useful.

203. One speaker said that the figure contained in the study about the number of displaced persons in Cyprus did not reflect reality.

204. The idea was put forward of drawing up, at a later stage, an international instrument on the rights and duties of States towards individuals, and on the rights and duties of individuals towards each other. This idea was considered by some members as detrimental to the enjoyment of human rights.

205. Several speakers stressed the exceptional quality of the work done by the Special Rapporteur, the searching analysis of the problem examined and the cogency of the conclusions formulated. The conviction was also expressed that this study should serve as a guide for United Nations bodies working in the field of human rights and that it could serve as a basis for preparing a possible international instrument relating to the duties of the individual to society.

206. At the close of the debate, the Special Rapporteur replied to the foregoing comments and said that in her final report she would take into consideration the various observations and suggestions made.

207. At the 853rd meeting the Sub-Commission decided to request the Special Rapporteur on the item to continue and finalize her work (see chapter XVI, section B, decision 3).

208. The Secretary made a statement on the administrative and financial implications of the decision.

XII. HUMAN RIGHTS AND SCIENTIFIC AND
TECHNOLOGICAL DEVELOPMENTS

209. The Sub-Commission considered agenda item 10 of its agenda at its 350th and 353rd meetings held on 4 and 5 September 1979.

210. The Sub-Commission had before it the following documents:

- (i) A note on the protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity (E/CH.4/Sub.2/386)
- (ii) Information submitted by the WHO on the protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity (E/CH.4/Sub.2/386/Add.1).
- (iii) A note on the examination of studies on human rights and scientific and technological developments in the light of the Declaration on the use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind (E/CH.4/Sub.2/387).
- (iv) The documents issued up to 26 January 1976 in connexion with the study of human rights and scientific and technological developments as listed in documents E/CH.4/L.1313 and Corr.1.
- (v) A report on the protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry, as requested in paragraph 1 (b) of General Assembly resolution 2450 (XXIII) (E/CH.4/1172 and Corr.1 and Add.1-3).
- (vi) A report on the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity, as requested in paragraph 1 (d) of General Assembly resolution 2450 (XXIII) (E/CH.4/1199 and Add.1).
- (vii) A compilation of the replies of governments received in answer to inquiries made in accordance with paragraph 2 of General Assembly resolution 3268 (XXX) (E/CH.4/1195).
- (viii) An analysis of the views and observations of governments and specialized agencies prepared in accordance with paragraph 4 of Commission resolution 2 (XXX) (E/CH.4/1194).
- (ix) A report by UNESCO dealing with the impact of scientific and technological developments on the rights laid down in article 26, paragraphs 1 and 2, and article 27 of the Universal Declaration of Human Rights, concerning the right to education, the right to culture and author's rights (E/CH.4/1196).
- (x) A report on the impact of scientific and technological developments on economic, social and cultural rights (E/CH.4/1198).
- (xi) A note on existing and proposed texts which could be used in the drafting of a further international instrument on human rights and scientific and technological developments (E/CH.4/1233).

(xii) Annual reports on developments relating to science and technology elsewhere in the United Nations system of interest to the Commission (E/CN.4/1234 and E/CN.4/1276 and E/CN.4/1306).

(xiii) Reports on human rights and national machinery for decision-making on science policy, with particular reference to technological assessment (E/CN.4/1235 and Add.1).

211. In resolution 10 A (XXXIII) of 11 March 1977, the Commission had requested the Sub-Commission to study, with a view to formulating guidelines, if possible, the question of the protection of those detained on the grounds of mental ill-health against treatment that might adversely affect the human personality and its physical and intellectual integrity, and further requested the Sub-Commission to submit a progress report on the subject to the Commission when such a report was ready.

212. By resolution 10 B (XXXIII) the Commission welcomed the adoption by the General Assembly in its resolution 3304 (XXX) of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and accepted it, together with other relevant international instruments, as a guide for its future work. The Commission also instructed the Sub-Commission to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations to the Commission.

213. The General Assembly, in resolution 33/53 of 14 December 1978, recalling Commission resolution 10 A (XXXIII), had requested the Commission to urge that the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken as a matter of priority by the Sub-Commission, and to submit a progress report on this question to the General Assembly at its thirty-fifth session.

214. At its thirty-fifth session the Commission, by decision 15 (XXIV) of 14 March 1979, had decided to postpone to its thirty-sixth session consideration of this item.

215. The representative of the World Health Organization mentioned the contribution made by the WHO in preparing a code of principles of medical ethics which may be relevant to the protection of persons or detainees against torture, and other cruel, inhuman or degrading treatment or punishment.

216. Some members stated that the electronic revolution had wide implications in various fields of human rights and that it represented a danger to their fulfilment. They agreed that the preparation of a framework of principles against the danger of technology should be undertaken.

217. Other speakers drew attention to the need for a deeper study of the rights of persons held in psychiatric institutions in many countries; such a study should lead to a set of non-political, medical safeguards designed to protect the human rights of mentally disabled persons.

218. On 4 September 1979 a draft resolution (E/CN.4/Sub.2/L.728) was submitted by Mr. Singhvi and Mr. Whitaker. At the 853rd meeting the draft resolution was introduced by Mr. Singhvi.

219. The text of the resolution, as revised and amended, was adopted by 16 votes to 3, with no abstentions.

220. The text of the resolution as adopted appears in Chapter XVI, Section A, as resolution 6 (XXXII).

XIII. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

221. The Sub-Commission considered agenda item 14 at its 850th meeting, held on 4 September 1979.

222. In accordance with Commission on Human Rights resolution 21 (XXXV) of 14 March 1979, the Sub-Commission had before it the draft declaration proposed by Yugoslavia (E/CH.4/L.1367/Rev.1) and comments from Governments (E/CH.4/1298 and Add.1).

223. It was recalled that the study on the rights of persons belonging to ethnic, religious and linguistic minorities, prepared by Mr. Francesco Capotorti, as a Special Rapporteur of the Sub-Commission, included a suggestion for the drafting of a declaration on the rights of members of minority groups (E/CH.4/Sub.2/384/Add.5, para. 59). Attention was also drawn to Sub-Commission resolution 5 (XXX) recommending the Commission on Human Rights to consider drafting a declaration on the rights of members of minorities within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights. In accordance with Human Rights resolution 21 (XXXV) it was the task of the Sub-Commission to express an opinion on the Yugoslav draft declaration.

224. Several speakers stated that the draft declaration proposed by Yugoslavia should receive general support. It was said that this draft could undoubtedly contribute to friendly relations among States on the basis of respect for sovereignty and territorial integrity.

225. In the view of one speaker the rights of members of the various minority groups, which showed considerable variation from State to State, should be spelled out in a greater detail than was the case in the Yugoslav draft. Another speaker wondered whether such a declaration was necessary since there were already a number of generally recognized and universally accepted relevant instruments. It was necessary to proceed with caution in order not to jeopardize the ratification or implementation of existing international instruments and to ensure that no text adopted went beyond the framework of such instruments.

226. Various speakers stressed that the Sub-Commission had insufficient time at its current session to go into the substance of the draft declaration. The Sub-Commission's consideration of the draft declaration should be deferred to its next session. In this context it was proposed to establish a working group of the Sub-Commission in order to give this matter full consideration. Another speaker pointed out that the Sub-Commission itself should be made responsible for drafting the declaration.

227. The Sub-Commission decided to submit to the Commission on Human Rights the summary record which reflects its discussions on the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities (see chapter XVI, section B, decision 1).

XIV. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION
AND OF THE DRAFT PROVISIONAL AGENDA FOR THE THIRTY-THIRD
SESSION OF THE SUB-COMMISSION

228. The Sub-Commission considered agenda item 15 at its 853rd meeting on 5 September 1979.

229. The Sub-Commission had before it a note by the Secretary-General (E/CH.4/Sub.2/L.709) prepared in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVI), containing a draft provisional agenda for the thirty-third session of the Sub-Commission and including the documents to be submitted under each item and the legislative authority for their preparation. The Sub-Commission had also before it document E/CH.4/Sub.2/708 submitted by the Secretariat in accordance with Sub-Commission decision 1 (XXXI) containing a list of the studies prepared for the Sub-Commission in recent years, and indicating whether those studies are still available and what steps are being taken to reprint those that are out of stock. The Sub-Commission had also before it documents E/CH.4/Sub.2/HCO/30 and Add.1 submitted by eight non-governmental organizations.

230. During the debate on this item, the view was expressed that the present name of the Sub-Commission should be changed to "the Sub-Commission on Human Rights" or "Sub-Commission of Experts of Human Rights", because its present title might appear to be a limiting factor. In this respect, it was stressed that such a change might create confusion with the Commission and might result in duplication of work done by other organs concerned with human rights matters.

231. Many members of the Sub-Commission felt that the adoption of the method of voting by secret ballot in matters covered by Council resolution 1503 (XLVIII) would safeguard both the independent status of the expert members and strengthen the confidentiality of the procedure envisaged in paragraph 8 of Economic and Social Council resolution 1503 (XLVIII). It was proposed that the competent United Nations bodies should be requested to amend the rules of procedure so that in future the Sub-Commission and its Working Group provided for in paragraph 1 of Council resolution 1503 (XLVIII) would, in taking decisions on matters arising in the implementation of that resolution, adopt the method of voting by secret ballot. It was felt on the other hand that the suggested amendment of the rules of procedure was not necessary, since the existing rules of procedure allowed for a secret vote.

232. It was suggested that the Sub-Commission should have two sessions every year for a period of two weeks each, instead of one session of three or four weeks. It was proposed that, if possible, one of the meetings should take place at the United Nations in New York and the other in Geneva. Some members, however, felt that the objectives pursued could be attained by improving the methods of work of the Sub-Commission. The Sub-Commission decided that, if the Commission or the Council would not endorse the recommendation of two sessions of two weeks annually, the Sub-Commission would need to make use of four weeks for its annual session as authorized by the Commission in resolution 22 (XXXV) and the Council resolution 1979/36 (see chapter XVI, section B, decision 5).

233. The draft provisional agenda (E/CH.4/Sub.2/L.709) was orally revised by the Secretary of the Sub-Commission in order to take into account decisions already taken by the Sub-Commission at the current session.

234. The draft provisional agenda, as taken note of by the Sub-Commission, reads as follows: 6/

1. Election of officers
2. Adoption of the agenda
3. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO.

Legislative authority: Sub-Commission resolution 5 (XIV).

4. Measures to combat racism and racial discrimination and the role of the Sub-Commission

Legislative authority: General Assembly resolution 3377 (XXX) and Sub-Commission resolution 1 (XXI).

5. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XIII)

Legislative authority: Economic and Social Council resolution 1235 (XLII) and Commission resolution 8 (XIII).

6. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers.*

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXV).

7. Question of the human rights of persons subjected to any form of detention or imprisonment

Report by Mrs. Questiaux. Reports by the Secretary-General.*

Legislative authority: Economic and Social Council resolution 1979/34; Commission resolution 17 (XXXV); Sub-Commission resolutions 7 (XXVII), 10 (XXX) and 5 D (XXII).

6/ An asterisk indicates that the document or report is likely to exceed the 32 pages referred to in Economic and Social Council resolution 1894 (LVII).

8. The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights

Final report by the Special Rapporteur, Mrs. Erica-Irene Daes.*

Legislative authority: Sub-Commission decision 1 (ii) taken at its 686th meeting on 19 September 1973 and approved by Commission decision 6 (ii) taken at its 1286th meeting on 6 March 1974; Sub-Commission resolution 9 (XXVII); Sub-Commission decision of 11 September 1978.

9. Human rights and scientific and technological developments

Report by the Secretary-General.*

Legislative authority: General Assembly resolution 33/53 and Commission resolution 10 A and 10 B (XXXIII).

10. Study of the problem of discrimination against indigenous populations

Final report by the Special Rapporteur, Mr. Martínez Cobo.*

Legislative authority: Economic and Social Council resolution 1589 (L) and Sub-Commission resolution 8 (XXIV).

11. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Reports by the Working Group on Slavery on its fifth and sixth sessions.

Reports by the Secretary-General.*

Legislative authority: Economic and Social Council decision of 17 May 1974; Commission resolution 13 (XXIII) and Sub-Commission resolutions 11 (XXVII), 5 (XXIX) and 6 B (XXXI).

12. The New International Economic Order and the promotion of human rights

Preliminary report by the Special Rapporteur.

Legislative authority: Sub-Commission resolution 8 (XXXII).

13. Exploitation of child labour

Report by the Working Group on Slavery.

Legislative authority: Sub-Commission resolution 7 B(XXXII).

14. Report of the sessional Working Group on the encouragement of universal acceptance of human rights instruments

Report by the sessional Working Group.

Legislative authority: Sub-Commission resolution 1 B(XXXII).

15. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-fourth session of the Sub-Commission

A note by the Secretary-General.

Legislative authority: Sub-Commission resolution V adopted at its tenth session and Economic and Social Council resolution 1894 (LVII).

16. Report on the thirty-third session

Report of the Sub-Commission on its thirty-third session.*

235. On 28 August 1979 a draft resolution (E/CH.4/Sub.2/L.714) was submitted by Mr. Chowdhury, Mr. Ferrero, Mr. Fisek, Mr. Jimeta, Mr. Sadi, Mr. Singhvi, Mrs. Questiaux and Mr. Whitaker. At the 853rd meeting the draft resolution was introduced by Mr. Sadi.

236. The text of the resolution as amended was adopted by 10 votes to 7, with 2 abstentions.

237. The text of the resolution as adopted appears in chapter XVI, section A, as resolution 9 A (XXXII).

238. On 3 September 1979 a draft resolution (E/CH.4/Sub.2/L.722) was submitted by Mr. Martínez Baez, Mrs. Questiaux, Mr. Singhvi and Mr. Whitaker. Mr. Fisek later became sponsor of the draft resolution. At the 853rd meeting the draft resolution was introduced by Mr. Singhvi.

239. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

240. It was decided by 9 votes to 5, with 4 abstentions to defer consideration of this draft resolution until the thirty-third session.

241. On 3 September 1979 a draft resolution (E/CH.4/Sub.2/L.727) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Sadi, Mr. Singhvi and Mr. Whitaker. At the 853rd meeting the draft resolution was introduced by Mr. Whitaker.

242. The text of the resolution as amended was adopted by 14 votes to 5, with no abstentions.

243. The text of the resolution as adopted appears in chapter XVI, section A, as resolution 9 B (XXXII).

244. On 4 September 1979 a draft resolution (E/CH.4/Sub.2/L.729) was submitted by Mrs. Daes, Mr. Ferrero, Mr. Jayewardene, Mrs. Warzazi and Mr. Whitaker. At the 853rd meeting the draft resolution was introduced by Mr. Whitaker.

245. The text of the resolution was adopted by 12 votes to 4, with 3 abstentions.

246. The text of the resolution as adopted appears in chapter XVI, section A, as resolution 9 C (XXXII).

XV. ADOPTION OF THE REPORT

247. The Sub-Commission considered the draft report on its thirty-second session at its 854th meeting, on 7 September, and adopted the report as amended without a vote.

XVI. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION
AT ITS THIRTY-SECOND SESSION

A. Resolutions

1 (XXXII). Review of Further Developments in Fields
with which the Sub-Commission has been Concerned

A. 7/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 1514 (XV) and other relevant resolutions, in particular General Assembly resolutions 3236 (XXIX), 3237 (XXIX) and 3375 (XXX),

Recalling also Commission on Human Rights resolution 2 (XXXV),

Affirming that the right to self-determination is a well-established principle of international law and is enshrined in the Charter of the United Nations and recognized by the relevant United Nations resolutions,

Recognizing that the self-rule, home rule or self-government formulae are entirely different from the principle of self-determination of peoples,

1. Calls on all States Members of the United Nations to observe faithfully their obligations under the United Nations Charter and relevant United Nations resolutions and assist the countries and peoples under colonial or alien domination or foreign occupation to exercise the right to self-determination;

2. Urges all States, United Nations organs, specialized agencies and other international organizations to enable negotiations to begin immediately between Israel and the Palestinian people through its representative, the Palestine Liberation Organization, to restore all rights in accordance with the United Nations Charter and resolutions.

B. 8/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the significance of the entry into force of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol thereto, and the International Convention on the Suppression and Punishment of the Crime of Apartheid and the operation of the procedures established under these instruments as well as of the International Convention on the Elimination of All Forms of Racial Discrimination,

Mindful of the repeated stress placed by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission itself on the importance of attaining universal acceptance and implementation of international instruments in the field of human rights,

7/ Adopted at the 852nd meeting, on 5 September 1979

8/ Adopted at the 851st meeting, on 5 September 1979

Having regard to resolution 1979/36 of the Economic and Social Council which requested the Sub-Commission, with a view to consolidating its effectiveness and resources to examine its programme of work so as to identify areas for its concentrated attention,

Believing that the Sub-Commission, as an expert organ within the United Nations human rights programme can play a useful role in encouraging States which have not yet done so to ratify or adhere to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and other international instruments on human rights,

1. Decides to establish each year a sessional working group composed of five members of the Sub-Commission with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to consider ways and means of encouraging governments which have not yet done so to ratify or adhere to international human rights instruments such as: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Convention; the Protocol amending the Slavery Convention signed in Geneva on 26 September 1976; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and the Institutions and Practices similar to Slavery; and such other instruments as may be designated in the future by the Sub-Commission;

2. Requests the Secretary-General, well before the annual sessions of the Sub-Commission, to write to governments which have not yet accepted the above-mentioned instruments and such other instruments that may be designated in the future, requesting them to inform the Sub-Commission of the circumstances which so far have not enabled them to ratify or adhere to the above-mentioned instruments and to explain any particular difficulties which they may face, in respect of which the United Nations could offer any assistance;

3. Invites the annual sessional working group of the Sub-Commission referred to in operative paragraph 1 above, to examine the replies received from governments and, if necessary, to invite representatives of the government concerned for discussions with members of the Working Group, with a view to providing further clarifications;

4. Requests the Working Group to consider, in appropriate cases, what forms of assistance could be provided to governments by the United Nations, with a view to assisting them to ratify or adhere to the above-mentioned conventions as speedily as possible;

5. Decides to include in its agenda each year an item entitled: "Report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments".

2 (XXXII). Measures to Combat Racism and Racial Discrimination
and the Role of the Sub-Commission

A. 9/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that to properly combat racism the roots of racism in all its forms must be examined and studied;

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Justice Abu Sayeed Chowdhury with the preparation of a study on the discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences including the ideologies or beliefs which contribute or lead to racism, in the light of the comments made in the Sub-Commission at its thirty-second session;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work;

"3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-fourth session."

B. 10/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the goals of the Decade for Action to Combat Racism and Racial Discrimination,

Recalling further its resolution 1 (XXXI) on the role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Bearing in mind resolution 8 (XXXV) of the Commission on Human Rights and resolution 1979/3 of the Economic and Social Council related to the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Having examined the report of its working group (E/CN.4/Sub.2/424) established in accordance with resolution 1 (XXXI),

9/ Adopted at the 852nd meeting, on 5 September 1979

10/ Adopted at the 852nd meeting, on 5 September 1979

1. Recommends to undertake the following studies during the second half of the Decade for Action to Combat Racism and Racial Discrimination:

(a) Discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences including the ideologies or beliefs which contribute or lead to racism;

(b) Political, economic, cultural and other factors underlying situations leading to racism including a survey of the increase or decline of racism and racial discrimination;

(c) Recourse procedures available to victims of racial discrimination;

2. Requests the Secretary-General to prepare a report for the Sub-Commission, on the basis of discussions and conclusions of the regional seminars organized on this topic (in 1979) in accordance with General Assembly resolutions 33/99 and 33/100, on recourse procedures available to victims of racial discrimination;

3. Emphasizes the need for representation, whenever possible, of the Sub-Commission in seminars, conferences, meetings, workshops, round-tables, etc., organized within the framework of the Programme for the Decade by the United Nations system, by intergovernmental organizations and by non-governmental organizations in consultative status with the Economic and Social Council;

4. Recommends that close links be maintained with the United Nations Educational, Scientific and Cultural Organization on matters relating to education and information, with the International Labour Organisation with regard to the questions of labour and migrant workers, and with other United Nations bodies dealing with the question of racism and racial discrimination;

5. Requests the Secretary-General to prepare for the thirty-third session of the Sub-Commission a background paper on the dissemination of information, based on its reports and studies, in simplified form with a view to familiarizing the general public with facts in the field of combating racism and racial discrimination;

6. Recommends to the Commission on Human Rights to request the Economic and Social Council to authorize the Sub-Commission to designate special rapporteurs from amongst its members to carry out the two studies referred to under (a) and (b) of paragraph 1 above.

3 (XXXII). Adverse Consequences for the Enjoyment of Human Rights
of Political, Military, Economic and Other Forms of
Assistance given to Colonial and Racist Régimes
in Southern Africa 11/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the continuing importance of its agenda item on "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa";

Recollecting the Declaration of the World Conference to Combat Racism and Racial Discrimination, which stated that "Racist régimes must be further isolated and United Nations sanctions against these régimes must be implemented, strictly and faithfully by all States, as assistance and collaboration in economic, military and other fields constituted an impediment to the liberation of southern Africa";

After having considered the revised report prepared by Mr. Ahmed Khalifa, Special Rapporteur, in pursuance of Sub-Commission resolution 2 (XXXI) and Commission resolution 9 (XXIV):

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his distinguished work on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa;
2. Decides to send to the Commission on Human Rights the revised report by the Special Rapporteur, together with the replies of governments and the discussions which took place at the Sub-Commission;
3. Requests the Economic and Social Council through the Commission on Human Rights that the report be appended to the original report by the Special Rapporteur (E/CN.4/Sub.2/383/Rev.1) and that it be printed and disseminated on the widest scale;
4. Requests also the Economic and Social Council through the Commission on Human Rights to forward this report to the General Assembly;
5. Calls upon the States to give wide publicity to the list;
6. Requests the Commission on Human Rights to decide upon the ways and means necessary to keep the list up-dated;
7. Decides also to periodically review the item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa" under the agenda item "Review of further developments in fields with which the Sub-Commission has been concerned".

4 (XXXII). 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

A. 12/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

Recalling the resolutions adopted by the United Nations General Assembly concerning the right of the Palestinians to self-determination, and especially resolutions 3236 (XXIX) and 3237 (XXIX),

Recalling, in particular, resolutions 1 A and B (XXXV), 2 (XXXV) and 3 (XXXV) of the Commission on Human Rights,

Recalling further the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War,

Noting with deep concern the refusal of Israel to implement these various resolutions,

Gravely concerned by the situation of the Arab population of Palestine and of the occupied Arab territories,

1. Deeply deplores the violation of the fundamental rights of the Arab population in Palestine and in the occupied territories by the Israeli authorities;
2. Calls upon Israel to desist forthwith from the bombing of the civilian population and from other military and paramilitary activities in southern Lebanon;
3. Demands that Israel should put an end to the violations of the human rights of the Arab population in the occupied territories;
4. Requests the Secretary-General of the United Nations, drawing upon all the documents and studies at his disposal, to submit to the Sub-Commission, at its thirty-third session, a detailed report on the violations of human rights committed by the Israeli authorities in the occupied territories.

B. 13/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind decision 9 (XXXIV) of the Commission on Human Rights, as well as its own resolution 11 (XXI) by which it requested the Chairman of the Sub-Commission to analyse on its behalf the materials on the situation of human rights in Democratic Kampuchea, together with the comments and observations by the Sub-Commission and to present his analysis with the recommendation that the Commission give this matter highest priority at its thirty-fifth session,

Believing that human rights situations under consideration in United Nations human rights organs may need continued examination even if changes occur in those exercising authority over such situations, in order to ascertain the nature and extent of the violations committed, determining their root causes, and helping the government concerned to deal with the situation and to take measures to avoid such violations in the future,

1. Expresses its appreciation to Mr. A. Bouhdiba for his highly competent analysis of the situation of human rights in Democratic Kampuchea submitted to the thirty-fifth session of the Commission on Human Rights;
2. Urges the Government of Democratic Kampuchea to take urgent measures to restore full respect for human rights and fundamental freedoms in that country and to take such measures as may be necessary in order to prevent such violations from occurring in the future;

3. Invites the Government of Democratic Kampuchea to collaborate with the United Nations and to present such information as it possesses to the Secretary-General for transmission to the Commission on Human Rights at its thirty-sixth session and to the Sub-Commission at its thirty-third session, on violations of human rights which have taken place in Democratic Kampuchea in the recent past, on the root causes of such violations, and on measures taken in order to prevent such violations from recurring in the future;

4. Draws the attention of the Government of Democratic Kampuchea to the opportunities available under the United Nations programme of advisory services in the field of human rights whereby the United Nations may provide the services of technical experts to advise or assist governments on measures needed to strengthen their arrangements for the promotion of protection of human rights.

C. 14/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind resolution 33/76 of the General Assembly on the situation then existing in Nicaragua as well as resolution 14 (XXXV) of the Commission on Human Rights which requested the Secretary-General acting through the appropriate channels, to keep under continuing review the development of the situation in Nicaragua, and in particular violations of human rights and fundamental freedoms, and to submit a report, based on all relevant sources, to the Commission on Human Rights at its thirty-sixth session through the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Believing that human rights situations under consideration in United Nations human rights organs may need continued examination even if changes occur in those exercising authority over such situations, in order to ascertain the nature and extent of the violations committed, determining their root causes, and helping the government concerned to deal with the situation and to take measures to avoid such violations in the future,

1. Expresses its appreciation to the Secretary-General for his report on the situation in Nicaragua (E/CN.4/Sub.2/486) and requests the Secretary-General to supplement this report for presentation to the Commission on Human Rights at its thirty-sixth session, taking into account any information submitted by the Government of Nicaragua;

2. Urges the Government of Nicaragua to take urgent measures to restore full respect for human rights and fundamental freedoms in that country and to take such measures as may be necessary in order to prevent such violations from occurring in the future;

3. Invites the Government of Nicaragua to collaborate with the United Nations and to present such information as it possesses to the Secretary-General for transmission to the Commission on Human Rights at its thirty-sixth session and to the Sub-Commission at its thirty-third session, on violations of human rights which have taken place in Nicaragua in the recent past, on the root causes of such violations, and on measures taken in order to prevent such violations from recurring in the future;

4. Draws the attention of the Government of Nicaragua to the opportunities available under the United Nations programme of advisory services in the field of human rights whereby the United Nations can provide the services of technical experts to advise or assist governments on measures needed to strengthen their arrangements for the promotion and protection of human rights.

5 (XXXII). Question of the Human Rights of Persons Subjected
to any Form of Detention or Imprisonment

A. 15/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling especially article 10 of the Universal Declaration of Human Rights which states that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him", and Article 14, paragraph 1 of the International Covenant on Civil and Political Rights which provides that "In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law",

Recalling that by resolution 5 (XXXI) of 13 September 1978, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General to prepare and submit to the Sub-Commission at its thirty-second session a preliminary study with regard to such measures as have hitherto been taken and the conditions regarded as essential to ensure and secure the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to the end that there shall be no discrimination in the administration of justice,

Having considered the preliminary study contained in document E/CN.4/Sub.2/428 and expressing its appreciation to the Secretary-General for his aforesaid report,

Convinced that an essential prerequisite for ensuring that there shall be no discrimination in the administration of justice is the existence of an independent and impartial judiciary and independent lawyers,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the Independence and Impartiality of Judiciary, Jurors and Assessors and the Independence of Lawyers, to the end that there shall be no discrimination in the administration of justice and that human rights and fundamental freedoms may be maintained and safeguarded, in the light of the comments made in the Sub-Commission at its thirty-second session;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work;

"3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-third session".

B. 16/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 33/173 of 20 December 1978 concerning disappeared persons, in which the Assembly inter alia expresses deep concern at reports from various parts of the world relating to enforced or involuntary disappearances of persons,

Bearing in mind Economic and Social Council resolution 1979/38 which requests the Sub-Commission to make general recommendations concerning this situation to the Commission on Human Rights,

1. Points out that according to information brought to its notice, enforced or involuntary disappearances of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations continue to occur, and that the danger involved for such persons warrants urgent reaction on the part of all individuals and institutions as well as of the Governments;
2. Considers that the resolution in question places not merely a legal but also a moral obligation, based on the principles of elementary humanity which inspire the international community, on all those participating in United Nations activities to take account at every appropriate opportunity of disappearances brought to their knowledge and to combine their efforts to try to locate the missing and disappeared persons in different regions of the world;
3. Proposes that the emergency action called for by this situation might be entrusted to a group of experts of the Sub-Commission, which would be given all the information available for locating the missing and disappeared persons in different regions of the world and would make the necessary contacts with the Governments and families concerned; and requests the Commission on Human Rights to authorize members designated by the Chairman of the Sub-Commission to undertake the task;
4. Transmits to the Secretary-General for action, pending the decision by the Commission, in accordance with the appropriate procedures and also, to such extent as he deems possible, as part of the good offices urged upon him by the General Assembly resolution, the lists of missing persons communicated to him by members of the Sub-Commission;
5. Suggests that if this phenomenon were to continue, its extreme gravity would justify envisaging some form of emergency remedy, based on the notion of habeas corpus or any other type of legal protection, designed to induce official organs to devote the necessary means to the search for the missing and disappeared persons in different regions of the world.

6 (XXXII). Human Rights and Scientific and
Technological Developments 17/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Requests the Secretary-General to prepare a report analysing information concerning the subject referred to in resolution 10 A (XXVIII) of the Commission on Human Rights with a view to the formulation of guidelines regarding:

- (a) the medical measures that may properly be employed in the treatment of persons detained on the grounds of mental ill-health and
- (b) procedures for determining whether adequate grounds exist for detaining such persons and applying such medical measures.

7 (XXXII). Exploitation of Child Labour

A. 18/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba with the preparation of a report on the exploitation of child labour, taking into account all the economic, social, cultural and psychological dimensions of the problem, in the light of the comments made in the Sub-Commission at its thirty-second session, reports prepared by the International Labour Organisation on this subject and other relevant reports;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work, including all relevant information from reliable sources;

"3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-fourth session."

B. 19/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that the exploitation of child labour is widespread and even increasing in many areas of the world,

17/ Adopted at the 853rd meeting, on 5 September 1979

18/ Adopted at the 853rd meeting, on 5 September 1979

19/ Adopted at the 853rd meeting, on 5 September 1979

Recalling that the exploitation of child labour is prohibited by the International Covenant on Economic, Social and Cultural Rights by the Declaration of the Rights of the Child and by the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery when the child is delivered to a third party for such purpose,

Noting that the International Labour Organisation has adopted a number of international instruments setting minimum age standards for admission to employment and aimed at protecting working children from exploitative conditions of work,

Having reviewed relevant information submitted at its thirty-second session by the Secretary-General, the International Labour Office, and non-governmental organizations:

1. Decides to review the question of the exploitation of child labour annually and, to this end, requests the Working Group on Slavery to report each year to the Sub-Commission on this question along with other matters engaging its consideration;
2. Requests the Secretary-General to transmit the reports on the exploitation of child labour in some countries submitted to the Sub-Commission at its thirty-second session to the Governments concerned for information and comments;
3. Urgently appeals to all Governments to ensure that adequate legislation to protect working children is enacted and, if possible, properly enforced, and to make consideration of the needs of working children an important aspect of their economic and social planning;
4. Recommends to the Commission on Human Rights to take into account the relevant documentation submitted to the Working Group on Slavery and the Sub-Commission, and their debates on this question, in drafting the appropriate articles of the Convention on the Rights of the Child;
5. Requests all bodies of the United Nations system to co-operate in eliminating the exploitation of child labour and, in particular, requests (a) the ILO to increase its research activities; (b) FAO to consider the possibility of undertaking a study of child labour in agriculture and developing appropriate programmes of assistance; (c) UNICEF to provide information on the sale of children as it relates to the exploitation of child labour; (d) UNESCO to provide assistance to countries in developing educational systems adapted to the specific needs of working children; (e) WHO to study the effects of work on the health of children; (f) UNU to promote in-depth studies of the underlying economic and social causes, conditions and implications of child labour.

8 (XXXII). The New International Economic Order and the
Promotion of Human Rights 20/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the importance, complexity and wide scope of the item: "The New International Economic Order and the Promotion of Human Rights",

Bearing in mind, nevertheless, that basic human rights may be realized before the New International Economic Order is put to effect,

Recognizing further that the International Economic Order is complementary to domestic economic order,

Having discussed the item on the basis of the existing relevant documents, including the valuable report of the Secretary-General (E/CN.4/1334),

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to appoint Mr. Raúl Ferrero as Special Rapporteur, with the mandate of preparing a study on: 'The New International Economic Order and the Promotion of Human Rights'. The Special Rapporteur, in elaborating his study, should take into account the conclusions of the seminar to be held in 1980 within the framework of the advisory services programme on the basis of operative paragraph 8, resolution 5 (XXXV) of the Commission on Human Rights and should examine the effect, if any, that the New International Economic Order has on the implementation of some human rights and fundamental freedoms, as well as taking into account the comments made in the Sub-Commission at its thirty-second session and the relevant existing documents prepared by the competent organs of the United Nations system. The Special Rapporteur should also collect and analyse from a human rights perspective recommendations and guidelines contained in resolutions and reports adopted by organs of the United Nations system and in particular regional economic commissions in relation to the New International Economic Order:

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work;

"3. Authorizes the Special Rapporteur to represent the Sub-Commission at the Seminar to be held in 1980 within the framework of the advisory services programme on the basis of operative paragraph 8, resolution 5 (XXXV), of the Commission on Human Rights;

"4. Requests the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-third session and his final report to the Sub-Commission at its thirty-fifth session".

9 (XXXII). Consideration of the Future Work of the Sub-Commission
and of the Draft Provisional Agenda for the
Thirty-Third Session of the Sub-Commission

A. 21/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Sub-Commission on Prevention of Discrimination and Protection of Minorities was created to deal with matters related to prevention of discrimination and protection of minorities,

Bearing in mind that the scope and jurisdiction of the Sub-Commission has been enlarged and now deals with matters which extend beyond prevention of discrimination and protection of minorities,

Recommends to the Human Rights Commission to change the name of the Sub-Commission to the Sub-Commission of Experts on Human Rights.

B. 22/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of Economic and Social Council resolution 1503 (XLVIII) in particular its paragraph 8, which provides that "all actions envisaged in the implementation of the present resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council",

Bearing in mind that it would be in the interest of the proper implementation of Council resolution 1503 (XLVIII) for the Working Group of the Sub-Commission provided for in paragraph 1 thereof, as well as for the Sub-Commission itself, to adopt the method of voting by secret ballot when taking decisions on matters arising under resolution 1503 (XLVIII), in order to safeguard the process of confidentiality;

Requests again the competent United Nations bodies to amend the rules of procedure so that in the future the Sub-Commission and its Working Group provided for in paragraph 1 of Council resolution 1503 (XLVIII) shall, in taking decisions on matters arising in the implementation of Council resolution 1503 (XLVIII), adopt the method of voting by secret ballot unless the Sub-Commission or its Working Group decide otherwise.

C. 23/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering the increasing number, importance and complexity of the subjects discussed by the expert members of the Sub-Commission, and also the increasing number of its working groups,

Considering also the heavy work imposed on the Division of Human Rights in the preparation of documents for the Sub-Commission,

Requests the Commission on Human Rights to recommend to the Economic and Social Council that it decide

(a) that the Sub-Commission should meet twice a year for a period of two weeks each;

(b) that, if possible, one of the meetings should take place at the United Nations Headquarters in New York and the other at the United Nations Office at Geneva.

22/ Adopted at the 853rd meeting, on 5 September 1979

23/ Adopted at the 853rd meeting, on 5 September 1979

B. Decisions

1. The Sub-Commission decided to submit the summary record which reflects its discussions on the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities, particularly with regard to the draft declaration proposed by Yugoslavia, to the Commission on Human Rights as requested by Commission resolution 21 (XXXV) of 14 March 1979. 24/
2. The Sub-Commission decided to recall its resolution 8 (XXXI), to request the Secretary-General to provide a report to the Sub-Commission concerning the implementation of the aforesaid resolution, and to defer the question of the consideration of the said sub-item until its next session. 25/
3. The Sub-Commission decided to request the Special Rapporteur on the item "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights" to continue and finalize her work. 26/
4. The Sub-Commission decided to request the Special Rapporteur on the item "Study of the problem of discrimination against indigenous populations" to continue and finalize his work. 27/
5. The Sub-Commission decided that, if the Commission on Human Rights or the Economic and Social Council would not endorse the recommendation of the Sub-Commission for two sessions of two weeks annually, the Sub-Commission would need to make use of four weeks for its annual session as authorized by the Commission in resolution 22 (XXXV) and Council resolution 1979/36. 28/
6. The Sub-Commission decided to send the following telegram to the Government of Iran:

"THE UNITED NATIONS SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES IN ITS CONCERN FOR PROTECTION OF HUMAN RIGHTS OF ALL INDIVIDUALS EXPRESSES ITS DEEP SENSE OF SHOCK AT REPORTED SUMMARY EXECUTIONS OF NUMEROUS KURDS IN IRAN AND REQUESTS THE IMMEDIATE CESSATION OF THESE INHUMAN PRACTICES". 29/

24/ Adopted at the 850th meeting on 4 September 1979

25/ Adopted at the 852nd meeting on 5 September 1979

26/ Adopted at the 853rd meeting on 5 September 1979

27/ Adopted at the 853rd meeting on 5 September 1979

28/ Adopted at the 853rd meeting on 5 September 1979

29/ Adopted at the 854th meeting on 7 September 1979

7. The Sub-Commission decided that the composition of its working groups should be as follows: 30/

| <u>Regional Group</u> | <u>Communications</u> | <u>Slavery</u> | <u>Missing Persons</u> |
|-----------------------------|--|----------------|------------------------|
| Asia | Mr. Pirzada (Alternate: Mr. Sadi) | Mr. Chowdhury | Mr. Singhvi |
| Africa | Mrs. Warzazi (Alternate: Mr. Jimeta) | Mr. Jimeta | Mr. Bouhdiba |
| Latin America | Mr. Martínez Baez (Alternate: Mr. Holguín Holguín) | Mr. Amadeo | Mr. Martínez Cobo |
| Western Europe and other | Mr. Whitaker (Alternate: Mrs. Questiaux) | Mr. Carter | Mrs. Daes |
| Eastern Europe | Mr. Smirnov (Alternate: Mr. Bahnev) | Mr. Ceausu | Mr. Bahnev |

8. The Sub-Commission decided to authorize the outgoing Chairman to decide on the representation of the Sub-Commission in the meetings referred to in paragraph 3 of resolution 2 B (XXXII). 31/

30/ Adopted at the 854th meeting on 7 September 1979

31/ Adopted at the 852nd meeting on 5 September 1979

Annex I

ATTENDANCE

Members and alternates

| | |
|--|---|
| Mr. Mario Amadeo | (Argentina) |
| Mr. Yuli Bahnev | (Bulgaria) |
| Mr. Abdelwahab Bouhdiba | (Tunisia) |
| Mr. Beverly Carter Jr., Mr. John Carey */ | (United States of America) |
| Mr. Dumitru Ceausu | (Romania) |
| Mr. Justice Abu Sayeed Chowdhury | (Bangladesh) |
| Mrs. Erica-Irene Daes | (Greece) |
| Mr. Abdullah El Khani | (Syrian Arab Republic) |
| Mr. Raúl Ferrero | (Peru) |
| Mr. Hicri Fisek | (Turkey) |
| Mr. Manouchehr Ganji ^{a/} | (Iran) |
| Mr. Carlos Holguín Holguín | (Colombia) |
| Mr. H.W. Jayawardene | (Sri Lanka) |
| Mr. I.B. Fonseka */ | |
| Mr. Ibrahim Jimeta | (Nigeria) |
| Mr. Ahmed Khalifa | (Egypt) |
| Mr. Antonio Martínez Baez | (Mexico) |
| Mr. José Martínez Cobo | (Ecuador) |
| Mr. Erik Nettel | (Austria) |
| Mr. S. Sharifuddin Pirzada ^{a/} | (Pakistan) |
| Mr. Jamsheed K.A. Marker */, Mr. A.A. Hashmi */ | |
| Mrs. Nicole Questiaux | (France) |
| Mr. Waleed Sadi | (Jordan) |
| Mr. L.M. Singhvi | (India) |
| Mr. Sergey N. Smirnov ^{a/} , Mr. K.L. Kelin */, Mr. L. Dadiani */ | (Union of Soviet Socialist Republics) |
| Mr. Arsène Usher | (Ivory Coast) |
| Mrs. Halima Warzazi | (Morocco) |
| Mr. Benjamin Whitaker | (United Kingdom of Great Britain and Northern Ireland) |

*/ Alternate

^{a/} Not present

States Members of the United Nations represented by observers

Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Ethiopia, Germany, Federal Republic of, France, German Democratic Republic, Greece, Iraq, Israel, Italy, Japan, Morocco, Netherlands, Norway, Pakistan, Poland, Somalia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Non-member States represented by observers

Switzerland

United Nations bodies

Commission on the Status of Women, Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Regional intergovernmental organizations

Council of Europe, League of Arab States,

National liberation movements

Palestine Liberation Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade-Unions, International Council of Women, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, World Federation of Trade Unions, World Federation of United Nations Associations.

Category II

All India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Commission of the Churches on International Affairs (WCC), Friends World Committee for Consultation, International Association of Democratic Lawyers, International Association for Religious Freedom, International

Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, International Union for Child Welfare, Pan-Pacific and South East Asia Women's Association, Pax Romana, Women's International League for Peace and Freedom, World Jewish Congress, World Young Women's Christian Association.

Roster

International Humanist and Ethical Union
Minority Rights Group
Movement against Racism and for Friendship Among Peoples
Romani Union

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED
 BY THE SUB-COMMISSION AT ITS THIRTY-SECOND SESSION

1. In the course of its thirty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolutions and decisions having financial implications. Prior to the adoption of these resolutions, statements of their administrative and financial implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned decisions and resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1980 and 1981, additional credits, as appropriate, would be required for the biennium 1980-1981.

Resolution 2 A (XXXII). Measures to combat racism and racial discrimination and the role of the Sub-Commission

3. Under the terms of resolution 2 A (XXXII), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to entrust Mr. Justice Abu Sayeed Chowdhury with the preparation of a report on the discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism, in the light of the comments made in the Sub-Commission at its thirty-second session and request the Special Rapporteur to submit his report to the Sub-Commission at its thirty-fourth session.

4. On the basis of the foregoing, the financial implications of the resolution are as follows:

| | <u>1980</u> (US dollars) | <u>1981</u> (US dollars) |
|---|-----------------------------|-----------------------------|
| - One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Dacca/Geneva/Dacca including subsistence for five working days) | 3,050 | |
| - One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Dacca/Geneva/Dacca including subsistence for five working days) | | 3,050 |
| - If no longer a member of Sub-Commission, one round-trip (economy class) of Special Rapporteur to present his report (Dacca/Geneva/Dacca including subsistence for three working days) | | 2,850 |
| | 3,050 | 5,900 |

Resolution 2 B (XXXII). Measures to combat racism and racial discrimination and the role of the Sub-Commission

5. In operative paragraph 3 of resolution 2 B (XXXII), the Sub-Commission emphasizes the need for representation whenever possible in seminars, conferences, meetings, workshops, round tables, etc., organized within the framework of the Programme for the Decade by the United Nations system, by intergovernmental organizations and by non-governmental organizations in consultative status with the Economic and Social Council. On the assumption that a member of the Sub-Commission may be required to represent the Sub-Commission at approximately eight such meetings in 1979, 1980, 1981 and 1982 at an average cost of \$US 1,875 for travel and subsistence in respect of each such representation it is estimated that travel and subsistence funds will be required for this purpose in the amount of \$US 15,000. It may, however, prove possible to absorb some of these estimated travel and subsistence costs from savings under the biennium budget for travel and subsistence of members to attend meetings of the Sub-Commission.

Resolution 3 (XXXII). Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

6. Under the terms of resolution 3 (XXXII), the Sub-Commission decides to send to the Commission on Human Rights the revised report by the Special Rapporteur (Mr. Ahmed Khalifa) and requests the Economic and Social Council that the report be printed, disseminated on the widest scale and forwarded to the General Assembly.

7. On the basis of the foregoing, the financial implications of the resolution are as follows:

| | 1980 (US dollars) |
|---|----------------------|
| - One round-trip by economy class of Special Rapporteur to present his final report to the thirty-sixth session of the Commission on Human Rights (Cairo/Geneva/Cairo including subsistence for three working days) | 900 |
| - Editing and preparation of the report for printing in English, French, Russian and Spanish | 41,100 |
| | <hr/> 42,000 |

Resolution 5 B (XXXII). Questions of human rights of persons subjected to any form of detention or imprisonment

3. Under the terms of resolution 5 B (XXXII), the Sub-Commission, recalling General Assembly resolution 33/175 in which *inter alia* deep concern was expressed at reports from various parts of the world relating to enforced or involuntary disappearances of persons, and Economic and Social Council resolution 1979-38 in which the Sub-Commission was requested to make general recommendations concerning this situation to the Commission on Human Rights, it is proposed that

emergency action called for by this situation might be entrusted to a group of experts of the Sub-Commission which would be given all the information available for locating the missing and disappeared persons in different regions of the world and would make the necessary contacts with the governments and the families concerned.

9. Resolution 5 B (XXXII) also requests the Commission on Human Rights to authorize members designated by the Chairman of the Sub-Commission to undertake the task on the assumption that a group of five experts would hold two separate meetings in Geneva for a period of one week each during 1980 to examine the compilation of information available for locating the missing and disappeared persons in different regions of the world, the financial implications of the resolution are as follows:

| | <u>1980</u> |
|--|---------------|
| | (US dollars) |
| I. Meeting in Geneva, 1980 (one week) | |
| -- Travel and subsistence of five members | |
| (a) Travel..... | 10,000 |
| (b) Subsistence | 3,340 |
| -- Conference servicing costs | |
| (a) Interpretation and sound engineer and meeting services | 14,100 |
| (b) Pre-session, in-session and post- session documentation in English, French and Spanish..... | <u>10,600</u> |
| | 38,040 |
| II. Meeting in Geneva, 1980 (one week) | |
| -- Travel and subsistence of five members | |
| (a) Travel | 10,000 |
| (b) Subsistence | 3,340 |
| -- Conference servicing costs | |
| (a) Interpretation and sound engineer and meeting services | 14,100 |
| (b) Pre-session, in-session and post- session documentation in English, French and Spanish | <u>10,600</u> |
| | 38,040 |
| III. Four man-months of outside expertise at the P-5 level | <u>17,000</u> |
| Overall total... | 93,080 |

Resolution 7 A (XXXII). Exploitation of child labour

10. Under the terms of resolution 7 A (XXXII), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba with the preparation of a report on the exploitation of child labour, taking into account all the economic, social, cultural and psychological dimensions of the problem, in the light of the comments made in the Sub-Commission at its thirty-second session and reports prepared by the International Labour Organisation and other relevant reports on this subject. The Special Rapporteur would be requested to submit his report to the Sub-Commission at its thirty-fourth session.

11. On the basis of the foregoing, the financial implications of the resolution are as follows:

| | <u>1980</u> | <u>1981</u> |
|---|--------------|--------------|
| | (US dollars) | (US dollars) |
| - One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Tunis/Geneva/Tunis including subsistence for five working days)..... | 350 | |
| - One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Tunis/Geneva/Tunis including subsistence for five working days) | | 350 |
| - If no longer a member of Sub-Commission, one round-trip (economy class) of Special Rapporteur to present his report (Tunis/Geneva/Tunis including subsistence for three working days) | _____ | <u>650</u> |
| | 850 | 1,500 |

Resolution 8 (XXXII). The new international economic order and the promotion of human rights

12. Under the terms of resolution 8 (XXXII), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to appoint Mr. Raúl Ferrero as Special Rapporteur to prepare a study on "The New International Economic Order and the Promotion of Human Rights" and to represent the Sub-Commission at the Seminar to be held in 1980 within the framework of the advisory services programme on the basis of operative paragraph 3, resolution 5 (XXXIV), of the Commission on Human Rights. The Sub-Commission further recommends that the Commission on Human Rights request the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-third session and his final report to the Sub-Commission at its thirty-fifth session.

13. On the basis of the foregoing, the financial implications of the resolution are as follows:

| | <u>1980</u> (US dollars) | <u>1981</u> (US dollars) | 1982 (US dollars) |
|--|-----------------------------|-----------------------------|----------------------|
| - One round-trip (first class <u>*/</u>) of Special Rapporteur for consultations with Division of Human Rights (Lima/Geneva/Lima including subsistence for five working days) | 3,550 | | |
| - One round-trip (first class <u>*/</u>) of Special Rapporteur to attend seminar to be held under the framework of advisory services on the effect of the existing unjust international economic order (Lima/Geneva/Lima including subsistence for two weeks) | 4,450 | | |
| - Three man-months of outside expertise at the P-3 level | 12,700 | | |
| - One round-trip (first class <u>*/</u>) of Special Rapporteur for consultations with Division of Human Rights (Lima/Geneva/Lima including subsistence for five working days).. | | 3,550 | |
| - If no longer a member of Sub-Commission, one round-trip (first class <u>*/</u>) of Special Rapporteur to present his progress report (Lima/Geneva/Lima including subsistence for three working days) | | 3,350 | |
| - Three man-months of outside expertise at the P-3 level | | 12,700 | |
| - One round-trip (first class <u>*/</u>) of Special Rapporteur for consultations with Division of Human Rights (Lima/Geneva/Lima including subsistence for five working days).... | | | 3,550 |
| - If no longer a member of Sub-Commission, one round-trip (first class <u>*/</u>) of Special Rapporteur to present his final report (Lima/Geneva/Lima including subsistence for three working days).... | | | <u>3,350</u> |
| | <u>20,700</u> | <u>19,600</u> | <u>6,900</u> |

*/ Flight time more than 9 hours.

Decision 3

14. The Sub-Commission decided to request the Special Rapporteur on the item "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights" to continue and finalize her work. The financial implications of this decision are as follows:

1980
(US dollars)

- One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Athens/Geneva/Athens including subsistence for eight working days) 1,360

Decision 4

15. The Sub-Commission decided to request the Special Rapporteur on the item "Study of the problem of discrimination against indigenous populations" to continue and finalize his work. The financial implications of this decision are as follows:

1980
(US dollars)

- One round-trip (first class ^{*/}) of Special Rapporteur for consultations with Division of Human Rights (Mexico/Geneva/Mexico including subsistence for five working days)... 2,600

*/ Flight time more than 9 hours (General Assembly Resolution 32/198)

Annex III

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-SECOND SESSION
OF THE SUB-COMMISSION

Agenda
Item

Documents issued in the general series

| | | |
|--------------------------------------|---|---|
| E/CN.4/Sub.2/419 | Note by the Secretary-General | |
| E/CN.4/Sub.2/420 | Provisional agenda and annotations thereto: Note by the Secretary-General | |
| E/CN.4/Sub.2/421 | Note by the Secretary-General | 3 |
| E/CN.4/Sub.2/422 and Corr. and Add.1 | Memorandum submitted by the International Labour Office | 3 |
| E/CN.4/Sub.2/423 | Memorandum submitted by the United Nations Educational, Scientific and Cultural Organization | 3 |
| E/CN.4/Sub.2/424 | Report of the Working Group of Five for the Decade | 4 |
| E/CN.4/Sub.2/425 and Add.1, 2 and 3 | Revised report prepared by Mr. Ahmed Khalifa, Special Rapporteur, in pursuance of Sub-Commission resolution 2 (XXXI) and Commission resolution 9 (XXXV) | 5 |
| E/CN.4/Sub.2/426 | Situation of human rights in Nicaragua: report of the Secretary-General | 6 |
| E/CN.4/Sub.2/427 | Letter dated 7 September 1979 from the Permanent Representative of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland | 3 |
| E/CN.4/Sub.2/428 | A preliminary study with regard to such measures as have hitherto been taken and the conditions regarded as essential to ensure and secure the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers | 8 |

| | | <u>Agenda</u> <u>Item</u> |
|---|---|------------------------------|
| E/CN.4/Sub.2/429 and Add.1 | Note by the Secretary-General | 8 |
| E/CN.4/Sub.2/430 and Add.1 | Note by the Secretary-General | 8 |
| E/CN.4/Sub.2/431 | Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat | 8 |
| E/CN.4/Sub.2/432 and Corr.1 | Final report by Mrs. Erica-Irene A. Daes, Special Rapporteur | 9 |
| E/CN.4/Sub.2/433 | Report of the Working Group on Slavery on its fifth session | 12 |
| E/CN.4/Sub.2/NGO.79 | Written statement submitted by the Inter-Parliamentary Union | 6 |
| E/CN.4/Sub.2/NGO/80 and Add.1 | Written statement submitted by Amnesty International, the International Commission of Jurists and the Minority Rights Group | 15 |
| E/CN.4/Sub.2/SR.823-854 <u>a/</u> | Summary records of meetings of the thirty-second session of the Sub-Commission | |
| <u>Documents issued in the limited series</u> | | |
| E/CN.4/Sub.2/L.707 | Report submitted by the Special Rapporteur Mr. José R. Martínez Cobo | 11 |
| E/CN.4/Sub.2/L.708 | Studies prepared for the Sub-Commission on Prevention of Discrimination and Protection of Minorities in recent years | 15 |
| E/CN.4/Sub.2/L.709 | Draft provisional agenda for the thirty-third session of the Sub-Commission | 15 |

a/ The 845th-848th meetings and part of the 852nd and 854th meetings were closed.

| | <u>Agenda</u> <u>Item</u> |
|--------------------|---|
| E/CN.4/Sub.2/L.710 | Mr. Amadeo, Mr. Bouhdiba, Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Holguín Holguín, Mr. Jimeta, Mr. Kolin, Mr. Martínez Baez, Mr. Martínez Cobo, Mr. Sadi and Mr. Whitaker: draft resolution 13 |
| E/CN.4/Sub.2/L.711 | Mr. Carter, Mr. Ceausu, Mr. El Khani, Mr. Fisek, Mr. Jimeta, Mr. Martínez Baez, Mr. Martínez Cobo and Mrs. Warzazi: draft resolution 12 |
| E/CN.4/Sub.2/L.712 | Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Hashmi, Mr. Kolin, Mr. Khalifa, Mr. Sadi, Mr. Singhvi and Mrs. Warzazi: draft resolution 3 |
| E/CN.4/Sub.2/L.713 | Mr. Amadeo, Mr. Bouhdiba, Mrs. Daes, Mr. El Khani, Mr. Ferrero and Mr. Fisek: draft resolution 4 |
| E/CN.4/Sub.2/L.714 | Mr. Chowdhury, Mr. Ferrero, Mr. Fisek, Mr. Jimeta, Mr. Sadi, Mr. Singhvi, Mrs. Questiaux and Mr. Whitaker: draft resolution 15 |
| E/CN.4/Sub.2/L.715 | Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Jimeta, Mr. Sadi, Mr. Singhvi and Mrs. Warzazi: draft resolution 5 |
| E/CN.4/Sub.2/L.716 | Mr. Ferrero, Mr. Jimeta, Mr. Khalifa and Mrs. Questiaux: draft resolution 3 |
| E/CN.4/Sub.2/L.717 | Mr. Chowdhury, Mrs. Daes, Mrs. Warzazi and Mr. Whitaker: draft resolution 12 |

| | | |
|--------------------------|--|----|
| E/CN.4/Sub.2/L.713 | Mr. Bouhdiba, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Jimeta, Mr. Khalifa and Mrs. Warzazi: draft resolution | 4 |
| E/CH.4/Sub.2/L.719/Rev.1 | Mr. Sadi: amendment to draft resolution E/CN.4/Sub.2/L.710 | 13 |
| E/CN.4/Sub.2/L.720 | Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Holguín Holguín, Mr. Jimeta, Mr. Kolin, Mrs. Questiaux, Mr. Sadi, Mrs. Warzazi and Mr. Whitaker: draft resolution | 9 |
| E/CN.4/Sub.2/L.721 | Mr. Sadi: amendment to draft resolution E/CN.4/Sub.2/L.713 | 4 |
| E/CN.4/Sub.2/L.722 | Mr. Fisek, Mr. Martínez Baez, Mrs. Questiaux, Mr. Singhvi and Mr. Whitaker: draft resolution | 15 |
| E/CH.4/Sub.2/L.723 | Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Kolin, Mr. Khalifa, Mr. Sadi, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker: draft resolution | 6 |
| E/CH.4/Sub.2/L.724 | Mr. Bouhdiba, Mrs. Daes, Mr. Ferrero, Mr. Martínez Baez, Mrs. Questiaux, Mr. Singhvi and Mr. Whitaker: draft resolution | 3 |
| E/CN.4/Sub.2/L.725 | Mrs. Daes and Mr. Whitaker: draft decision | 3 |
| E/CH.4/Sub.2/L.726 | Mr. Whitaker: draft resolution | 6 |
| E/CN.4/Sub.2/L.727 | Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Fisek, Mr. Sadi, Mr. Singhvi and Mr. Whitaker: draft resolution | 15 |
| E/CN.4/Sub.2/L.728 | Mr. Singhvi and Mr. Whitaker: draft resolution | 10 |
| E/CN.4/Sub.2/L.729 | Mrs. Daes, Mr. Ferrero, Mr. Jayewardene, Mrs. Warzazi and Mr. Whitaker: draft resolution | 15 |