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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ABBREVIATIONS

ICRC	International Committee of the Red Cross
ILO	International Labour Organisation
INTERPOL	International Criminal Police Organization
OAU	Organization of African Unity
PLO	Palestine Liberation Organization
SWAPO	South West Africa People's Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNITAR	United Nations Institute for Training and Research

I. ISSUES THAT REQUIRE ACTION BY OR ARE BROUGHT TO THE
ATTENTION OF THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Report of the Sub-Commission on Prevention of Discrimination and
Protection of Minorities on its thirty-fourth session 1/

Study of the problem of discrimination against indigenous populations

The Economic and Social Council,

Recalling its resolution 1589 (L) of 21 May 1971 Commission on Human Rights resolutions 22 (XXXVII) of 10 March 1981 and 1982/19 of 10 March 1982 and resolutions 8 (XXIV), 5 (XXXIII) and 2 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the urgent need to promote and to protect the human rights and fundamental freedoms of indigenous populations,

Bearing in mind the concerns expressed in this regard at the World Conference to Combat Racism and Racial Discrimination in 1978,

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights and fundamental freedoms of indigenous populations,

Mindful of the conclusions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Commission on Human Rights that the plight of indigenous peoples is of a serious and pressing nature and that special measures are urgently needed in order to promote and protect the human rights and fundamental freedom of indigenous populations,

1. Decides to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations which shall meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission bearing in mind the report of the Special Rapporteur of the Sub-Commission;

1/ See chap. XXVI, sect. A, resolution 1982/19, and chap. XVIII.

2. Further decides that the Working Group shall give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world;

3. Requests the Secretary-General to assist the working group on indigenous populations and make all necessary arrangements to enable it to carry out its functions.

II. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: summary or arbitrary executions 2/

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, 3/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 4/ which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979 in which the General Assembly reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Further recalling Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 on the question of violations of human rights and fundamental freedoms in any part of the world,

Mindful of General Assembly resolution 36/22 of 9 November 1981, which condemns the practice of summary and arbitrary executions,

Bearing in mind resolution 5 on extra-legal executions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 5/

Deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as being politically motivated,

2/ See chap. XXVI, sect. A, resolution 1982/29, and chap. X.

3/ General Assembly resolution 217 A (III).

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

5/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (United Nations publication, Sales No. E.81.IV.4), p. 8.

Convinced of the need to deal urgently with the question of summary or arbitrary executions,

1. Strongly deploras the increasing number of summary or arbitrary executions taking place in various parts of the world;
2. Decides therefore to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;
3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;
4. Considers that the special rapporteur in carrying out his mandate may seek and receive information from Governments as well as specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;
5. Requests the special rapporteur to submit a comprehensive report to the Commission at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations;
6. Urges all Governments to co-operate with and assist the special rapporteur in the preparation of his report;
7. Requests the Secretary-General to provide all necessary assistance to the special rapporteur;
8. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its thirty-ninth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

III. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation in Equatorial Guinea 6/

The Economic and Social Council,

Recalling its resolution 1981/38 of 8 May 1981 and its decision 1981/167 of 16 July 1981,

Bearing in mind Commission on Human Rights resolution 1982/34 of 11 March 1982,

6/ See chap. XXVI, sect. A, resolution 1982/34, and chap. X.

Mindful of the role that the United Nations could play in the promotion, the protection and the restoration of human rights and fundamental freedoms in the world,

Conscious of the request of the Government of Equatorial Guinea for assistance in the restoration of human rights and fundamental freedoms in that country with a view to ensuring, in particular, the right of the population to participate in the management of public affairs in the country,

1. Takes note of the plan of action proposed by the Secretary-General 7/ on the basis of recommendations submitted by the expert appointed pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980; 8/
2. Regrets the delay in the implementation of the measures envisaged in the plan of action;
3. Requests the Secretary-General, with expert assistance if necessary, to discuss with the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action;
4. Invites the Government of Equatorial Guinea to co-operate with the Secretary-General in this respect;
5. Requests the Secretary-General to inform the Economic and Social Council, at its second session of 1982, of the steps taken to implement this resolution and to report further to the Commission on Human Rights at its thirty-ninth session;
6. Requests the Commission on Human Rights to review this question at its thirty-ninth session.

IV. Question of a convention on the rights of the child 9/

The Economic and Social Council,

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979 and 35/131 of 11 December 1980, as well as resolution 36/57 of 25 November 1981 by which the Assembly requested the Commission on Human Rights to continue to give the highest priority to the question of completing the draft convention on the rights of the child, and Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978 as well as Council decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981, by which the Economic and Social Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-eighth session of the Commission in order to complete the work on a draft convention on the rights of the child,

7/ E/CN.4/1495.

8/ E/CN.4/1439 and Add.1.

9/ See chap. XXVI, sect. A, resolution 1982/39, and chap. XI.

Considering that it was not found possible to complete the work on this convention during the thirty-eighth session of the Commission,

Taking note of Commission on Human Rights resolution 1982/39 of 11 March 1982,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to facilitate the completion of the work on a draft convention on the rights of the child;

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session all relevant material relating to the draft convention on the rights of the child.

V. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: torture and other cruel, inhuman or degrading treatment of punishment 10/

The Economic and Social Council,

Recalling General Assembly resolution 36/60 of 25 November 1981, by which the Commission on Human Rights was requested to complete as a matter of the highest priority, at its thirty-eighth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1981/37 of 8 May 1981 by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the Commission's thirty-eighth session to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

Considering that it was not found possible to complete the work on the convention during the thirty-eighth session of the Commission,

Taking note of Commission on Human Rights resolution 1982/44 of 11 March 1982,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session all relevant material relating to the draft convention.

10/ See chap. XXVI, sect. A, resolution 1982/44, and chap. VIII.

B. Draft decisions

1. Question of the violation of human rights in the occupied Arab territories, including Palestine 11/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/1A of 11 February 1982, endorses the Commission's decision that a seminar on "Violations of human rights in the Palestinian and other territories occupied by Israel" be held at the United Nations Office at Geneva and requests the Secretary-General to make the appropriate arrangements for the organization of the seminar and to report to the Commission on Human Rights at its thirty-ninth session.

2. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in South Africa 12/

The Economic and Social Council takes note of Commission on Human Rights resolution 1982/12 of 25 February 1982, and approves the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regimes of southern Africa and to submit, through the Sub-Commission, the revised report to the Commission.

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 13/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/17 of 9 March 1982, approves the Commission's request to the Working Group of Governmental Experts on the Right to Development to hold two meetings of two weeks each in Geneva, the first in June/July 1982 and the second in September/October 1982.

4. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 14/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/20 of 10 March 1982, endorses the Commission's decision, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission

11/ See chap. XXVI, sect. A, resolution 1982/1 A, and chap. II.

12/ See chap. XXVI, sect. A, resolution 1982/12, and chap. V.

13/ See chap. XXVI, sect. A, resolution 1982/17, and chap. VI.

14/ See chap. XXVI, sect. A, resolution 1982/20, and chap. XVIII.

to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs.

5. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: exploitation of child labour 15/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/21 of 10 March 1982, endorses the Commission's recommendation that the study prepared by Mr. Abdelwahab Bouhdiba on the exploitation of child labour 16/ should be printed and given the widest possible distribution, including distribution in Arabic.

6. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: question of missing and disappeared persons 17/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/24 of 10 March 1982, approves the Commission's decision to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980, and requests the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner, and if necessary to make the necessary arrangements to ensure the continuity of the Secretariat's work.

7. Question of human rights in Chile 18/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/25 of 10 March 1982, approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for one year and requests the Secretary-General to make arrangements for the provision of adequate financial resources and staff for the implementation of Commission on Human Rights resolution 1982/25.

15/ See chap. XXVI, sect. A, resolution 1982/21, and chap. XVIII.

16/ E/CN.4/Sub.2/479.

17/ See chap. XXVI, sect. A, resolution 1982/24, and chap. VIII.

18/ See chap. XXVI, sect. A, resolution 1982/25, and chap. III.

8. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights and fundamental freedoms in Poland 19/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/26 of 10 March 1982, approves the Commission's decision to request the Secretary-General of the United Nations or a person designated by him to undertake a thorough study of the human rights situation in Poland.

9. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in El Salvador 20/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/28 of 11 March 1982, approves the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in El Salvador for another year and the Commission's request to the Special Representative to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session.

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Guatemala 21/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/31 of 11 March 1982, approves the Commission's request to its Chairman to appoint, after consultation within the Bureau, a special rapporteur of the Commission whose mandate will be to make a thorough study of the human rights situation in Guatemala, based on all information which he may deem relevant, including any comments and information which the Government of Guatemala may wish to submit, to be presented to the Commission at its thirty-ninth session. The Council requests the Secretary-General to give all necessary assistance to the special rapporteur of the Commission.

19/ See chap. XXVI, sect. A, resolution 1982/26, and chap. X.

20/ See chap. XXVI, sect. A, resolution 1982/28, and chap. X.

21/ See chap. XXVI, sect. A, resolution 1982/31, and chap. X.

11. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: human rights and mass exoduses 22/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/32 of 11 March 1982, approves the Commission's request to the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study on human rights and massive exoduses, to explore further with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study (E/CN.4/1503*), and to remain available for consultations with the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees as required.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 23/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/33 of 11 March 1982, approves the Commission's decision to extend the mandate of the Special Envoy appointed to carry out a thorough study of the human rights situation in Bolivia for another year and requests the Secretary-General to give all necessary assistance to the Special Envoy.

13. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 24/

The Economic and Social Council, noting Commission on Human Rights resolution 1982/41 of 11 March 1982, endorses the Commission's request to the Secretary-General, within the world-wide programme for the dissemination of basic international instruments on human rights, to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. 25/ The Council also endorses the Commission's request to the Secretary-General to issue, as soon as possible, a pamphlet containing the text of the Declaration, together with relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in the six official languages of the United Nations, and to give the widest dissemination to the pamphlet.

22/ See chap. XXVI, sect. A, resolution 1982/32, and chap. X.

23/ See chap. XXVI, sect. A, resolution 1982/33, and chap. X.

24/ See chap. XXVI, sect. A, resolution 1982/41, and chap. IX.

25/ General Assembly resolution 36/55.

14. Advisory services in the field of human rights:
assistance to Uganda 26/

The Economic and Social Council approves the decision taken by the Commission on Human Rights in its resolution 1982/37 of 11 March 1982, to request the Secretary-General, in response to the interest expressed by the Government of Uganda, to provide consultative advisory services and other forms of appropriate assistance to help the Government of Uganda to take appropriate measures to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the following areas: (a) the need for appropriate assistance to restore a law library for the High Court and Ministry of Justice; (b) the need for a qualified and experienced expert to serve as Commissioner for the revision of Ugandan laws in conformity with recognized norms of human rights and fundamental freedoms, and the printing of consolidated volumes of the revised laws; (c) the need for the training of prison officers with a view to securing the application of recognized norms on treatment of prisoners; and (d) the need for the training of police officials, particularly investigative and scientific experts.

15. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 27/

The Economic and Social Council approves the decision of the Commission in its decision 1982/103 of 11 March 1982 to set up a working group composed of five of its members to meet for one week prior to the thirty-ninth session, to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session under Economic and Social Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review.

16. Report of the Commission on Human Rights 28/

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

26/ See chap. XXVI, sect. A, resolution 1982/37, and chap. XXI.

27/ See chap. XXVI, sect. B, decision 1982/103, and chap. X.

28/ See chap. XXV.

II. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

1. The Commission considered agenda item 4 concurrently with item 9 (see chap. VII) at its 5th to 11th, 13th, 16th, 17th and 18th meetings, held from 3 to 8 February 1982 and on 9, 11 and 12 February 1982.
2. By its resolution 1 A (XXXVII) of 11 February 1981, the Commission had decided to place that item on the provisional agenda of its thirty-eighth session as a matter of high priority.
3. For the consideration of that question the Commission, in accordance with paragraphs 15, 19 and 20 of resolution 1 A (XXXVII), had before it: a note by the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1481); a report of the Secretary-General on the measures to bring resolution 1 A and B (XXXVII) to the attention of all Governments, the competent United Nations organizations, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest publicity (E/CN.4/1482). In addition the Commission had before it a note by the Secretary-General (E/CN.4/1483 and Add.1) drawing the Commission's attention to reports and documents issued since the closure of the thirty-seventh session of the Commission: A/36/13; A/36/35; A/36/385; A/36/559; A/36/260; A/36/655-S/14746; A/36/579; A/36/588; A/36/305; S/14821; A/36/846; A/36/853; A/36/854; A/36/855 and A/36/706-S/14762.
4. The Commission heard statements by the observers for Morocco (5th Meeting); Israel (6th and 8th meetings); Viet Nam (7th meeting); Tunisia (7th meeting); German Democratic Republic (8th meeting); Iraq (9th meeting); Libyan Arab Jamahiriya (9th meeting); Nigeria (9th meeting); Hungary (9th meeting); Egypt (9th meeting); Democratic Yemen (10th meeting); the representative of the League of Arab States (7th and 10th meetings) and the representative of the Palestine Liberation Organization (5th and 9th meetings).
5. The Commission also heard statements by the following non-governmental organizations in consultative status: category I - World Muslim Congress (11th meeting); category II - International Indian Treaty Council (6th and 10th meetings) and the International Organization for the Elimination of All Forms of Racial Discrimination (7th meeting).
6. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/36/579) was referred to by the majority of speakers. They considered it an important document that gave an accurate account of the deteriorating condition of the civilian population in Palestine and other occupied Arab territories. According to those speakers the population of those territories was deprived of its most fundamental human rights. The members of the Special Committee were commended for the objective and impartial manner in which they had carried out their mandate, despite Israel's persistent refusal to co-operate.
7. The overwhelming majority of speakers condemned Israel's annexation of the Golan Heights. It constituted a flagrant act of aggression against a sovereign State and a challenge to the international community as a whole. It violated

international law, in particular the law prohibiting the acquisition of territory by force. The annexation had been condemned by the Security Council (resolution 497 (1981) of 17 December 1981) and by General Assembly resolution ES-9/1 of 5 February 1982 as null and void and as being in flagrant violation of the fourth Geneva Convention relative to Protection of Civilians in Time of War of 12 August 1949. Some speakers added that the international community should assume its responsibility by proceeding beyond the stage of verbal condemnation and impose sanctions against Israel under Chapter VII of the Charter of the United Nations.

8. The representative of the Palestine Liberation Organization stated that the cause of human rights in Palestine had not advanced because of Israel's contempt for human rights, exemplified in the latest report of the Special Committee. Israel was using systematic repression as an instrument to bring about a radical change in the Arab character of the occupied territories. The repression manifested itself in demolition of houses, restriction of fundamental freedoms, expropriations of land and the use of Arab water wells for Jewish settlements. All such actions should be viewed in the widest perspective, i.e. as designed to annihilate the Palestinian population. That policy of repression was supported, if not actively encouraged, by the United States. The rights of the Palestinian people had been repeatedly set forth in United Nations resolutions. The United Nations and, in particular, the Commission, had to face the challenge of giving an operative character to their paramount resolutions. The struggle for recovering and defending the rights of the Palestinian people was a struggle against colonialism and could only be won if that people developed its own potential, whatever the cost.

9. One speaker called for the expulsion of Israel from the United Nations, because of its repeated violation of the Charter and the Universal Declaration of Human Rights. The reprehensible behaviour of Israel, supported by the United States, undermined the authority of the Organization at a moment when the very existence of the United Nations was at stake. Many delegations condemned Israel's persistent refusal to abide by General Assembly and Security Council resolutions, especially those calling for a complete Israeli withdrawal from the occupied territories, including Jerusalem.

10. Many delegations expressed grave concern at the systematic and constant violations of human rights in the occupied Arab territories, including Palestine, which resulted in the continuous deterioration of the situation in the area. They denounced the assistance, both military and financial, that Israel received from certain countries, and the policy of oppression to which the population was exposed. The increased settlement drive, in violation of article 49 of the fourth Geneva Convention, combined with the behaviour of extreme Jewish settlers towards the local Arab population, was aimed at effecting a radical change in the demographic structure and political status of the occupied territories, and the local population was left without legal remedies. Several delegations endorsed the conclusion of the Special Committee that the fundamental violation of human rights lay in the very fact of occupation.

11. It was pointed out by a number of delegations that Israel's annexation of Jerusalem and its declaration that Jerusalem was Israel's "eternal capital" was part of the policy of Judaization of the Holy City. The holy places of Islam were particularly affected by the excavations carried out in Al Haram El Sharif Mosque.

12. Many delegations condemned the conclusion of partial agreements and separate treaties, such as the Camp David Accords and the Washington Treaty, as acts of treason against the Palestinian people. Those instruments avoided the core of the issue by denying the Palestinians the right to determine freely their own future by realizing their inalienable right to self-determination. In the view of one delegation, those agreements did not violate the principles of the Charter of the United Nations; on the contrary, through negotiations vast stretches of land either had or would soon be returned to one country. The observer for Israel stated that the Camp David Accords provide a practical framework for a comprehensive settlement of all aspects of the Arab-Israeli dispute, including the question of Palestinian Arabs.

13. An overwhelming majority of speakers condemned Israel's persistent refusal to apply the provisions of the fourth Geneva Convention of 12 August 1949 and deplored the difficulties faced by the International Committee of the Red Cross in fulfilling its humanitarian task. According to the fourth Geneva Convention, it was an obligation for Israel to facilitate the task of ICRC in order to alleviate the sufferings of a population under occupation. In the opinion of the observer for Israel, Israel was the only country in the world that allowed representatives of ICRC to visit any prisoner or detainee within 14 days of detention; in addition, he stated that prisoners were permitted to talk to Red Cross officials without the presence of Israeli guards.

14. In the view of one delegation, the solution to the Palestinian problems was to be found through brotherhood respect, peace negotiations, and patience. The representative of that delegation shared the view that there was a need to protect human rights and self-determination in the occupied Arab territories, and he distinguished between those who were committed to the destruction of Israel by refusing to negotiate and those who followed the "human rights path" and insisted upon negotiated moves towards peace. He noted that negotiations had resulted in a substantial reduction of the occupied territories between the thirty-seventh and thirty-eighth sessions of the Commission.

15. Several speakers drew a parallel between zionism and apartheid, and condemned the co-operation existing between Israel and the racist régime of South Africa. In the view of one delegation, both régimes committed war crimes within the scope of the Hague Convention concerning the laws and customs of war and the Universal Declaration of Human Rights. In the view of one non-governmental organization, Israel was pursuing a racist ideology by evicting the indigenous Palestinians,

16. The observer for Israel stated that the fourth Geneva Convention was not applicable to the sui generis nature of the administered areas, although Israel applied the humanitarian provisions of the Convention on a de facto basis. The same observer censured the Special Committee and pointed out that Israel administered the territories in full accordance with international law, and ensured all inhabitants and visitors complete freedom of worship, unrestricted freedom of movement, education, speech and press. Those arrested in the territories were given a fair trial and the right of appeal in an open court in the same way as Israelis. According to the same observer, Israel had never executed a single terrorist. Acquisition of land and Jewish settlement in the territories followed procedures in full conformity with both local and international law. He condemned attempts to deny the Jewish people their rights by manipulating the principle of self-determination. Any reconsideration of certain resolutions of the Security Council and of the General Assembly by the Commission on Human Rights would

exceed the scope of the latter's mandate. The observer for Israel concluded his statement by pointing out that many of those delegations that had criticized Israel had recently been condemned by various international organizations for flagrant violations of human rights.

17. The representative of the Palestine Liberation Organization emphasized that his delegation rejected all projects of autonomy, which were new ways of disguising the annexation of the Arab-occupied territories and would lead to the total elimination of the Arab character of those territories. Self-determination for the Palestinian people should be obtained in their own country. There was no justification for the Israeli arguments that the Palestinian people, because they were living in Jordan, should have self-determination in that country. The Palestinian right to self-determination should be exercised in Palestine, as had been recognized by the international community.

18. At the 9th meeting, the representative of Cuba introduced draft resolutions (E/CN.4/1982/L.3, draft resolutions A and B) sponsored by Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Democratic Yemen, */ India, Iraq, */ Jordan, Morocco, */ Pakistan, Syrian Arab Republic, Tunisia, Viet Nam, */ Yugoslavia and Zimbabwe. Afghanistan, */ Yemen, */ Ethiopia, Gambia, Iran, */ Madagascar, */ Nigeria, */ Qatar, */ Senegal and Zambia joined the sponsors of the draft resolution.

19. The Cuban representative, on behalf of the sponsors, orally revised paragraph 15 of draft resolution E/CN.4/1982/L.3 A by replacing the words "headquarters of the United Nations" by the words "United Nations Office at Geneva".

20. At the 13th meeting, the representative of Cuba introduced draft resolution E/CN.4/1982/L.6 sponsored by Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Democratic Yemen, */ India, Iraq, */ Jordan, Libyan Arab Jamahiriya, */ Morocco, */ Pakistan, Syrian Arab Republic, Viet Nam, */ Yemen, */ and Yugoslavia. Afghanistan, */ Gambia, Iran, */ Nigeria, */ Qatar, */ Tunisia */ United Arab Emirates */ and Zambia joined the sponsors of the draft resolution.

21. The Cuban representative orally revised, on behalf of the sponsors, draft resolution E/CN.4/1982/L.6 by inserting in paragraph 3 the words "and the systematic violation of human rights in the occupied Arab territories, including Palestine", after the words "United Nations".

22. At the 16th meeting, an estimate of the programme budget implications (E/CN.4/1982/L.5) 1/ of draft resolution E/CN.4/1982/L.3 A was brought to the attention of the Commission.

23. Draft resolutions E/CN.4/1982/L.3 A and B and draft resolution E/CN.4/1982/L.6 were put to the vote at the 17th meeting, on 11 February 1982.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

24. At the request of the representative of Cuba, draft resolutions A and B in document E/CN.4/1982/L.3 were voted upon separately by roll-call. Draft resolution A, as revised, was adopted by 32 votes to 3, with 7 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe. 2/

Against: Australia, Canada, United States of America.

Abstaining: Denmark, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

25. Draft resolution E/CN.4/1982/L.3 B was adopted by 41 votes to 1. The voting was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, India, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Panama, Peru, Philippines, Poland, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe. 3/

Against: United States of America.

26. At the 17th meeting, a roll-call vote was taken on draft resolution E/CN.4/1982/L.3 as a whole. The draft resolution was adopted by 32 votes to 1, with 9 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe. 4/

Against: United States of America.

Abstaining: Australia, Canada, Denmark, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

2/ The representative of Rwanda subsequently stated that he would have voted in favour of draft resolution E/CN.4/1982/L.3 A.

3/ The representative of Rwanda subsequently stated that he would have voted in favour of draft resolution E/CN.4/1982/L.3 B.

4/ The representative of Rwanda subsequently stated that he would have voted in favour of draft resolution E/CN.4/1982/L.3 as a whole.

27. For the text of the resolution, see chapter XXVI, section A, resolutions 1982/1, A and B.

28. At the same meeting, at the request of the representative of the United States a roll-call vote was taken on draft resolution E/CN.4/1982/L.6. The draft resolution, as revised, was adopted by 22 votes to 11, with 7 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Greece, India, Jordan, Pakistan, Poland, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe. 5/

Against: Australia, Canada, Denmark, Fiji, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Costa Rica, Mexico, Panama, Uruguay, Zaire.

29. At the 17th meeting, statements in explanation of vote before the vote were made by the representatives of Peru and Fiji.

30. At the 18th meeting, statements in explanation of vote after the vote were made by the representatives of Argentina, Australia, Brazil, Canada, Costa Rica, Denmark, France, the Federal Republic of Germany, Greece, Italy, Mexico, the Netherlands, the Soviet Union, the United Kingdom, the United States, Uruguay, Zaire and Zambia.

31. For the text of the resolution, see chapter XXVI, section A, resolution 1982/2.

5/ The representative of Rwanda subsequently stated that he would have voted in favour of draft resolution E/CN.4/1982/L.6.

III. QUESTION OF HUMAN RIGHTS IN CHILE

32. The Commission considered agenda item 5 at its 40th and 41st meetings, held on 26 February and 1 March 1982, and at its 56th meeting, held on 10 March 1982.

33. By its resolution 9 (XXXVII) of 26 February 1981, the Commission decided to consider at its thirty-eighth session, as a matter of high priority, the question of human rights in Chile. By that resolution the Commission also extended the mandate of the Special Rapporteur on the situation of human rights in Chile for a further year and requested him to report on further developments in the situation of human rights in Chile to the General Assembly at its thirty-sixth session and to the Commission on Human Rights at its thirty-eighth session.

34. The General Assembly, at its thirty-sixth session, had before it the report of the Special Rapporteur on the situation of human rights in Chile (A/36/594) and on 16 December 1981 the Assembly adopted resolution 36/157 by which it requested the Commission on Human Rights to study thoroughly the report of the Special Rapporteur at its thirty-eighth session and invited the Commission to extend the mandate of the Special Rapporteur for another year. Also in that resolution, the Assembly requested the Commission to report on the situation of human rights in Chile to the Assembly at its thirty-seventh session.

35. In connection with its consideration of the item, the Commission had before it the following documents:

The report of the Special Rapporteur to the General Assembly at its thirty-sixth session (A/36/594);

The additional report of the Special Rapporteur, bringing up to date the report to the General Assembly (E/CN.4/1484);

A written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1982/NGO/1 and Add.1);

A written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1982/NGO/14);

A written statement submitted by the World Student Christian Federation, a non-governmental organization in consultative status (category II) (E/CN.4/1982/NGO/18);

A written statement submitted by the Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1982/NGO/19);

A written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1982/NGO/28).

36. The Commission heard statements by the observers for the German Democratic Republic and Hungary at the 41st meeting.

37. The representatives of the following non-governmental organizations in consultative status made statements at the 41st meeting: World Federation of Trade Unions (category I); International Commission of Jurists (category II); International Indian Treaty Council (category II); Women's International League for Peace and Freedom (category II); World Student Christian Federation (category II) International League for the Rights and Liberation of Peoples (Roster); Indian Law Resource Centre (Roster).

38. At the 40th meeting, the Special Rapporteur, Mr. Abdoulaye Diéye, introduced his report (E/CN.4/1484), which was to be read in conjunction with the report he had submitted to the General Assembly (A/36/594). In introducing his report, the Special Rapporteur expressed regret that the Chilean Government had refused to co-operate with the United Nations. The Government based that refusal on the discriminatory treatment of Chile by the United Nations. The Special Rapporteur noted that the Commission could select the method it deemed most appropriate to the specific characteristics of any situation and that the fact that all situations were not treated in an identical manner was not an argument against the methods chosen by the Commission. The Special Rapporteur reviewed the different points contained in his report, mentioning the constitutional and legal provisions under which two types of state of emergency had been established and certain basic human rights limited; he also mentioned violations of the right to life and physical security, torture, the increase in arrests and limits on the right to a fair trial. The persecution of the church and of persons active in the defence of human rights was also referred to by the Special Rapporteur, as was the still unsolved problem of the missing persons. The Special Rapporteur concluded that the situation in Chile had not improved and expressed hope that the Government of Chile would take steps to co-operate with the Commission. At the end of the debate on the item, at the 41st meeting, the Special Rapporteur made a statement commenting on points raised during the discussion.

39. In the course of the debate, many speakers expressed their appreciation to the Special Rapporteur for his impartial and objective report and for the manner in which he had discharged his difficult task. The failure of the Chilean Government to co-operate with the Special Rapporteur was deplored by most speakers. Many speakers referred to the requests by the General Assembly and the Commission to the Chilean authorities to take specified concrete steps that could enable the Commission to consider terminating the mandate of the Special Rapporteur; those speakers expressed regret that the Chilean authorities had refused to take those steps.

40. Most speakers stated that the human rights situation in Chile had not improved but had even deteriorated in certain respects; several speakers characterized the situation in Chile as one of gross, flagrant and systematic violations of human rights which contravened the international human rights obligations of Chile. Reference was made to the new Chilean Constitution which limited a wide range of human rights, established two types of state of emergency or siege, and restricted the powers of the courts to review actions taken by the authorities. Many speakers referred to increases in the number of arrests, the deaths of persons as a result of actions by the authorities, torture and ill-treatment by security authorities, and the conditions of detention of political prisoners. Many speakers expressed concern at the failure of the authorities to provide information concerning the hundreds of persons who had been arrested between 1973 and 1977 and were still missing. The deterioration of the economic, social and cultural rights of the Chilean people was referred to by many speakers; that deterioration was reflected, in particular, by the high rate of unemployment, the reduction in real wages and deterioration in the health services and in the educational system. Limitations on trade union rights

were noted, as was the plight of the indigenous populations. Some speakers referred to the persecution of lawyers, physicians and others active in the defence of human rights and the subjection of those persons to internal exile or expulsion from the country. Some speakers referred to the outside support which helped to install and maintain the present regime in Chile, and reference was also made to growing ties between Chile and South Africa.

41. One delegation pointed to areas in which some improvements had taken place in the human rights situation in Chile, referring in particular to a decrease in the number of complaints of torture and to the co-operation of the Government with ICRC with a view to clarifying the problem of reports on enforced or involuntary disappearances.

42. Most speakers stated that the mandate of the Special Rapporteur should be renewed and called upon the Chilean authorities to co-operate with the Special Rapporteur, as had been requested by the General Assembly and the Commission on Human Rights. One speaker suggested that the Commission, in an effort to seek such co-operation, should consider the advisability of treating the situation of human rights in Chile under the Commission's general agenda item on violations of human rights in any part of the world, rather than as a separate item.

43. At the 56th meeting, on 10 March 1982, the representative of Mexico introduced a draft resolution (E/CN.4/1982/L.37) sponsored by Algeria, Cuba, Denmark, France, Greece, Mexico, the Netherlands and Yugoslavia.

44. At the same meeting, the representative of Uruguay proposed the insertion of the words "under the item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'" after the words "human rights situation in Chile" in paragraph 8. He requested a roll-call vote on the proposal.

45. Before the vote on the amendment, statements in explanation of vote before the vote were made by the representatives of Algeria, Canada, Cuba, Denmark, France, the Federal Republic of Germany, the Union of Soviet Socialist Republics and Zimbabwe.

46. The proposal was rejected by 13 votes to 22, with 7 abstentions. The voting was as follows:

In favour: Argentina, Australia, Brazil, Canada, Fiji, Germany, Federal Republic of, Japan, Jordan, Pakistan, Panama, Philippines, United States of America, Uruguay.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Ghana, Greece, Mexico, Netherlands, Poland, Rwanda, Senegal, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Abstaining: China, Costa Rica, India, Italy, Peru, United Kingdom of Great Britain and Northern Ireland, Zaire.

47. At the 56th meeting, on 10 March 1982, the representative of Mexico proposed the closure of the debate on the draft resolution. The proposal was adopted by 20 votes to 6, with 14 abstentions.

48. At the same meeting, prior to the vote on the draft resolution, the Chairman drew the Commission's attention to the estimate of the programme budget implications (E/CN.4/1982/L.43) 1/ of draft resolution E/CN.4/1982/L.37.

49. At the same meeting, the draft resolution was put to the vote. At the request of the representative of Mexico, the vote was taken by roll call. The draft resolution was adopted by 28 votes to 6, with 8 abstentions. The voting was as follows:

In favour: Algeria, Australia, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Greece, India, Italy, Mexico, Netherlands, Poland, Rwanda, Senegal, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: China, Costa Rica, Fiji, Japan, Jordan, Panama, Peru, Zaire.

50. For the text of the resolution, see chapter XXVI, section A, resolution 1982/25.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

IV. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

51. The Commission considered agenda item 6 together with items 7, 16 and 18 (see chaps. V, XIV and XVI) at its 18th to 24th meetings, held from 12 to 17 February 1982, and at its 36th and 37th meetings, held on 24 and 25 February 1982.

52. For its consideration of the item, the Commission had before it the following documents:

A progress report, prepared by the Ad Hoc Working Group, on policies and practices which violate human rights in South Africa and Namibia (E/CN.4/1485); the report, prepared pursuant to Commission on Human Rights resolution 5 (XXXVII) of 23 February 1981, also dealt with the question of the situation of persons captured at Kassinga and imprisoned at the Hardap Dam Camp, near Marienthal, in the south of Namibia;

A study on the effects of the policy of apartheid on black women and children in South Africa, prepared in conformity with General Assembly resolution 35/206 G and N of 16 December 1980 (E/CN.4/1497);

A report analysing allegations regarding infringements of trade union rights in South Africa, prepared in accordance with Economic and Social Council decision 1981/155 of 8 May 1981 (E/CN.4/1486);

A note by the Chairman of the Commission containing a message issued in connection with the International Year of Mobilization for Sanctions against South Africa, in conformity with General Assembly resolution 36/172 B of 17 December 1981 (E/CN.4/1982/29).

53. In connection with item 6, the Commission heard statements by observers for the following countries: Morocco (18th meeting), the German Democratic Republic, the Libyan Arab Jamahiriya, Nigeria and Viet Nam (20th meeting), and Afghanistan, Czechoslovakia, Egypt, Hungary, Iraq and Madagascar (24th meeting).

54. The Commission also heard statements by the representatives of UNESCO (24th meeting), the Organization of African Unity (18th meeting), the League of Arab States (24th meeting), the Pan Africanist Congress of Azania (20th meeting) and the African National Congress (24th meeting).

55. The Commission also heard statements by the representatives of the following non-governmental organizations: Women's International Democratic Federation (20th meeting), International Organization for the Elimination of All Forms of Racial Discrimination and Bahá'i International Community (21st meeting) and International Confederation of Free Trade Unions (24th meeting).

56. At the Commission's 18th meeting, Mr. Annan A. Cato, a member of the Ad Hoc Working Group of Experts, introduced on behalf of the Group the reports contained in documents E/CN.4/1485, E/CN.4/1486 and E/CN.4/1497. In presenting those reports, he drew the attention of the Commission to the fact that the Government of South Africa continued to withhold its co-operation from the Group. Thus, as in previous years, the Group had had to carry out its mandate through a careful study and analysis of all available information. Speaking about the situation in general, he stated that the Group had once again been unable to discover in South Africa and Namibia any signs that pointed to an improvement of the situation.

Thus, contrary to the impression that the racist regime had attempted to project to the world, serious violations continued to be committed against the non-white populations of South Africa and Namibia and acts of incredible brutality were daily committed against all those resisting the policies and practices of apartheid. He drew the Commission's attention in particular to the torture of political prisoners and detainees, detention without trial, mass removals of population, arrests of trade union leaders, persecution of students and ill-treatment and detention of black women and children.

57. Many speakers praised the reports of the Ad Hoc Working Group of Experts, advocated the continuation of its work and paid tribute to its members. They stated that the reports provided additional examples of the oppressive and inhuman methods used by the South African regime against the black population and noted that South Africa continued to enact laws which constituted further violations of human rights.

58. In connection with the situation in South Africa, a large number of speakers, referring to the "Homeland" policy, stated that the creation of Bantustans was aimed at dividing the African people by confining them to racial territories. In that regard, while drawing attention to the danger represented by the granting of so-called independence to Bantustans, a number of speakers appealed to all Governments to denounce it.

59. With regard to the question of collaboration with South Africa, many speakers condemned the continued collaboration of certain States with the apartheid regime. It was stated that without the economic and material support afforded by some Western countries and Israel, the racist regime would be unable to continue to perpetrate its odious acts of aggression against independent African States. The same speakers therefore supported the application of economic sanctions under Chapter VII of the Charter of the United Nations and called for the reinforcement of oil and arms embargoes. Other speakers, however, while abhorring the system of apartheid, did not consider it appropriate to break off economic relations with South Africa. In their opinion, all economic activities were of a private nature and could not be considered as aiding or supporting South Africa.

60. Some speakers considered that efforts were being made to improve the lot of the black population of South Africa through the European economic codes of conduct. However, according to other speakers, the various codes of conduct were having little impact on the wages and conditions of black workers employed by foreign companies.

61. Referring to the situation of black women and children under apartheid, several speakers condemned the detention and imprisonment of children in South African goals. It was stated that the women of South Africa had strongly supported their children in their struggle for equality in education and against the humiliation of apartheid, especially since the massacre of schoolchildren in Soweto in June 1976.

62. Within the context of the situation in Namibia, most speakers denounced the escalation of repressive measures against members of SWAPO. In that connection, a large number of speakers condemned the illegal occupation of Namibia by the racist regime of Pretoria. Some speakers stated that the United Nations plan endorsed by the Security Council in its resolution 435 (1978) provided the only possibility of a peaceful transition to internationally recognized independence for Namibia. Other speakers stated that despite the Declaration on the Granting of Independence to Colonial Countries and Peoples, the decolonization process was

still being impeded by foreign economic and other interests which denied to the Namibian people its political, economic and social rights. The South African regime not only continued to prevent the Namibian people from gaining their independence but used their territory for aggression against neighbouring States, especially Angola.

63. The observer for the South West Africa People's Organization (SWAPO) stated that his organization was ready to work closely with the United Nations for a peaceful negotiated settlement of the Namibian independence issue. However, he noted that problems still lay with the racist regime of South Africa which had taken comfort in the endless negotiations.

64. At the 24th meeting, on 17 February 1982, the representative of Zimbabwe introduced a draft resolution (E/CN.4/1982/L.8) sponsored by Algeria, Burundi,*/ Central African Republic,*/ Cuba, Egypt,*/ Ethiopia, Ghana, India, Jordan, Pakistan, Senegal, Togo, Tunisia,*/ Uganda, Viet Nam,*/ Yugoslavia, Zaire, Zambia and Zimbabwe. Cyprus, the Libyan Arab Jamahiriya,*/ Madagascar,*/ Nigeria,*/ Rwanda and the Syrian Arab Republic joined the sponsors.

65. At the same meeting, the representative of Zimbabwe introduced a second draft resolution (E/CN.4/1982/L.9) sponsored by Algeria, Burundi,*/ Central African Republic,*/ Cuba, Egypt,*/ Ethiopia, Gambia, Ghana, India, Iraq,*/ Jordan, Pakistan, Senegal, Togo, Tunisia,*/ Uganda, Viet Nam,*/ Yugoslavia, Zaire, Zambia and Zimbabwe. Cyprus, the Libyan Arab Jamahiriya,*/ Madagascar,*/ Nigeria,*/ Rwanda and the Syrian Arab Republic joined the sponsors.

66. At the 37th meeting, on 25 February 1982, the Commission considered draft resolutions E/CN.4/1982/L.8 and E/CN.4/1982/L.9.

67. The representative of France requested a separate vote on paragraph 3 of draft resolution E/CN.4/1982/L.8. The paragraph was adopted by 32 votes to none, with 10 abstentions.

68. At the 37th meeting, on 25 February 1982, the representative of Zimbabwe requested a roll-call vote on draft resolution E/CN.4/1982/L.8. The draft resolution was adopted by 42 votes to none, with 1 abstention. The voting was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, India, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: United States of America.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

69. For the text of the resolution, see chapter XXVI, section A, resolution 1982/8.

70. At the same meeting, the representative of Zimbabwe also requested a roll-call vote on draft resolution E/CN.4/1982/L.9. The draft resolution was adopted by 37 votes to none, with 6 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Italy, Jordan, Mexico, Netherlands, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: Canada, France, Germany, Federal Republic of, Japan, **/ United Kingdom of Great Britain and Northern Ireland, United States of America.

71. At the same meeting, statements in explanation of vote on draft resolution E/CN.4/1982/L.9 were made by the representatives of Brazil, Canada, France and the Philippines.

72. For the text of the resolution, see chapter XXVI, section A, resolution 1982/9.

73. At the 62nd meeting, on 12 March 1982, the Commission decided to appoint Mr. Annan A. Cato to succeed Mr. Kéba Mbaye, Chairman of the Commission's Ad Hoc Working Group of Experts on Violations of Human Rights in Southern Africa.

74. For the text of the decision, see chapter XXVI, section B, decision 1982/106.

**/ The representative of Japan subsequently advised the Commission that his delegation had intended to vote in favour.

V. 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

75. The Commission considered agenda item 7 together with items 6, 16 and 18 (see chaps. IV, XIV and XVI) at its 18th to 24th meetings, held from 12 to 17 February 1982, and at its 36th and 37th meetings, on 24 and 25 February 1982.

76. For its consideration of the item, the Commission had before it the report of the Special Rapporteur, Mr. Ahmed M. Khalifa (E/CN.4/Sub.2/469 and Corr.1 and Add.1). The report, which had been submitted to the Sub-Commission at its thirty-fourth session, had been updated and contained additions to the general provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regimes of southern Africa as listed in the original report of the Special Rapporteur (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7). The Commission also had before it a written statement submitted by the International Confederation of Free Trade Unions, a non-governmental organization in category I consultative status (E/CN.4/1982/NGO/17).

77. In connection with the items under consideration, the Commission heard statements by the observers for Morocco (18th meeting), Viet Nam, the German Democratic Republic, Nigeria and the Libyan Arab Jamahiriya (20th meeting), Hungary, Iraq, Madagascar, Afghanistan, Egypt and Czechoslovakia (24th meeting).

78. The representative of the United Nations Educational, Scientific and Cultural Organization made a statement at the 24th meeting.

79. Statements were made by the representatives of the Organization of African Unity and the South West Africa People's Organization (18th meeting), the Pan-Africanist Congress of Azania (20th meeting), the League of Arab States and the African National Congress (24th meeting).

80. Statements were also made by the representatives of the Women's International Democratic Federation (20th meeting) and the International Confederation of Free Trade Unions (24th meeting), non-governmental organizations in category I consultative status, and by the International Organization for the Elimination of All Forms of Racial Discrimination and the Bahá'í International Community (21st meeting), non-governmental organizations in category II consultative status.

81. The updated report submitted by the Special Rapporteur to the Sub-Commission was welcomed by many representatives. The report, it was said, showed the extent of the assistance given to South Africa. In the opinion of one speaker, the report should also contain an analysis of the consequences of the economic and military links between South Africa and Western countries. Another opinion expressed was that the updated report should include a number of countries, other than Western countries, which, according to available information, maintained economic relations with the South African regime.

82. Many speakers condemned the increasing collaboration between various Western countries and the Pretoria regime. It was emphasized that the oppressive system of apartheid was being strengthened as a result of the assistance provided by Western countries, Israel and transnational corporations. That system was also strengthened by the veto exercised by some Western countries in the Security Council on draft resolutions providing for mandatory sanctions against South Africa and by

the refusal of the same Powers to implement General Assembly resolutions on that question. In the opinion of many speakers, the increasing military build-up and potential nuclear power of the South African regime constituted a threat to world peace and security and was made possible by the assistance provided by Western powers. That collaboration enabled South Africa to continue its wars of aggression against the liberation movements in illegally occupied Namibia and also against neighbouring States. The same speakers called, therefore, for the immediate implementation of Security Council resolution 418 (1977) on an arms embargo against South Africa and expressed their strong support for Security Council resolution 435 (1978) concerning the independence of Namibia. They also urged the Commission to call for comprehensive mandatory sanctions, under Chapter VII of the Charter of the United Nations, and expressed their support for General Assembly resolution 36/172 B of 17 December 1981, by which the Assembly proclaimed 1982 International Year of Mobilization for Sanctions against South Africa.

83. In the view of several speakers, however, the imposition of total economic and other sanctions against South Africa would not bring about the elimination of the apartheid system but, rather, penalize only the most vulnerable sectors of the population; on the other hand, the adoption of selective economic measures by the Security Council and codes of conduct aimed at improving the working conditions of black South Africans were valuable instruments in the struggle against the system of apartheid.

84. At the 36th meeting, on 24 February 1982, the representative of Algeria introduced a draft resolution (E/CN.4/1982/L.23) sponsored by Algeria, Ethiopia, Gambia, Ghana, Rwanda, Senegal, Uganda, Zaire, Zambia and Zimbabwe. The Libyan Arab Jamahiriya */ and the Syrian Arab Republic joined the sponsors of the draft resolution.

85. The attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.33) 1/ of draft resolution E/CN.4/1982/L.23.

86. At the 37th meeting, a statement in explanation of vote before the vote was made by the representative of Brazil.

87. At the same meeting, the representative of Zimbabwe requested that the vote on draft resolution E/CN.4/1982/L.23 be taken by roll-call. The draft resolution was adopted by 32 votes to 4, with 7 abstentions. The voting was as follows:

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

Abstaining: Australia, Canada, Denmark, Greece, Italy, Japan, Netherlands.

88. Statements in explanation of vote after the vote were made by the representatives of Argentina, Peru, United Kingdom and United States of America.

89. For the text of the resolution, see chapter XXVI, section A, resolution 1982/12.

VI. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:
(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

90. The Commission considered agenda item 8 together with item 19 (see chap. XVII) at its 30th to 34th meetings, held on 22 and 23 February 1982, and at its 55th meeting, on 9 March 1982.

91. The Commission had before it the following documents: the report of the Secretary-General on the international dimensions of the right to development as a human right (E/CN.4/1334), prepared in accordance with Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977 and Economic and Social Council decision 229 (LXII) of 13 May 1977; a study by the Secretary-General on the regional and national dimensions of the right to development as a human right (E/CN.4/1421 and E/CN.4/1488), prepared in accordance with Commission on Human Rights resolutions 4 (XXV) of 2 March 1979, 7 (XXXVI) of 21 February 1980 and 36 (XXXVII) of 11 March 1981, and Economic and Social Council decision 1979/29 of 10 May 1979; the report of the Working Group of governmental experts on the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights (E/CN.4/1489), submitted in accordance with Commission resolution 36 (XXXVII); the report of the Secretary-General on present international conditions and human rights (A/36/42), prepared in accordance with General Assembly resolutions 34/46 of 23 November 1979 and 35/174 of 15 December 1980; the report of the seminar on the relations that exist between human rights, peace and development (ST/HR/SER.A/10); a written statement submitted by the International Commission of Jurists, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/2); a written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/6); and a written statement submitted by the Women's International Democratic Federation, a non-governmental organization in category I consultative status (E/CN.4/1982/NGO/8).

92. The Commission heard statements by the observers for Finland, Iraq and Nigeria (33rd meeting).

93. The Commission also heard statements by the observers for the International Commission of Jurists, a non-governmental organization in category II consultative status (33rd meeting), the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in category II consultative status (34th meeting) and the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (34th meeting).

94. In introducing the item, the Deputy Director of the Division of Human Rights noted that the document containing parts II and III of the study by the Secretary-General on the regional and national dimensions of the right to development (E/CN.4/1488) was complementary to the earlier studies on the right to development (E/CN.4/1334 and E/CN.4/1421). He also referred to the issues addressed by the Working Group of governmental experts on the right to development in its report to the Commission (E/CN.4/1489).

95. Many speakers expressed their appreciation of the report of the Working Group of governmental experts on the right to development contained in document E/CN.4/1489. It was said to be a balanced and fair exposé of all the issues raised in the Group and to contain a wealth of ideas. Tribute was also paid to the conciliatory and constructive spirit in which the work of the Group had been carried out. One speaker stated that the report reflected a strong element of idealism but neglected to mention that there could be no development without temporary sacrifices. Another view was that the report as it stood did not readily permit the constructive elaboration of the points of convergence and divergence which became apparent in the course of the Group's work. With respect to the future work of the Working Group, several representatives considered that further conceptual clarification would be required before an instrument could be drafted. Other speakers expressed the view that an adequate basis had been achieved and that the Group should now proceed to the concrete formulation of a declaration on the subject. According to one speaker, the proposed declaration should be seen as a statement of principles relating to solidarity rather than as a statement of legal rights. However, the view was also expressed that the right to development was a legal norm of international law and that the drafting of a declaration should be seen as a preliminary step towards the adoption of a binding international legal instrument. It was said that such an instrument should clarify in legal terms the principles relating to the right to development and should impose specific obligations on States for realization of the right to development. One delegation urged that in its future work the Working Group should give special attention to the role of private property and to the role of free markets in promoting development.

96. Many representatives emphasized the interdependence and indivisibility of all human rights and noted that that applied equally to the right to development. Among the existing legal bases of the right to development, reference was made to the Charter of the United Nations, the International Human Rights Covenants, the resolutions adopted by the General Assembly at its sixth and seventh special sessions, the Charter of Economic Rights and Duties of States, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Strengthening of International Security, the Declaration on the Deepening and Consolidation of International Détente, the Declaration on Social Progress and Development, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and the African Charter of Human and Peoples' Rights. Particular mention was also made of specific articles of the Universal Declaration of Human Rights, including article 22 relating to the right to social security, article 25 relating to the right to an adequate standard of living, and article 28 which provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized.

97. With respect to a definition of the right to development, it was said that a single, rigid definition should not be sought but rather that future work should be devoted to identifying the various component parts of a concept which all would be able to recognize. According to another speaker, the right to development was a synthesis right, constituting the sum of the conditions and obligations required to enable the realization of all human rights in all countries. It was said that the right to development had both collective and individual dimensions which were indivisible and which should be realized together. The view was also expressed that the right to development denoted a certain dialectical synthesis and was a dynamic process and that the over-all concept was larger than the aggregate of its component parts. In the view of one speaker, attention should be focused primarily on the inter-State aspect of the right to development. According to another view, the right to development was, if anything, the right of both individuals and groups made up of individuals freely to pursue the goal of development. According to the same view, States were not and could not be the subject of the right to development: rather, they had inescapable obligations to respect the rights of individuals. It was said that in so far as a collective right to development existed, it was the right of all countries and not just of the developing countries. Another representative stated that the right to development should never be construed as a basis for strengthening the position of ruling élites. Thus, the collective dimension of the right should not be dissociated from its individual dimension. According to another representative, whatever disagreements there might be, the right to development had achieved de facto acceptance, especially in view of the international development effort made over the past two decades.

98. Several speakers underlined the importance of achieving a new international economic order and of democratizing international economic relations. It was said that the existing international economic system, which perpetuated inequality and injustice among nations, had contributed in large measure to the deterioration in the economies of many developing countries, a deterioration manifested in staggering inflation, huge balance-of-payments deficits, adverse terms of trade, an alarming debt burden and negative growth rates. Those factors were said to have greatly hampered the ability of the developing countries to ensure an adequate living standard for their peoples. According to that view, the existing unjust international economic order was the major obstacle to the realization of human rights. It was said that the industrial countries were obliged to make changes in their own economic structures, to decrease the over-consumption of natural resources and to shift to new patterns of production which would permit the least developed countries to have a greater share in those sectors of the world economy where they had a clear comparative advantage. One speaker emphasized the importance of using nuclear energy for peaceful purposes in connection with development, while another referred to the importance of economic co-operation among developing countries. Several speakers stated that the primary responsibility for development should be borne by the Government of the country concerned, while it fell to the international community as a whole and to developed States in particular to establish an international order that favoured development. According to a number of delegations, the main obstacles to development lay in colonialism, neo-colonialism, apartheid, racial discrimination, foreign aggression, foreign occupation and interference in the internal affairs of nations. It was said that the guaranteeing of the right to development presupposed that the right would be applied within States in such a way as to make it possible for every individual to enjoy it fully.

99. Many speakers noted that the concept of the right to development included the right of all States and peoples to peaceful, free and independent development. Thus, both the right to development and the right to live in peace required the elimination of war and the threat of war before either right could be enjoyed fully. Several speakers referred to factors which negated the enjoyment of that right, including the arms race which was said to increase world tension and promote regional conflict as well as wasting large quantities of resources. Reference was also made to the reckless sale of armaments, with no consideration being given to the question of human rights. It was said that that could only strengthen the hands of oppressive regimes while enabling others to persist in their policies of aggression. Several speakers also referred to the role of transnational corporations. It was said that that role had been detrimental in southern Africa and elsewhere and that discriminatory practices often resulted from the use of interventionist methods by such corporations. The importance of establishing a new international information order was also emphasized by several speakers.

100. Many representatives referred to the fact that 800 million persons lived in conditions of absolute poverty in the world. According to one view, that poverty was mainly the result of long years of imperialist and colonial exploitation and oppression and of the unjust international economic order. According to another view, the most rapid development in the history of the world had taken place since 1945. According to that view, the idea of development had been born under democratic capitalism, which was said to be a triple system of liberties involving a free polity, a free economy and a free moral culture.

101. Several speakers emphasized the importance of participation by the whole population, and particularly by the poorest groups, in the decision-making processes which affected them. The central importance of achieving structural reforms wherever needed in the political, economic and social spheres, at both the national and international levels, was also noted. In that respect, reference was made to the work of the Commission for Social Development. The view was expressed that every effort must be made to share equitably all the benefits of development, and that efforts should be made at the national level to attain a greater measure of democracy and equity in all fields. It was said that the equitable distribution of income should be a priority goal. It was further suggested that a study on the subject of participation as an aspect of the right to development could be undertaken in the future. According to one representative, every effort should be made to give the right to development a human face by emphasizing that man was the central actor in development and that the concept of development embraced far more than economic considerations.

102. Several speakers referred to the conclusions and recommendations of the Seminar on the Relations that Exist between Human Rights, Peace and Development, which had been held in New York in 1981 (ST/HR/SER.A/10). Reference was also made to the report of the Brandt Commission, to the report of the UNESCO colloquium on the new human rights, held at Mexico City in August 1980 (SS-80/CONF.806/4), and to the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana, Cuba, in September 1979. It was also said by several representatives that the right to

development formed part of a third generation of solidarity rights. A number of representatives also referred to the experience of different societies and States with respect to the promotion of development and the enjoyment of human rights, and reference was made to the influence of the relevant social and economic systems.

103. The report of the Secretary-General on the regional and national dimensions of the right to development (E/CN.4/1488) was considered by many speakers to be comprehensive and to have made an important contribution to the thinking of the Commission on the subject. The report was said to warrant thorough study and discussion by the Commission and it was stated that it could profitably be taken into account by the Working Group of Governmental Experts on the Right to Development in the course of its work. Several speakers endorsed the view contained in the report (*ibid.*, para. 139) that a development strategy based on repression and the denial of either civil and political rights or economic, social and cultural rights, or both sets of rights, not only violated international human rights standards but was a negation of the concept of development.

104. At the 55th meeting on 9 March 1982, the representative of Senegal introduced a draft resolution (E/CN.4/1982/L.24/Rev.1) sponsored by Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Ethiopia, France, Gambia, Ghana, Greece, India, Iraq,* Libyan Arab Jamahiriya,* Netherlands, Panama, Peru, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Yugoslavia and Zaire.

105. At the same meeting, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.26) 1/ of the draft resolution.

106. At the same meeting, the draft resolution was adopted by 41 votes to none, with 1 abstention.

107. For the text of the resolution, see chapter XXVI, section A, resolution 1982/17.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of administrative and the programme budget implications of the Commission's resolutions and decisions appears in annex III.

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN
DOMINATION OR FOREIGN OCCUPATION

108. The Commission considered agenda item 9 jointly with item 4 (see chap. II) at its 5th to 11th, 13th, 16th and 17th meetings, held from 3 to 9 and on 11 February 1982. Item 9 was further considered by the Commission at its 25th to 29th, 36th to 38th and 60th meetings, held from 17 to 19, on 24 and 25 February and on 11 March 1982.

109. The Director of the Division of Human Rights introduced the item at the 5th meeting on 3 February 1982. In his introductory statement he recalled that, pursuant to Commission resolution 3 (XXXI) of 11 February 1975, the item was placed on the Commission's agenda every year as a matter of priority. By its resolution 14 (XXXVII) of 6 March 1981, the Commission had decided to maintain the question's priority status at its thirty-eighth session. The Director also recalled that at its thirty-seventh session the Commission had adopted five resolutions on the item (resolutions 2 (XXXVII), 11 (XXXVII), 12 (XXXVII), 13 (XXXVII) and 14 (XXXVII)). The attention of the Commission was also drawn to Economic and Social Council decision 1981/154 of 8 May 1981, to resolutions 11 (XXXIV) and 13 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to General Assembly resolutions 36/9 and 36/10 of 28 October 1981.

110. For its consideration of the item, the Commission had before it the following documentation:

Letters dated 15 July and 26 August 1981 from the Permanent Mission of Democratic Kampuchea addressed to the Director of the Division of Human Rights (E/CN.4/1477 and Add.1);

A letter dated 14 December 1981 from the Chargé d'Affaires a.i. of Democratic Kampuchea addressed to the Director of the Division of Human Rights (E/CN.4/1487);

A note by the Secretary-General containing a list of the reports, studies and publications prepared by the Special Unit on Palestinian Rights (E/CN.4/1490);

A note by the Secretariat containing the review of further materials on the human rights situation in Kampuchea prepared by Mr. A. Eide, Rapporteur of the Sub-Commission (E/CN.4/1491);

A letter dated 31 December 1981 from the Permanent Representative of Democratic Kampuchea addressed to the Director of the Division of Human Rights (E/CN.4/1498);

A letter dated 12 January 1982 from the Permanent Representative of Democratic Kampuchea addressed to the Director of the Division of Human Rights (E/CN.4/1982/3);

A letter dated 19 January 1982 from the Permanent Representative of the Permanent Mission of Democratic Kampuchea at Geneva to the Director of the Division of Human Rights (E/CN.4/1982/6);

A letter dated 27 January 1982 from the Permanent Representative of Democratic Kampuchea at Geneva addressed to the Director of the Division of Human Rights (E/CN.4/1982/7);

A letter dated 4 February 1982 from the delegations of Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Mongolia, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Viet Nam, addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/9);

A letter dated 8 February 1982 from the Permanent Representative of the Socialist Republic of Viet Nam addressed to the Chairman of the Commission on Human Rights (E/CN.4/1982/10);

A letter dated 6 February 1982 from the Permanent Representative of the Socialist Republic of Viet Nam addressed to the Chairman of the Commission on Human Rights (E/CN.4/1982/11);

A letter dated 10 February 1982 from the Head of the delegation of Democratic Kampuchea addressed to the Chairman of the Commission on Human Rights (E/CN.4/1982/12);

A letter dated 11 February 1982 from the Permanent Representative of the Permanent Mission of Viet Nam addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/13);

A letter dated 8 February 1982 addressed to the Chairman of the Commission on Human Rights by the Permanent Representative of the People's Democratic Republic of Algeria (E/CN.4/1982/14);

A letter dated 12 February 1982 from the Permanent Representative of Democratic Kampuchea addressed to the Chairman of the Commission on Human Rights (E/CN.4/1982/15);

A letter dated 12 February 1982 from the Permanent Representative of Democratic Kampuchea addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/16);

A letter dated 15 February 1982 from the Permanent Representative of Morocco addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/17);

A letter dated 12 February 1982 from the Permanent Representative of Democratic Kampuchea to the Chairman of the Commission on Human Rights (E/CN.4/1982/19);

A written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/6);

A written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1982/NGO/13).

111. The Commission heard statements by the observers for Afghanistan (11th, 26th, 27th, 29th and 37th meetings), Austria (28th and 29th meetings), Democratic Kampuchea (11th, 28th and 38th meetings), Democratic Yemen (10th and 28th meetings), Egypt (9th meeting), El Salvador (29th meeting), the German Democratic Republic (8th and 28th meetings), Hungary (9th and 28th meetings), Iran (29th meeting), Iraq (9th and 11th meetings), Israel (6th, 8th, 11th, 17th and 26th meetings), the Libyan Arab Jamahiriya (9th and 11th meetings), Madagascar (11th meeting), Morocco (5th, 11th, 29th, 37th, and 38th meetings), Nigeria (9th and 29th meetings), Somalia (38th meeting), Thailand (28th meeting), Tunisia (7th meeting), the Ukrainian SSR (10th and 37th meetings), Viet Nam (7th, 28th, 29th and 37th meetings) and Yemen (10th meeting). The representative of the Palestine Liberation Organization made statements at the 5th and 9th meetings. The representative of the League of Arab States made statements at the 7th and 10th meetings. The representative of the Pan Africanist Congress of Azania made a statement at the 28th meeting.

112. The Commission also heard statements by the following non-governmental organizations in consultative status: the International Indian Treaty Council (category II) (6th and 10th meetings), the International Organization for the Elimination of All Forms of Racial Discrimination (category II) (7th meeting), and the World Muslim Congress (category I) (11th and 28th meetings).

113. During the debate on the item, most speakers recognized respect for the right to self-determination as one of the fundamental principles of contemporary international law and as a prerequisite for the exercise of other human rights and fundamental freedoms. References were often made in that connection to the Charter of the United Nations, article 1 of the International Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolutions 36/9 and 36/10, and other decisions of United Nations organs pertinent to the subject.

114. Many representatives expressed their profound concern at the fact that foreign occupation, colonialism and neo-colonialism, apartheid and racial discrimination still existed in parts of Africa, the Middle East, Asia and other regions, and pointed out that the Commission should focus its efforts on working out new and effective measures to achieve the speedy liberation of peoples under colonial or alien domination or foreign occupation.

115. Most of the speakers condemned the continued denial by Israel to the Palestinian people of its right to self-determination. It was emphasized that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region could be achieved without the full exercise by the Palestinian people of its inalienable rights, including the right to return to the homes and property from which it had been displaced and uprooted, and the rights to self-determination, national independence and the establishment of its own fully independent and sovereign State in Palestine. The member States of the European Economic Community also made reference to the Venice Declaration of June 1980, which set out two fundamental principles for the basis of any peace settlement in the area, namely, the right to existence and security of all States in the region, including Israel, and justice for all the peoples of the area. That implied, in their view, recognition of the legitimate rights of the Palestinian people. It was also stressed that the existing situation in the Middle East continued to constitute a dangerous threat to international peace and security.

116. Many speakers pointed out that the future of the Palestinian people could only be considered with the participation of that people and that a comprehensive political settlement of the situation in the Middle East was only possible through negotiations in which all interested parties, including the Palestine Liberation Organization, would be represented. Several representatives expressed their opposition to all partial agreements and separate treaties which in their view constituted a violation of the rights of the Palestinian people, and stated that all such agreements and treaties had no validity in so far as they purported to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel.

117. One delegation expressed the view that self-determination should be pursued through peace and negotiation, brotherly respect, and human development in the entire region. It also stated that a major part of the Commission's objective intention under items 4 and 9 had already been achieved in 1982 through the peaceful transfer of a very large portion of the occupied Arab territories from Israeli to Egyptian hands.

118. Many representatives pointed out that the acquisition of territory by force was inadmissible under the Charter of the United Nations and stated that Israel must withdraw unconditionally from all the occupied Palestinian and other Arab territories, including Jerusalem. Grave concern was expressed at recent Israeli actions involving further escalation and expansion of the conflict in the region, including in particular the military incursions against Lebanon and other neighbouring Arab countries, the attack against the Iraqi nuclear research centre of Tamuz and the annexation of the Golan Heights. Many speakers said that the decision of Israel to apply its laws to the Syrian Golan Heights was a clear violation of the Charter of the United Nations and of the fundamental principles of international law, and that it should be considered as null and void and as having no legal validity whatsoever. Regret was expressed that the Security Council had been unable to adopt sanctions against Israel for that illegal act. Some representatives expressed the view that the agreements on strategic co-operation between the United States of America and Israel, signed in November 1981, would only encourage Israel to pursue its aggressive and expansionist policies.

119. Many representatives deplored the persistence of Israel in carrying out measures designed to change the legal status, geographical nature and demographic composition of the occupied territories. It was stated that such measures had no legal validity and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constituted a violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was applicable to all Arab territories occupied since 1967, including Jerusalem. Several references were made in that connection to Security Council resolutions 446 (1979) of 22 March 1979 and 465 (1980) of 1 March 1980 and to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/36/579).

120. The observer for Israel regretted that the issue of Palestine had been raised in the context of self-determination. The Palestinian Arabs had already obtained their self-determination in a neighbouring State. The land designated by the Romans as Palestine had been inhabited by Jews before any other people in history. The Camp David Accords provided a basis for an over-all solution of the Arab-Israeli conflict, including resolution of the Palestinian problem. The

issues under discussion must be resolved through peace negotiations, free from outside intervention.

121. The representative of the Palestine Liberation Organization stated that the Palestinian people rejected all proposals for autonomy since such proposals represented disguised means of annexing occupied territories. Although many Palestinians lived in several neighbouring countries of Israel, their wish was to return to their homeland. He also pointed out that the Palestinian people relied on its own struggle, and on the support of friendly peoples, to achieve self-determination, national independence and full enjoyment of human rights.

122. Referring to the situation in southern Africa, many representatives condemned the policies and actions of the apartheid regime of South Africa for its repeated acts of aggression, subversion and terrorism against independent African States, for its continued illegal occupation of Namibia and for its persistent refusal to comply with resolutions of the United Nations. The inalienable right of the people of Namibia to self-determination, freedom and independence in a united Namibia was repeatedly stressed. Several speakers deplored the continuing repression and ruthless exploitation of the Namibian people and their natural resources and the attempts to destroy the national unity and territorial integrity of Namibia by the regime of South Africa. It was said that the apartheid regime had been encouraged to continue such actions by the protection afforded it by major Western Powers.

123. It was also said that "bantustanization" was incompatible with genuine independence and national unity and was contrary to the principle of self-determination; some speakers denounced the proclamation of several "independent bantustans".

124. Many representatives expressed their support for the struggle of the Namibian people, under the leadership of SWAPO to achieve self-determination, freedom and national independence, and condemned all collaboration, particularly in the nuclear, economic and military fields, with the Government of South Africa. Referring to the activities of the "contact group" on Namibia, certain speakers condemned the manoeuvres of its members which, in their view, were aimed at a neo-colonialist solution of the Namibian problem. However, one delegation, speaking on behalf of the five members of the "contact group", stressed that they all shared the objective of a prompt accession of Namibia to independence in accordance with Security Council resolution 435 (1978) of 29 September 1978. Those and other delegations shared the view that the plan embodied in that resolution of the Security Council offered the best prospects for a negotiated agreement which would provide a speedy solution.

125. Several representatives expressed their profound concern at the continuing presence of Soviet military troops in Afghanistan which they considered to be in contravention of the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State. In the view of those representatives, that military presence constituted a flagrant violation of the fundamental freedoms and human rights as well as of the right to self-determination of the Afghan people. The opinion was also expressed that the Soviet military presence posed a serious threat to peace and security in that part of the world, remained a constant source of destabilization in South Asia and a grave obstacle to the

improvement of international relations. It was emphasized that the current situation in Afghanistan was a direct result of the Policy of Hegemonism. Those speakers expressed regret that the repeated appeals by the international community for the withdrawal of Soviet troops from Afghanistan remained unheeded. Reference was made in that connection to General Assembly resolutions ES-6/2 of 14 January 1980, 35/35 B of 14 November 1981 and 36/10 of 28 October 1981, to Commission resolutions 3 (XXXVI) of 14 February 1980 and 13 (XXXVII) of 6 March 1981, to the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries. In the view of those speakers, the lasting settlement of the problem resided, as called for in the above-mentioned resolutions, in the total withdrawal of foreign forces from Afghanistan and the cessation of all outside interference in the internal affairs of that country.

126. Concern was also expressed about the problem of the millions of refugees from Afghanistan, which, in the view of several speakers, posed serious social and economic difficulties to the neighbouring countries. It was said that since the foreign military intervention in Afghanistan, the number of such refugees was constantly increasing. Divergent views were expressed about the number of refugees, the character and causes of the problem and possible solutions to it. The urgent need for a political solution of the situation in Afghanistan on the basis of the total withdrawal of foreign forces from that country was stressed by many speakers.

127. Some delegations rejected the above-mentioned statements concerning the situation in Afghanistan and stated that discussion of the situation in that country constituted a flagrant interference in the internal affairs of Afghanistan, and was contrary to the principles of international law as embodied in the Charter of the United Nations. It was stated that the so-called "Afghan question" had been deliberately invented to cover an undeclared but real war against Afghanistan and its people waged by imperialist, hegemonist and other reactionary forces. Those forces attempted to prevent the Afghan people from realizing their right to self-determination and from pursuing their freely chosen way of independent national development started by the April revolution. It was further indicated that the assistance rendered by the Soviet Union at the request of the Government of Afghanistan was in accordance with the Afghan-Soviet treaty of friendship and in strict conformity with the Charter of the United Nations. The Soviet assistance was required to help Afghanistan in defending its security and national independence against continued armed incursions from outside. It was also stated that the only realistic basis for the political settlement of the situation in that region resided in the proposals made by the Government of Afghanistan which provided for the cessation of all armed and any other interference in the internal affairs of that country and in the creation of conditions for preventing such interference in the future.

128. Referring to the situation in Kampuchea, many speakers deplored the continued Vietnamese military occupation of Kampuchea as being a flagrant violation of the right to self-determination of the Kampuchean people. The view was expressed that the current regime in the country had been imposed by Vietnamese military forces. Many speakers expressed deep concern that the continued Vietnamese military occupation of Kampuchea had given rise to an outflow of refugees and displaced persons which placed a heavy burden on countries of first refuge as well as on the international community as a whole.

129. Regret was expressed by many speakers that, despite repeated appeals by the international community for the withdrawal of foreign forces from Kampuchea, Viet Nam continued to retain its troops and consolidate its presence in that country. In their view, that constituted a serious threat to international peace and security, particularly in south-east Asia. Several references were made in that connection to General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980 and 36/5 of 21 October 1981 and Commission on Human Rights resolutions 29 (XXXVI) and 11 (XXXVII). Some representatives welcomed the convening of the International Conference on Kampuchea in July 1981 and expressed their support for the Declaration and resolution adopted by that Conference. Several speakers commended the review of further materials on the human rights situation in Kampuchea undertaken by Mr. Eide, Rapporteur of the Sub-Commission. An urgent need for a comprehensive political solution to the Kampuchean problem was stressed by several speakers. Such a solution should, in their view, provide for the withdrawal of all foreign military forces and the exercise of the right to self-determination by the Kampuchean people in a free election under the supervision of the United Nations.

130. On the other hand, some speakers rejected what, in their view, constituted attempts to use the Commission on Human Rights as a platform for interfering in the internal affairs of Kampuchea, whose people had exercised its right to self-determination in January 1979 when it had overthrown the bloody regime of Pol Pot. In the view of those speakers, the tendentious nature of the debate on Kampuchea was best illustrated by the absence from the Commission of the legitimate representative of Kampuchea. In such circumstances, it was said, any decision relating to Kampuchea taken against the will of the Kampuchean people and in the absence of its true representatives could not have any effect.

131. The view was expressed that the imperialist, hegemonist and regional reactionary forces, having failed to achieve their aggressive purposes by arms, were now trying to use the United Nations machinery for interfering in the domestic affairs of Kampuchea in order to divert the Kampuchean people from its course of peaceful and democratic development. It was stated that the presence of Vietnamese troops in Kampuchea was part of the fraternal assistance given to Kampuchea by Viet Nam and stemmed from a valid agreement between Kampuchea and the Socialist Republic of Viet Nam, two independent sovereign countries, and that those troops would be withdrawn just as soon as peace and security were restored in the region.

132. On the question of Western Sahara, many representatives expressed their concern regarding the decolonization of that territory and the right of people living there to self-determination and independence. References were made in that connection to General Assembly resolution 36/46 and decision 36/406 of 24 November 1981 and Commission resolutions 4 (XXXVI) of 15 February 1980 and 12 (XXXVII) of 6 March 1981. Several speakers expressed their support for the resolutions adopted by the Organization of African Unity in June 1981 and for the decisions adopted by the Implementation Committee on Western Sahara of OAU concerning the organization throughout the territory of Western Sahara of a general and free referendum of the people of Western Sahara on self-determination. One representative expressed his anxiety about possible internationalization of the conflict in Western Sahara. It was stressed by several speakers that only through negotiations could a just and lasting peace be established in that part of Africa. Appeals were made to the parties to the conflict to observe a cease-fire in accordance with relevant OAU decisions.

133. In the view of some speakers, the Commission should refrain from any initiative which might jeopardize the efforts of the Heads of State and Government of OAU with regard to the situation in Western Sahara.

134. Some representatives drew the attention of the Commission to the fact that many small colonial territories in the Pacific, Indian and Atlantic oceans were still denied their right to self-determination. It was stated that, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, such small territories were entitled to the same degree of self-determination and independence as was accorded to former colonial countries, irrespective of their size, population and geographic proximity. The colonial Powers, it was added, were trying to perpetuate their hold on such territories, mainly for strategic military purposes. References were made in that connection to Micronesia, Diego Garcia, Guantánamo and other territories. According to other speakers, self-determination could properly be achieved only if paramount importance was accorded to the wishes of the population of those territories.

135. An exchange of views was also held with regard to some other countries and territories.

136. Six draft resolutions on item 9 were submitted to the Commission.

137. At the 9th meeting, the representative of Cuba introduced a draft resolution (E/CN.4/1982/L.4) sponsored by Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cyprus, Cuba, Democratic Yemen,*/ Iraq,*/ Jordan, Morocco,*/ Pakistan, Syrian Arab Republic, Tunisia,*/ Viet Nam,*/ Yugoslavia and Zimbabwe. Afghanistan,*/ Iran,*/ Libyan Arab Jamahiriya,*/ Madagascar,*/ Nigeria,*/ Qatar*/ and Yemen*/ joined the sponsors.

138. The Commission considered the draft resolution at its 16th and 17th meetings. Separate votes were requested on paragraphs 5 and 6. At the request of the representative of the United States of America, the votes on paragraph 6 and on the draft resolution as a whole were taken by roll-call.

139. At the 17th meeting, the Commission decided on the draft resolution as follows:

- (a) It adopted paragraph 5 by 22 votes to 8, with 11 abstentions.
- (b) It adopted paragraph 6 by 17 votes to 12, with 12 abstentions.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, Greece, India, Jordan, Pakistan, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Abstaining: Argentina, Brazil, Fiji, Gambia, Mexico, Panama, Peru, Philippines, Senegal, Togo, Uruguay, Zambia.

The representative of China announced that his delegation would not participate in the vote.

(c) The Commission adopted draft resolution E/CN.4/1982/L.4 as a whole by 24 votes to 8, with 10 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Greece, India, Jordan, Pakistan, Peru, Poland, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Denmark, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Costa Rica, Fiji, France, Japan, Mexico, Panama, Philippines, Zaire, Zambia.

140. Statements in explanation of vote were made by the representatives of Brazil, Costa Rica, the Federal Republic of Germany, Italy, the Netherlands, Peru, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, Uganda, Uruguay, Zaire and Zambia.

141. For the text of the resolution, see chapter XXVI, section A, resolution 1982/3.

142. At the 25th meeting, the representative of the Philippines introduced a draft resolution (E/CN.4/1982/L.2) sponsored by Australia, Canada, Costa Rica, Fiji, Federal Republic of Germany, Japan, Malaysia,*/ Pakistan, Philippines, Singapore,*/ Thailand,*/ United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire. Italy, Netherlands and Zambia joined the sponsors. Later, Zambia withdrew its sponsorship of the draft resolution.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

143. The Commission considered the draft resolution at its 37th and 38th meetings. At the 38th meeting, the representatives of Gambia, the USSR and Zambia made statements in explanation of vote before the vote. The representative of the Philippines requested a roll-call vote on the draft resolution as a whole.

144. At the same meeting, the Commission adopted the draft resolution by 28 votes to 8, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Greece, Italy, Japan, Netherlands, Pakistan, Peru, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, India, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Ghana, Mexico, Panama, Uganda.

The representative of Cyprus announced that his delegation would not participate in the vote.

145. For the text of the resolution, see chapter XXVI, section A, resolution 1982/13.

146. At the 25th meeting, the representative of Pakistan introduced a draft resolution (E/CN.4/1982/L.16), sponsored by Costa Rica, Egypt,*/ Fiji, Gambia, Jordan, Malaysia,*/ Morocco,*/ Oman,*/ Pakistan, Philippines, Qatar,*/ Saudi Arabia,*/ Singapore,*/ Somalia,*/ Sudan,*/ Thailand,*/ Tunisia,*/ Turkey*/ and United Arab Emirates.*/ Colombia,*/ Senegal, Uruguay and Zambia joined the sponsors.

147. The Commission considered the draft resolution at its 37th and 38th meetings. At the 38th meeting, the representatives of Cuba and the USSR made statements in explanation of vote before the vote. The representative of Costa Rica requested a roll-call vote on the draft resolution as a whole.

148. At the same meeting, the Commission adopted the draft resolution by 32 votes to 7, with 4 abstentions. The voting was as follows:

In favour: Argentina, Australia, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Peru, Philippines, Rwanda, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Cyprus, India, Panama.

149. For the text of the resolution, see chapter XXVI, section A, resolution 1982/14.

150. At the 36th meeting, the representative of Uganda introduced a draft resolution (E/CN.4/1982/L.18) sponsored by Algeria, Costa Rica, Cuba, Cyprus, Democratic Yemen, Ghana, Libyan Arab Jamahiriya,*/ Madagascar,*/ Mexico, Panama, Togo, Uganda, Zambia, and Zimbabwe.

151. At the same meeting, the representative of Uganda orally revised the draft resolution by deleting the eighth preambular paragraph.

152. Viet Nam*/ joined the sponsors.

153. The Commission considered the draft resolution at its 37th and 38th meetings. At the 38th meeting, the representatives of Zaire and the United States of America made statements in explanation of vote before the vote. The representative of Uganda requested a roll-call vote on the draft resolution as a whole.

154. At the same meeting, the Commission adopted the draft resolution, as revised, by 27 votes to 3, with 13 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia,**/ Ghana, Greece, India, Mexico, Panama, Peru, Poland, Rwanda, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Against: Senegal, United States of America, Zaire.

Abstaining: Canada, China, Denmark, France, Germany, Federal Republic of, Italy, Japan, Jordan, Netherlands, Pakistan, Philippines, United Kingdom of Great Britain and Northern Ireland, Uruguay.

155. For the text of the resolution, see chapter XXVI, section A, resolution 1982/15.

156. At the 36th meeting, the representative of Ethiopia introduced a draft resolution (E/CN.4/1982/L.20) sponsored by Algeria, Cuba, Ethiopia, Gambia, Ghana, Libyan Arab Jamahiriya,*/ Madagascar,*/ Nigeria,*/ Rwanda, Uganda, Yugoslavia, Zaire, Zambia and Zimbabwe.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

**/ The representative of Gambia subsequently informed the secretariat that his delegation had intended to abstain.

157. The Commission considered the draft resolution at its 38th meeting. The representative of Ethiopia requested a roll-call vote on the draft resolution as a whole.

158. At the same meeting, the Commission adopted the draft resolution by 32 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

Abstaining: Greece, Japan, Netherlands.

159. For the text of the resolution, see chapter XXVI, section A, resolution 1982/16.

160. At the 38th meeting, the representatives of Argentina, Brazil, Italy, Netherlands, Uruguay and United States of America made statements in explanation of vote on draft resolutions E/CN.4/1982/L.2, E/CN.4/1982/L.16, E/CN.4/1982/L.18 and E/CN.4/1982/L.20.

161. At the 37th meeting, the representative of Costa Rica introduced and orally revised a draft resolution (E/CN.4/1982/L.21) sponsored by Algeria, Australia, Costa Rica and Fiji, subsequently joined by the Federal Republic of Germany.

162. The Commission considered the draft resolution at its 37th, 38th and 60th meetings.

163. At the 37th meeting, the representative of Australia orally revised operative paragraphs 4, 9 and 11 of the draft resolution. The representative of Pakistan introduced and further modified amendments (E/CN.4/1982/L.30) to the draft resolution.

164. At the 38th meeting, the representative of Ethiopia introduced oral amendments to the draft resolution which were subsequently reproduced in document E/CN.4/1982/L.32. At the same meeting, the representative of Zimbabwe introduced an oral amendment to the effect that a new paragraph be inserted after operative paragraph 5 of the draft resolution. Also at the same meeting, the representative of the United States of America introduced oral amendments to the draft resolution, which were subsequently reproduced in document E/CN.4/1982/L.34.

165. The Commission considered the draft resolution and amendments at its 60th meeting, on 11 March 1982. The Commission decided to postpone action on draft resolution E/CN.4/1982/L.21 and the amendments as contained in documents E/CN.4/1982/L.30, E/CN.4/1982/L.32 and E/CN.4/1982/L.34. (For the text of the decision, see chapter XXVI, section B, decision 1982/104).

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:
A. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; B. QUESTION OF MISSING AND DISAPPEARED PERSONS

A. Torture and other cruel, inhuman or degrading treatment or punishment

166. The Commission considered agenda item 10 (a) at its 60th meeting on 11 March 1982.

167. The Commission had before it a number of documents, including: the "Draft international convention against torture and other cruel, inhuman or degrading treatment or punishment" submitted by Sweden (E/CN.4/1285); the revised draft convention submitted by Sweden (E/CN.4/WG.1/WP.1); the draft convention for the prevention and suppression of torture submitted by the International Association of Penal Law (E/CN.4/NGO/13); the report of the 1980 Working Group (E/1980/13, paras 201-209); the report of the 1981 Working Group (E/1981/25, paras. 180-189); a draft preamble and proposed final provisions submitted by Sweden (E/CN.4/1427); a draft provisional protocol submitted by Costa Rica (E/CN.4/1409); and a revised draft relating to implementation clauses submitted by Sweden (E/CN.4/1493).

168. On the recommendation of the Commission as contained in its resolution 25 (XXXVII) of 10 March 1981, the Economic and Social Council, by its resolution 1981/37 of 8 May 1981, had authorized a meeting of an open-ended working group for a period of one week prior to the thirty-eighth session of the Commission to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment. The General Assembly, in its resolution 36/60 of 25 November 1981, requested the Commission at its thirty-eighth session to complete this task as a matter of highest priority, with a view to submitting a draft convention, including provision for its effective implementation, to the General Assembly at its thirty-seventh session.

169. The open-ended Working Group met before the session of the Commission from 25 to 29 January 1982. As decided by the Commission (decision 1982/101 of 3 February 1982), the Group continued its work during the session of the Commission.

170. At the 60th meeting, on 11 March 1982, the Commission considered and took note of the report of the Working Group (E/CN.4/1982/L.40), the text of which is reproduced in an addendum to the present report (E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect.A).

171. At the same meeting, the representative of Denmark introduced two draft resolutions: E/CN.4/1982/L.29, sponsored by Denmark, Finland*, Norway* and Sweden*,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional Commissions of the Economic and Social Council.

and E/CN.4/1982/L.52, sponsored by Cuba, Denmark, France, Greece, India, Netherlands, Norway*, Senegal and Sweden*. An estimate of the programme budget implications (E/CN.4/1982/L.63) of draft resolution E/CN.4/1982/L.52 was drawn to the attention of the Commission. The draft resolutions were adopted without a vote.

172. For the texts of the resolutions, see Chapter XXVI, section A, resolutions 1982/43 and 1982/44.

B. Question of missing and disappeared persons

173. The Commission considered agenda item 10 and 10 (b) at its 38th to 40th meetings, held on 25 and 26 February 1982, and at its 56th meeting on 10 March 1982.

174. The Commission on Human Rights, at its thirty-sixth session, adopted on 29 February 1980, resolution 20 (XXXVI) in which it decided, inter alia, to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, for the examination of matters relevant to enforced or involuntary disappearances of persons; it requested the Working Group to submit to the Commission at its thirty-seventh session a report on its activities, together with its conclusions and recommendations. At its thirty-seventh session, the Commission adopted, on 26 February 1981, its resolution 10 (XXXVII) by which it decided to extend for one year the term of the Working Group's mandate, as laid down in Commission resolution 20 (XXXVI), and requested the Working Group to submit to the Commission at its thirty-eighth session a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion so as, inter alia, to protect persons providing information or to limit the dissemination of information provided by Governments. The Commission, in its resolution 10 (XXXVII), also renewed its appeal to all Governments to co-operate in a spirit of complete confidence with the Working Group and it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-eighth session. In that resolution the Commission also decided to consider, at its thirty-eighth session, the question of missing and disappeared persons under a subitem of its agenda. The Economic and Social Council, by its decision 1981/139 of 8 May 1981, approved the Commission's decision in its resolution 10 (XXXVII) to extend the term of the mandate of the Working Group.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional Commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

175. The Sub-Commission on Prevention of Discrimination and Protection of Minorities considered the question of enforced and involuntary disappearances at its thirty-fourth session and on 10 September 1981 it adopted resolution 15 (XXXIV) in which it, inter alia, reiterated the right of families to know the fate of their relatives and strongly appealed for the reappearance of all detainees currently held in secret detention. The Sub-Commission also, in that resolution, expressed its conviction to the Commission that, in view of the persistence of violations resulting from the many cases of disappearance of persons which were still occurring in the world, the extension of the mandate of the Working Group on Enforced or Involuntary Disappearances was indispensable. In paragraph 6 of the resolution, the Sub-Commission set out a number of courses of action which it recommended for the consideration of the Commission.

176. The General Assembly, at its thirty-sixth session, adopted, on 16 December 1981, resolution 36/163 in which it stated its conviction that the action taken, in consultation with the Governments concerned, to promote the implementation of the resolutions relevant to the plight of missing or disappeared persons should be continued. The Assembly also requested the Commission to continue to study the question of enforced or involuntary disappearances as a matter of priority, and to take any step it might deem necessary to the pursuit of the task of the Working Group; the Assembly also appealed to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion.

177. In connection with its consideration of subitem 10 (b) of its agenda, the Commission had before it at its thirty-eighth session the following documents:

The report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1492 and Add.1);

A written statement submitted by the Christian Democratic World Union, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/3);

A written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (Roster) (E/CN.4/1982/NGO/16);

The annual report of the Inter-American Commission on Human Rights to the General Assembly of the Organization of American States submitted in accordance with Economic and Social Council resolution 1159 (XLI) (E/CN.4/1982/2).

178. The Commission considered the question of missing and disappeared persons from the 38th to 40th and at the 56th meetings. The general debate on the question is reflected in the summary records of those meetings.

179. The Commission heard statements by the observers for Bolivia (38th meeting), El Salvador (39th meeting), Iran (40th meeting), Iraq (40th meeting), Nicaragua (38th meeting), Norway (38th meeting); Sweden (38th meeting) and Switzerland (39th meeting).

180. The observers for the following non-governmental organizations in consultative status with the Economic and Social Council made statements: International Confederation of Free Trade Unions (category I) (38th meeting); Amnesty International (category II) (39th meeting); International Commission of Jurists (category II) (40th meeting); International Movement for Fraternal Union among Races and Peoples (category II) (40th meeting); Pax Christi International (category II) (40th meeting); Pax Romana (category II) (40th meeting).

181. The Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances introduced the Group's report (E/CN.4/1492 and Add.1) at the 38th meeting. He informed the Commission of the increasing co-operation received by the Working Group from Governments and offered the Group's thanks to those Governments for that co-operation. He drew the Commission's attention to the Group's humanitarian and impartial approach to its tasks. The Chairman-Rapporteur noted that while some of the persons reported to the Group as missing should not properly have been on the lists, the discussions of the Group made it clear that genuine cases of disappearances had occurred which violated fundamental human rights. The Group reported a net increase in recent disappearances and in the official steps taken by certain countries to end such disappearances. Some Governments were now giving families official explanations of what happened, but there was still much unfinished business, and the Group had been informed on all sides that the families would not give up. The Group was looking forward with interest to the statements by the representatives and observers. At the end of the discussion of the question of missing and disappeared persons at the Commission's 40th meeting, the Chairman-Rapporteur responded to questions and observations regarding the report made during the debate and promised that if its mandate were renewed the Working Group would take careful note of the points made in the debate.

182. In the course of the debate most speakers expressed deep concern at enforced or involuntary disappearances occurring in varying degrees in different parts of the world, and many noted that the number of disappearances was increasing. One speaker stated that it was disappointing to see that a decrease in disappearances in certain countries seemed to be outmatched by an increase in other countries. Enforced or involuntary disappearances were characterized as a particularly alarming kind of human rights abuse that ran counter to all rules and procedures designed to safeguard the rights to liberty and security of persons. Many speakers voiced the opinion that enforced or involuntary disappearances should be condemned as one of the cruellest forms of violations of the human rights of both the victims and their families. It was stated that the practice of secret detention must be stopped and the right to a fair trial guaranteed. Some speakers expressed their understanding of the anguish and sorrow of the relatives of missing persons and the right of relatives to know about the missing members of their family was reaffirmed.

183. Some speakers stated that disappearances were now a method used by some regimes to contain opposition. One speaker said that disappearances were often related to deep-rooted problems faced by Governments, but that under no circumstances was there an excuse to have recourse to such anti-constitutional and anti-democratic methods.

184. Many speakers also made special reference to the disappearance of children as a particularly grave phenomenon that warranted all the attention and concern of the international community. One speaker specifically recalled that such concern was also expressed in resolution 23 of the World Conference of the United Nations Decade for Women: Equality, Development and Peace.

185. Most speakers expressed appreciation of the report of the Working Group, which they found well-balanced and factual. The humanitarian approach adopted by the Group with a view to informing relatives of the whereabouts of the missing members of their family was welcomed by those speakers, as was the practice of the Group's Chairman of contacting Governments in connection with urgent reports of disappearances. The co-operation of Governments was important to the success of the Group's work and many speakers welcomed the increase in the co-operation by Governments and expressed appreciation to those Governments. Hope was expressed that other Governments would also begin to co-operate with the Group.

186. Most speakers noted that the Group had not been able to complete its complex and difficult task and that in view of the continuing reports of disappearances the Group's mandate should be renewed. One representative stated that the prime responsibility for ending enforced or involuntary disappearances lay with the Governments of States where such disappearances were occurring. A review of the results obtained after two years raised the question whether that new and expensive procedure was really necessary, since other mechanisms existed for investigating disappearances.

187. Many speakers expressed approval of the Working Group's approach to its tasks and welcomed the discretion it used in carrying out its activities. It was stated that it was clear that the Working Group had made every endeavour to take into account the comments made by the Commission at its thirty-sixth session, in particular in ensuring that the Group's methods were in accordance with its mandate. One speaker regretted that the contents of the Working Group's report related particularly to one region, since that could lead to error concerning the magnitude and characteristics of the problem. Another speaker found the report repetitive and said that that tended to magnify the true extent of the problem. Some speakers expressed reservations regarding the sources of certain information submitted to the Working Group and stated that care should be taken to avoid politically motivated information.

188. At the 39th meeting, the representative of France introduced draft resolution E/CN.4/1982/L.17.

189. At the 56th meeting, held on 10 March 1982, and prior to the voting on the draft resolution, the Chairman drew the Commission's attention to the estimate of the programme budget implications (E/CN.4/1982/L.19) 2/ of draft resolution E/CN.4/1982/L.17.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

190. At the same meeting, the representative of Argentina made a statement in explanation of vote before the vote.

191. At the same meeting, draft resolution E/CN.4/1982/L.17 was adopted without a vote.

192. At the 57th meeting, on 10 March 1982, the representatives of Cyprus and Greece made statements.

193. For the text of the resolution, see chapter XXVI, section A, resolution 1982/24.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

194. The Commission discussed item 11 at its 14th, 15th, 16th meetings, on 10 and 11 February, and at its 60th meeting on 11 March 1982.

195. The Commission had before it the following documents:

The report of the working group established under Commission on Human Rights resolution 28 (XXXVI) (E/CN.4/L.1577);

A report of the Secretary-General on national institutions for the promotion and protection of human rights (A/36/440);

A report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1496);

A note by the Secretary-General on information submitted in accordance with Economic and Social Council resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights (E/CN.4/1982/1);

The annual report of the Inter-American Commission on Human Rights, 1980-1981 (E/CN.4/1982/2);

A written statement submitted by the Christian Democratic World Union, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/4).

196. The item was introduced at the 14th meeting by the Director of the Division of Human Rights.

197. During the discussion on 10 and 11 February 1982, delegations indicated their views on the item and sought to provide guidance to the sessional working group due to meet later on the item, on matters which could usefully be considered by the working group. It was the view of many delegations that the working group should be selective and should focus on concrete proposals to enhance the promotion and protection of human rights. It was suggested that the working group should concentrate on practical proposals capable of obtaining agreement in the Commission. One area mentioned by various delegations in that regard was the functioning of the Commission and measures which could be taken to bring about improvements therein.

198. During the discussion, the role of the Commission as the main United Nations organ concerned with human rights under the Charter of the United Nations was emphasized by many delegations. It was said, in particular, that the co-ordinating role of the Commission was very important and reference was made in that regard to the incorporation of co-ordination in the terms of reference of the Commission decided upon in Economic and Social Council resolution 1979/36 of 10 May 1979. The view was expressed that the enlargement of the Commission to its current membership of 43 and the extension of its sessions to six weeks had been useful improvements. However, it was said that those measures, though useful, were not by themselves enough.

199. The view was expressed that the organizational structure and capacity of the United Nations in the field of human rights was satisfactory and that there was not need for any new organs. The opinion was expressed that there might be duplication and overlapping in some instances.

200. Various delegations referred to the schedule of meetings of the General Assembly, the Economic and Social Council, the Commission and the Sub-Commission. The view was expressed that the meetings of the Commission took place much too soon after the session of the General Assembly and that the sessions of the organs mentioned above were not sufficiently spaced out during the year. It was therefore suggested that the Sub-Commission could meet in January/February and the Commission in May/June, with the Commission's report being considered by the Economic and Social Council at its second session, in July. It was suggested that the Commission could recommend to the Economic and Social Council that it study a pattern of sessions along those lines. On the other hand, the view was expressed that the session of the Sub-Commission should follow that of the Commission, as under existing practice.

201. It was said by some delegations that the Commission should seek to elaborate a long-term programme of work designed to implement the provisions of General Assembly resolution 32/130 of 16 December 1977. Particular stress was laid by many delegations on the indivisibility and interdependence of all human rights. Reference was also made to the urgent need to protect fundamental human rights, such as the right to life and the elimination of racial discrimination.

202. Many delegations said that particular attention should be paid to measures which could be taken to strengthen the role of the United Nations in responding to mass and flagrant violations of human rights. The need for the United Nations to respond immediately to violations of human rights was particularly emphasized by those delegations. In that regard it was said that an intersessional role for the Bureau of the Commission could be worked out and that the possibility of holding emergency sessions of the Commission, if necessary, should also be considered. It was said, however, that if an intersessional role for the Bureau, or emergency sessions of the Commission, were to be decided upon, it would be necessary to define the role of the Bureau, the modalities for convening its meetings and the modalities for convening emergency sessions of the Commission.

203. Some delegations felt that the establishment of a post of United Nations High Commissioner for Human Rights could be a useful way for the United Nations to enhance its activities for the promotion and protection of human rights and for dealing with humanitarian problems, such as violations of human rights. On the other hand, other delegations expressed reservations about the usefulness of such a proposal. They felt that the establishment of a post of High Commissioner would not be consistent with the Charter, and that the High Commissioner, as a single individual, could not supplant the role of democratic organs composed of the representatives of sovereign States.

204. The view was expressed that the role of the Secretariat in supporting the activities of human rights organs was a very important one, and that the Division of Human Rights should be provided with enough staff and resources to enable it to perform its functions. In that regard, it was said that care should be taken to ensure the efficiency and effectiveness of the Division. Some delegations expressed support for the redesignation of the Division as a Centre for Human Rights, while some other delegations expressed their opposition to that idea.

205. It was suggested that attention should be given to the enhancement of public information activities in the field of human rights and in particular to the dissemination of the provisions of international instruments on human rights. It was said that a crucial role in that regard should be played by Member States themselves, and that the Commission could recommend to Governments that they step up their dissemination of the basic international instruments in the field of human rights.
206. It was suggested that the Working Group could consider the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as a complement to the Commission in the promotion and protection of human rights.
207. Various delegations referred to proposals and suggestions which had been before the Working Group of the Commission at its thirty-seventh session and which were contained in the report of the Working Group at that session (E/CN.4/L.1577).
208. At its 4th meeting, on 3 February 1982, the Commission decided (decision 1982/101 of 3 February 1982) to establish an informal open-ended working group for the consideration of agenda item 11.
209. The informal open-ended working group held five meetings, on 11, 12, 22 and 24 February and on 3 March 1982. At its 5th meeting, on 3 March 1982, the working group adopted its report, the text of which was reproduced in an addendum to the present report (E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect. B).
210. At the 60th meeting, on 11 March 1982, the Chairman of the Working Group introduced the draft resolution contained in the Working Group's report (E/CN.4/1982/L.39, para. 18) and revised it orally.
211. At the same meeting the draft resolution, as revised, was adopted without a vote.
212. For the text of the resolution, see chapter XXVI, section A, resolution 1982/40.
213. At the same meeting, the representative of the Netherlands introduced a draft resolution (E/CN.4/1982/L.36) sponsored by the delegations of Australia, Canada, Costa Rica, Denmark, Fiji, France, Gambia, Ireland,*/ Japan, Italy, Netherlands, Panama, Peru, Philippines, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.
214. At the same meeting, the draft resolution was adopted without a vote.
215. For the text of the resolution, see chapter XXVI, section A, resolution 1982/41.]
216. At the 60th meeting, on 11 March 1982, the Commission considered, and adopted without a vote, draft resolution E/CN.4/1982/L.59, sponsored by Australia, Gambia, India, Netherlands and Yugoslavia.]
217. For the text of the resolution see chapter XXVI, section A, resolution 1982/42.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

REPORT OF THE COMMISSION ON HUMAN RIGHTS AND THE SUB-COMMISSION ON HUMAN RIGHTS

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MANY PARTS OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

218. The Commission considered item 12 and its subitems at its 42nd to 51st closed meetings from 1 to 5 March 1982, at its 51st to 55th public meetings from 5 to 9 March 1982, and at its 57th to 60th public meetings on 10 and 11 March 1982. The item as a whole and subitem 12 (a) were considered at the 51st to 55th and 57th to 60th public meetings, and subitem 12 (b) was considered at the 42nd to 51st closed meetings.

Consideration of item 12 as a whole

219. At the Commission's 51st meeting on 5 March 1982 and before opening the public debate on item 12 as a whole, the Chairman reminded the Commission that it had taken decisions in private session under Economic and Social Council resolution 1503 (XIVIII) of 27 May 1970 concerning: Afghanistan, Argentina, German Democratic Republic, Haiti, Paraguay, Republic of Korea, Uruguay and Venezuela, and that in conformity with paragraph 8 of that resolution, members and delegations should make no reference in the public debate to those decisions nor to any confidential material relating thereto.

220. During the debate on item 12 as a whole and subitem 12 (a), statements were made by the observers for: Afghanistan, Belgium, Bolivia, Czechoslovakia, Democratic Kampuchea, El Salvador, German Democratic Republic, Guatemala, Holy See, Hungary, Iran, Ireland, Israel, Mongolia, Morocco, Nicaragua, Norway, Somalia, Sweden, Turkey and Viet Nam. A statement was also made by the representative of UNESCO.

221. The Commission also heard statements by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: Amnesty International (category II), Anti-Slavery Society (category II), Bahá'i International Community (category II), Christian Democratic World Union (category II), Commission of the Churches on International Affairs (category II), Indian Law Resource Centre (Roster), International Commission of Jurists (category II), International Confederation of Free Trade Unions (category I), International Council of Jewish Women (category II), International Federation of Human Rights (category II), International Federation of Rural Adult Catholic Movements (Roster), International Indian Treaty Council (category II), International League for Human Rights (category II), International League for the Rights and Liberation of Peoples (Roster), International Movement for Fraternal Union among Races and Peoples (category II), Inter-Parliamentary Union (category I), Pax Christi (category II), Pax Romana (category II), World Association for the School as an Instrument of Peace (Roster), World Peace Council (Roster), World University Service (category II).

222. In addition to the documents mentioned below, the Commission had before it the following documents in connection with its consideration of item 12:

Note verbale dated 31 August 1981 from the Permanent Mission of the Mongolian People's Republic to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights (E/CN.4/1514 - E/CN.4/Sub.2/493);

Note verbale dated 4 September 1981 from the Permanent Mission of Israel to the United Nations Office at Geneva addressed to the Division of Human Rights (E/CN.4/1515 - E/CN.4/Sub.2/494);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in category I consultative status (E/CN.4/1982/NGO/1 and Add.1);

Written statement submitted by the World Council of Indigenous Peoples, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/35);

Letter dated 9 March 1982 from the representative of the United States of America to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/27);

Written statement submitted by Caritas Internationalis (International Conferation of Catholic Charities), a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/36).

223. During the general debate on item 12, delegations referred to particular situations of human rights violations, and to the methods and procedures of the Commission in relation to the violation of human rights. Many delegations deplored that violations of human rights continued to be a distressingly common phenomenon in many parts of the world. Reports about the most grave infringements on the physical integrity, security and liberty of persons continued to reach the Commission. The United Nations, and particularly the Commission, were still trying to find more efficient mechanisms to face human rights violations in the world. The examination of the situation of human rights in the world should be of a constructive, balanced, non-discriminatory and non-confrontational character. Some speakers said that the Commission should not engage itself in undue interference in the internal affairs of any Member State and should not concentrate on or discriminate against particular countries or regions. Other delegations said that the Commission had a right and duty to continue to examine particular situations of human rights violations and to take such measures as it deemed appropriate. The Commission's activities should be based on a spirit of co-operation and universal respect for human rights for all. The view was expressed that the Commission should not depart from either the public or the confidential procedures established for the consideration of violations of human rights. It was stated that the introduction of the public and confidential procedures was a step forward in the promotion of human rights and fundamental freedoms, although there were certain weaknesses in the functioning of those procedures which could damage their positive influence. It was also stated that the Commission seemed to be adopting a more global approach to violations of human rights, in spite of repeated references to certain countries and not to others.

224. In the course of the debate, statements were also made concerning alleged violations of human rights in specific countries; those statements and the replies made by representatives of Governments are summarized in the records of the meetings. In that context, reference was made to the denial of the right to self-determination, including foreign intervention and occupation, and to the free disposal of natural resources; references were also made to apartheid, racial discrimination, mass exoduses for political or economic reasons,

large-scale murder of persons, violations of trade-union rights, disappearances of persons, summary and arbitrary executions, torture, persecution of religious minorities, arbitrary arrests, detention without trial and expression of the rights to freedom of thought, conscience, religion, and of association; violation of human rights of indigenous and non-white populations and the violation of economic, social and cultural rights involved in situations of extreme poverty, unemployment, malnutrition, lack of health services and illiteracy. In that context, some speakers noted the close relationship and interdependence between economic, social and cultural rights and civil and political rights and attributed many violations of human rights in different parts of the world to the unjust international economic order. It was said that national security could not be invoked to justify or excuse the violation of human rights.

Human rights and massive exoduses

225. The Commission considered the question of human rights and massive exoduses at its 55th meeting on 9 March 1982, and at its 59th meeting on 11 March 1982. In connection with its consideration of human rights and massive exoduses, the Commission had before it the study on human rights and massive exoduses prepared by the Special Rapporteur, Sadruddin Aga Khan (E/CN.4/1503 */).

226. At the 55th meeting, the Special Rapporteur introduced his report to the Commission, and at the end of the debate made observations on the points raised in the discussion.

227. At the 57th meeting, on 10 March 1982, the representative of Canada introduced a draft resolution (E/CN.4/1982/L.57) sponsored by Argentina, Australia, Canada, Costa Rica, Japan, Jordan, Lebanon, */ Mexico, Pakistan, Panama, Philippines and Senegal.

228. At the 59th meeting, on 11 March 1982, and prior to the adoption of the draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.68) 1/ of draft resolution E/CN.4/1982/L.57. At the same meeting the draft resolution was adopted without a vote.

229. For the text of the resolution, see chapter XXVI, section A, resolution 1982/32.

Summary or arbitrary executions

230. At the 57th meeting, on 10 March 1982, the representative of Denmark introduced a draft resolution (E/CN.4/1982/L.50) sponsored by Costa Rica, Cyprus, Denmark and Zambia. At the 59th meeting, on 11 March 1982, the representative of Denmark revised the draft resolution. At the same meeting, and prior to the vote on the revised draft resolution, the attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.66) 2/ of draft resolution E/CN.4/1982/L.50.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

2/ Idem.

231. At the 59th meeting, on 11 March 1982, the representative of the Union of Soviet Socialist Republics requested a separate vote on operative paragraphs 2 to 7 of the draft resolution. By 31 votes to 6, with 6 abstentions, the Commission decided to retain those paragraphs. At the same meeting, the draft resolution was adopted by 33 votes to 1, with 8 abstentions.

232. For the text of the resolution, see chapter XXVI, section A, resolution 1982/29.

Question of rights and responsibilities in promoting respect for human rights and fundamental freedoms

233. At the 59th meeting, on 11 March 1982, the Commission considered draft resolution E/CN.4/1982/L.55, sponsored by Canada and Senegal. At the same meeting, the representative of the Byelorussian Soviet Socialist Republic proposed oral amendments to the draft resolution, which were accepted by the sponsors. At the same meeting, the Commission adopted the draft resolution, as orally amended, without a vote.

234. For the text of the resolution, see chapter XXVI, section A, resolution 1982/30.

Situation of human rights in Bolivia

235. The Commission had before it the following documents:

Study by the Special Envoy of the Commission on Human Rights, Professor Hector Gros Espiell, pursuant to resolution 34 (XXXVII) (E/CN.4/1500 and Add.1);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (Roster) (E/CN.4/1982/NGO/25).

236. At the 51st meeting, on 5 March 1982, the Special Envoy introduced his report to the Commission.

237. At the 59th meeting, on 11 March 1982, the Commission considered a draft resolution (E/CN.4/1982/L.58) sponsored by Canada. At the same meeting, the representative of Brazil proposed oral amendments which were accepted by the sponsor. The attention of the Commission was drawn to the estimate of programme budget implications (E/CN.4/1982/L.65) ^{3/} of draft resolution E/CN.4/1982/L.58 prior to its adoption.

238. At the same meeting, the representative of the United States of America made a statement in explanation of the vote before the vote.

239. At the same meeting, the draft resolution, as orally amended, was adopted without a vote.

^{3/} Idem.

240. The observer for Bolivia made a statement after the adoption of the resolution.

241. For the text of the resolution, see chapter XXVI, section A, resolution 1982/33.

Situation of human rights in El Salvador

242. The Commission had before it the following documents:

Report by Professor José Antonio Pastor Ridruejo, Special Representative of the Commission on Human Rights, pursuant to Commission resolution 32 (XXXVII), (E/CN.4/1502);

Note by the Secretary-General (E/CN.4/1982/4);

Letter dated 8 March 1982 from the representative of the United States of America addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/26);

Written statement submitted by the Commission of the Churches on International Affairs, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/15);

Written statement submitted by the World Peace Council, a non-governmental organization in consultative status (Roster) (E/CN.4/1982/NGO/21);

Written statement submitted by Pax Christi a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/27);

Written communication submitted by the International Committee of the Red Cross, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/32);

243. At the 51st meeting, on 5 March 1982, the Special Representative introduced his report to the Commission.

244. At the 53rd meeting, on 8 March 1982, the representative of Mexico introduced a draft resolution (E/CN.4/1982/L.49) sponsored by Algeria, Denmark, France, Greece, Ireland, */ Mexico, Netherlands, and Yugoslavia.

245. At the 59th meeting, on 11 March 1982, the observer for El Salvador made a statement.

246. At the same meeting, the attention of the Commission was drawn to the estimate of the programme budget implications (E/CN.4/1982/L.51) 4/ of draft resolution E/CN.4/1982/L.49 prior to its adoption.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

4/ Idem.

247. At the same meeting, the representatives of Italy, Uruguay, United States of America, Argentina, Union of Soviet Socialist Republics, Australia and the United Kingdom made statements in explanation of vote before the vote.

248. At the 59th meeting, on 11 March 1982, by a roll-call vote requested by the representative of Uruguay, the draft resolution was adopted by 25 votes to 5, with 13 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Ghana, Greece, India, Italy, Mexico, Netherlands, Poland, Ruanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Brazil, Philippines, United States of America, Uruguay.

Abstaining: Australia, Canada, China, Costa Rica, Fiji, Germany, Federal Republic of, Japan, Jordan, Pakistan, Panama, Peru, United Kingdom of Great Britain and Northern Ireland, Zaire.

249. For the text of the resolution, see chapter XXVI, section A, resolution 1982/28.

Situation in Equatorial Guinea

250. The Commission had before it the report of the Secretary-General prepared pursuant to Commission resolution 31 (XXXVII) (E/CN.4/1495).

251. At the 59th meeting, on 11 March 1982, the Commission considered a draft resolution (E/CN.4/1982/L.60) sponsored by Canada. The sponsor orally revised the draft resolution as follows: first, the third preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council would be reworded to read as follows: "Mindful of the role that the United Nations could play in the promotion, the protection and the restoration of human rights and fundamental freedoms in the world"; second, the opening of the fourth preambular paragraph of the same draft resolution would be reworded to read: "Conscious of the request of the Government of Equatorial Guinea for assistance in ..."; and third, operative paragraph 3 of the same draft resolution would be modified to read: "Requests the Secretary-General, with expert assistance if necessary, to discuss with the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action;". The draft resolution, as revised, was adopted without a vote at the same meeting.

252. For the text of the resolution, see chapter XXVI, section A, resolution 1982/34.

Situation of human rights in Guatemala

253. The Commission had before it the following documents:

Note by the Secretary-General prepared pursuant to Commission resolution 33 (XXXVII) (E/CN.4/1501 and Add.1 and 2);

Letter dated 1 March 1982 from the Permanent Representative of Guatemala addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session (E/CN.4/1982/24);

Written statement submitted by the Christian Democratic World Union, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/9);

Written statement submitted by the World Peace Council, a non-governmental organization in consultative status (Roster) (E/CN.4/1982/NGO/22);

Written statement submitted by Amnesty International, a non-governmental organization in category II consultative status (E/CN.4/1982/NGO/23);

Written communication submitted by Pax Christi, a non-governmental organization in Category II consultative status (E/CN.4/1982/NGO/26).

254. At the 59th meeting, on 11 March 1982, the Commission considered a draft resolution (E/CN.4/1982/L.56) sponsored by Denmark, Netherlands, Zambia and Zimbabwe, which was orally revised by the representative of the Netherlands.

255. At the same meeting, the observer for Guatemala made a statement (see E/CN.4/1982/SR.59).

256. The attention of the Commission was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.67) 5/ of draft resolution E/CN.4/1982/L.56 prior to the vote.

257. The representatives of Argentina, United States of America and Uruguay made statements in explanation of vote before the vote.

258. At the same meeting, the draft resolution, as orally revised, was adopted by a roll-call vote, taken at the request of the representative of the Netherlands, of 29 to 2, with 12 abstentions. The voting was as follows:

In favour: Algeria, Australia, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Greece, India, Italy, Mexico, Netherlands, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Uruguay.

Abstaining: Brazil, China, Costa Rica, Fiji, Japan, Jordan, Pakistan, Panama, Peru, Philippines, United States of America, Zaire.

259. For the text of the resolution, see chapter XXVI, section A, resolution 1982/31.

5/ Idem.

Situation of human rights in Iran

260. The Commission had before it the following documents:

Note by the Secretary-General prepared pursuant to resolution 8 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1517);

Note verbale dated 10 August 1981 from the Permanent Mission of Canada to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1476 - E/CN.4/Sub.2/472);

Note verbale dated 10 August 1981 from the Permanent Mission of Australia to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1478 - E/CN.4/Sub.2/488);

Note verbale dated 14 September 1981 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1516 - E/CN.4/Sub.2/475).

261. At its 59th meeting, on 11 March 1982, the Commission considered a draft resolution (E/CN.4/1982/L.45) sponsored by Australia, Canada, Costa Rica, Denmark, Germany Federal Republic of, Ireland, */.Netherlands, Norway */ and the United Kingdom of Great Britain and Northern Ireland.

262. The observer for Iran made a statement.

263. The representatives of Pakistan and of the United States of America made statements in explanation of vote before the vote.

264. At the same meeting, the draft resolution was adopted by a roll-call vote, requested by the representative of Pakistan, of 19 to 9, with 15 abstentions. The voting was as follows:

In favour: Australia, Canada, Costa Rica, Denmark, Fiji, France, Germany, Federal Republic of, Ghana, Greece, Italy, Jordan, Netherlands, Panama, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Pakistan, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics, Cuba, Ethiopia, Pakistan, Poland, Syrian Arab Republic, Union

Abstaining: Argentina, Brazil, China, Cyprus, Gambia, India, Japan, Mexico, Peru, Philippines, Senegal, Uganda, Yugoslavia, Zaire, Zimbabwe.

265. For the text of the resolution, see chapter XXVI, section A, resolution 1982/27.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Situation of human rights in Poland

266. At its 3rd meeting, on 2 February 1982, the Commission decided to adjourn the debate on draft decision E/CN.4/1982/L.1 sponsored by Australia, Canada, Denmark, France, Federal Republic of Germany, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America, until the Commission took up item 12 of its agenda (see below, chapter XXVII). At the 51st meeting, on 5 March 1982, the Secretary of the Commission announced that the sponsors had withdrawn draft decision E/CN.4/1982/L.1.

267. At the 57th meeting, on 10 March 1982, the Commission considered a draft resolution (E/CN.4/1982/L.27) sponsored by Denmark, Federal Republic of Germany, Italy and Netherlands. The representative of the Union of Soviet Socialist Republics introduced amendments (E/CN.4/1982/L.70) to the draft resolution. The representative of the Byelorussian Soviet Socialist Republics introduced a draft resolution (E/CN.4/1982/L.61).

268. At the 58th meeting, on 10 March 1982, the representative of France proposed, under rule 50 of the rules of procedure of the functional commissions of the Economic and Social Council that the debate on the proposals in documents E/CN.4/1982/L.27 and E/CN.4/1982/L.70 be closed. The representative of Zambia proposed, under rule 49 of the rules of procedure that the debate and votes on the proposals in documents E/CN.4/1982/L.27, E/CN.4/1982/L.61 and E/CN.4/1982/L.70 be adjourned until the next session of the Commission.

269. In accordance with rule 51, the proposal of the representative of Zambia was voted upon first.

270. The proposal of the representative of Zambia was rejected by a roll-call vote, requested by the representative of the United States of America, of 13 to 20, with 8 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Ghana, India, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Canada, Costa Rica, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Italy, Japan, Netherlands, Panama, Peru, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, China, Cyprus, Gambia, Jordan, Mexico, Uganda, Zaire.

271. The proposal of the representative of France was approved by a roll-call vote, requested by the representative of the Netherlands, of 25 to 9 with 8 abstentions. The voting was as follows:

In favour: Australia, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Italy, Japan, Mexico, Netherlands, Panama, Peru, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics, Zambia, Zimbabwe.

Abstaining: Algeria, Argentina, Cyprus, India, Jordan, Pakistan, Uganda, Zaire.

272. At the same meeting, the representative of the Netherlands proposed that the question be put as to whether the proposals contained in document E/CN.4/1982/L.70 constituted amendments to draft resolution E/CN.4/1982/L.27. Delegations of the view that the proposals constituted amendments were requested to vote in the affirmative. By a roll-call vote requested by the representative of the United States of America, the Commission decided, by 9 votes to 26, with 8 abstentions, that the proposals contained in document E/CN.4/1982/L.70 did not constitute amendments to draft resolution E/CN.4/1982/L.27. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics, Zambia.

Against: Australia, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Italy, Japan, Mexico, Netherlands, Panama, Peru, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zimbabwe.

Abstaining: Argentina, Cyprus, India, Jordan, Pakistan, Uganda, Yugoslavia, Zaire.

273. At the 58th meeting, on 10 March 1982, the draft resolution was revised on the proposal of the representative of Cuba, accepted by the sponsors, by the deletion of the following words from operative paragraph 6: "an interim report to the Economic and Social Council for consideration at its first regular session for 1982, and".

274. The representatives of Argentina, Bulgaria, France, Gambia, Ghana, India, Jordan, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Zambia and Zimbabwe made statements in explanation of vote before the vote.

275. The attention of the Commission was drawn to the estimate of the programme budget implications (E/CN.4/1982/L.64) 6/ of draft resolution E/CN.4/1982/L.27.

276. At the 58th meeting, on 10 March 1982, draft resolution E/CN.4/1982/L.27, as orally amended, was adopted by a roll-call vote, requested by the representative of the Federal Republic of Germany, of 19 votes to 13, with 10 abstentions. The voting was as follows:

In favour: Australia, Canada, Costa Rica, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Italy, Japan, Mexico, Netherlands, Peru, Philippines, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

6/ Idem.

- Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Ghana, India, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.
- Abstaining: Argentina, Brazil, Cyprus, Gambia, Jordan, Pakistan, Panama, Rwanda, Uganda, Zaire.

The representative of China announced that his delegation had not participated in the vote.

277. For the text of the resolution, see chapter XXVI, section A, resolution 1982/26.

278. The representative of Poland made a statement.

279. The representative of the Byelorussian Soviet Socialist Republic, as sponsor of draft resolution E/CN.4/1982/L.61, announced that his delegation had decided that the draft resolution was not to be put to a vote.

280. At the 60th meeting, on 11 March 1982, the representatives of Australia, Brazil, Canada and Peru made statements in explanation of vote after the vote.

A. Question of human rights in Cyprus

281. The Commission had before it the report of the Secretary-General prepared pursuant to Commission decision 5 (XXXVII) (E/CN.4/1982/8), and a written statement submitted by the Women's International Democratic Federation, a non-governmental organization in category I consultative status (E/CN.4/1982/NGO/7).

282. At the 59th meeting, on 11 March 1982, the Chairman of the Commission proposed, after consultations with the interested parties, that item 12 (a) be postponed to the thirty-ninth session of the Commission, with due priority at that session. The Commission adopted that proposal without a vote, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

283. The representatives of Cyprus and Greece made statements.

284. For the text of the decision, see chapter XXVI, section B, decision 1982/102.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XIVIII): Report of the Working Group established by the Commission at its thirty-seventh session

285. The Commission considered item 12 (b) at its 42nd to 51st (closed) meetings and at the 61st meeting (closed part). The Commission had before it confidential documents containing material referred to it under Economic and Social Council

resolution 1503 (XLVIII) and observations thereon received from Governments, and a confidential report submitted to the Commission by its working group established by Commission decision 4 (XXXVII) of 6 March 1981.

286. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the actions taken by the Commission during the consideration of the item in closed sessions were confidential until such time as the Commission might decide to make recommendations to the Economic and Social Council.

287. At its 51st (closed) meeting, the Commission adopted a general decision that a working group of five of its members should be established to meet for one week prior to the Commission's thirty-ninth session, to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) by the thirty-fifth session of the Sub-Commission, and those situations of which the Commission was seized. At that same meeting it was decided that the general decision should be made public.

288. For the text of the decision, see chapter XXVI, section B, decision 1982/103.

289. At the 62nd meeting, on 12 March 1982, the Chairman announced that he would nominate at a later stage, and after consultations with the regional groups, the members of the Commission to serve in their personal capacity on the working group on situations of violations of human rights, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council.

XI. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

290. The Commission considered agenda item 13 at its 60th meeting on 11 March 1982.

291. For its consideration of the item, the Commission had before it the report of the Working Group (E/CN.4/1982/L.41).

292. By its resolution 26 (XXXVII) of 10 March 1981, the Commission on Human Rights decided to continue at its thirty-eighth session, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing the elaboration of the convention at that session for transmission to the General Assembly through the Economic and Social Council. By decision 1981/144 of 8 May 1981, the Economic and Social Council noted resolution 26 (XXXVII) of the Commission on Human Rights, and decided to authorize a one-week session of an open-ended working group prior to the thirty-eighth session of the Commission to facilitate completion of the work on a draft convention on the rights of the child. At its thirty-sixth session, the General Assembly, by resolution 36/57 of 25 November 1981, welcomed Economic and Social Council decision 1981/144 and requested the Commission on Human Rights to give the highest priority to the question of completing the draft convention.

293. At its 4th meeting, on 2 February 1982, the Commission, by decision 1982/101, decided that a sessional open-ended working group should be established for the consideration of item 13 on its agenda, concerning the drafting of a convention on the rights of the child.

294. At the 60th meeting, the Chairman-Rapporteur of the Working Group, Mr. Adam Lopatka (Poland), introduced the report of the Group (E/CN.4/1982/L.41). At the same meeting, the Commission took note of the report, which is reproduced in an addendum to the present report (E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect. C).

295. At the same meeting, the representative of Poland introduced a draft resolution (E/CN.4/1982/L.35), sponsored by Argentina, Australia, Byelorussian Soviet Socialist Republic, Canada, Colombia, */ Costa Rica, Cuba, France, Greece, India, Panama, Peru, Poland and Senegal. The Commission's attention was drawn to an estimate of the programme budget implications (E/CN.4/1982/L.47) 1/ of draft resolution E/CN.4/1982/L.35.

296. At the 60th meeting, the draft resolution was adopted without a vote.

297. For the text of the resolution, see chapter XXVI, section A, resolution 1982/39.

*/ In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS
AND DIGNITY OF ALL MIGRANT WORKERS

298. The Commission considered agenda item 14 at its 60th meeting on 11 March 1982.

299. The Commission had before it a report of the Secretary-General (E/CN.4/1374), prepared in accordance with paragraph 6 of Commission on Human Rights resolution 25 (XXXV) of 14 March 1979.

300. At the same meeting, on 11 March 1982, the representative of Algeria introduced a draft resolution (E/CN.4/1982/L.38) entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Denmark, Egypt, */ Finland, */ France, Greece, India, Italy, Mexico, Norway, */ Pakistan, Philippines, Turkey */ and Yugoslavia.

301. Statements in explanation of vote before the vote were made by the representatives of the United States of America and the Netherlands.

302. At the same meeting, draft resolution E/CN.4/1982/L.38 was adopted by a roll-call vote, requested by the representative of Cuba, of 39 to none with 3 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Ghana, Greece, India, Italy, Japan, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia and Zimbabwe.

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

303. For the text of the resolution, see chapter XXVI, section A, resolution 1982/35.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

304. The Commission considered agenda item 15 at its 12th, 13th and 14th meetings, on 9 and 10 February, and at its 29th meeting, on 19 February 1982.

305. The Commission had before it a preliminary report (E/CN.4/Sub.2/474), on guidelines and principles for the protection of persons detained on the grounds of mental ill-health or suffering from mental disorder, prepared by Mrs. Erica-Irene Daes, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

306. The importance of the question of human rights and scientific and technological developments, which had been a standing item on the agenda of the Commission since 1971, was stressed by all speakers.

307. Many speakers referred to the Proclamation of Teheran adopted in 1968 at the International Conference on Human Rights, and the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975. It was said that both instruments constituted valuable tools in the efforts made to ensure that progress in the field of science and technology was realized in a way that would contribute to the peaceful, economic, social and cultural development of all peoples, and to the improvement of the quality of life. Reference was also made to General Assembly resolution 36/56 of 25 November 1981, in which the Assembly had recognized that the establishment of the new international economic order called, in particular, for an important contribution to be made by science and technology to economic and social progress. The view was also expressed that science and technology existed to serve all human beings everywhere and could not be allowed to violate human rights.

308. Several speakers, however, expressed grave concern that progress in the field of science and technology could also be used to threaten the right to life. In that connection, emphasis was placed on the threat to world peace and security posed by the arms race, particularly the nuclear arms race. It was pointed out that the current acceleration of the arms race was an obstacle to the promotion of human rights and fundamental freedoms. Many speakers further stressed that enormous resources, both material and human, were being devoted to military production rather than being utilized to bring about economic and social improvements for peoples. It was also argued that the increasing threat posed by the arms race was the most important and urgent problem facing mankind today. They stressed that every effort should be made to preserve international peace and to ensure the inherent right of peoples and of every human being - right to life, to live in peace - and that the Commission in its future activities should concentrate on the need to achieve that goal. Some representatives strongly urged that measures at the national and international levels should be adopted to guarantee the peaceful use of science and technology.

309. A number of speakers severely condemned the misuse of science and technology in the field of psychiatry. It was emphasized, in particular, that the involuntary committal of persons to psychiatric institutions should be subject to strict legal norms. The treatment of persons in such institutions should be performed in a humanitarian manner, under guaranteed medical methods. Several speakers stated that there was evidence to suggest that in certain countries psychiatric treatment was being systematically used for political purposes against dissenters. The

practice of imprisoning some citizens in psychiatric institutions for political reasons and of applying damaging treatment to them represented a gross injustice to those victims and created an atmosphere of fear and intimidation in society as a whole. Both that practice and the practice of torture through increasingly sophisticated scientific and technological methods were deplored by those speakers.

310. Some representatives drew attention to the studies undertaken by the United Nations on the subject, and in that connection it was said that the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind adopted by the General Assembly should serve as the guiding principle for such studies. Particular mention was made of the following two studies undertaken by the Sub-Commission: the report being prepared by Mrs. Erica-Irene Daes, on the guidelines, principles and guarantees for the protection of persons detained on the grounds of mental ill-health, and the report being prepared by Mrs. N. Questiaux on privacy in relation to computerized personal files. It was said that all efforts should be made to protect the right of privacy against the possibility of misuse of data-collecting systems, such as computers. In the view of many speakers, those two studies involved complex humanitarian issues which were of fundamental importance. They illustrated the negative use which could be made of progress in science and technology.

311. Attention was also drawn to General Assembly decision 36/413 of 25 November 1981 relating to the production of a booklet summarizing the main points of a number of studies already prepared by the Secretary-General in the field of human rights and scientific and technological developments. Many representatives further recalled that, in its resolution 38 (XXXVII), adopted on 12 March 1981, the Commission had requested the Sub-Commission to undertake a study of the use of the results of scientific and technological progress for the realization of the rights to work and to development. They urged the Sub-Commission to give priority to the consideration of that question at its thirty-fifth session.

312. At the 29th meeting, on 19 February 1982 the representative of the Byelorussian Soviet Socialist Republic introduced a draft resolution (E/CN.4/1982/L.7) sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic and Poland.

313. At the same meeting, the Commission adopted the draft resolution by 31 votes to none, with 12 abstentions.

314. For the text of the resolution, see chapter XXVI, section A, resolution 1982/4.

315. At the same meeting, the representative of Cuba introduced a draft resolution (E/CN.4/1982/L.12), sponsored by Algeria, Cuba, Iraq, */ Jordan, Morocco, */ Poland, Qatar, */ Senegal, the Syrian Arab Republic, Tunisia, */ Yugoslavia and Zambabwe. The Libyan Arab Jamahiriya */ joined the sponsors of the draft resolution.

316. The representative of Pakistan proposed the insertion of the words "and nuclear" between the word "technological" and the word "programmes" in the second preambular paragraph. The amendment was accepted by the sponsors.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

317. At the request of the representative of Jordan, a vote by roll-call was taken on the draft resolution. The representative of Peru made a statement in explanation of vote before the vote. The draft resolution, as amended, was adopted by 30 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Greece, India, Jordan, Mexico, Pakistan, Panama, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia and Zimbabwe.

Against: United States of America

Abstaining: Australia, Canada, Costa Rica, Denmark, Fiji, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

318. For the text of the resolution, see chapter XXVI, section A, resolution 1982/5.

319. At the 29th meeting, the representative of the United Kingdom introduced a draft resolution (E/CN.4/1982/L.14), sponsored by Costa Rica, Gambia, Fiji, Morocco, */ Panama and the United Kingdom of Great Britain and Northern Ireland. Peru joined the sponsors of the draft resolution. The Commission adopted the draft resolution without a vote.

320. For the text of the resolution, see chapter XXVI, section A, resolution 1982/6.

321. Also at the 29th meeting, the representative of the Soviet Union introduced a draft resolution (E/CN.4/1982/L.15/Rev.1) sponsored by Algeria, the Byelorussian Soviet Socialist Republic, Bulgaria, Cuba, Ethiopia, India, Poland, the Syrian Arab Republic and the Union of Soviet Socialist Republics. Zambia joined the sponsors of the draft resolution.

322. In the light of amendments proposed by the representative of Pakistan, the representative of the Soviet Union orally revised the draft resolution as follows: the words "as well as by violations of the Principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and self-determination of peoples" were inserted at the end of the seventh preambular paragraph; in operative paragraph 5, a comma and the words "the establishment of the new international economic order" were inserted after the words "civil and political rights".

323. The representative of China made a statement in explanation of vote before the vote.

324. At the request of the representative of Cuba, a vote by roll-call was taken on draft resolution E/CN.4/1982/L.15/Rev.1. The draft resolution, as orally revised, was adopted by 32 votes to none, with 11 abstentions. The voting was as follows:

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: Australia, Canada, China, Denmark, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

325. For the text of the resolution, see chapter XXVI, section A, resolution 1982/7.

326. At the 30th meeting, statements in explanation of vote after the vote were made by the representatives of Argentina, the Byelorussian Soviet Socialist Republic, Canada, Denmark, France, the Federal Republic of Germany, India, Italy, the Netherlands, Peru, the Soviet Union, the United Kingdom, the United States and Uruguay.

XIV. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

327. The Commission considered agenda item 16 together with items 6, 7 and 18 (see chapters IV, V and XVI) at its 18th to 24th meetings, held from 12 to 17 February and at its 36th and 37th meetings, held on 24 and 25 February 1982.

328. In accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid and General Assembly resolution 31/80 of 13 December 1976, the Chairman of the Commission on Human Rights at the thirty-seventh session appointed a Group of Three members of the Commission, consisting of the representatives of Bulgaria, Mexico and Zaire, who were also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII of the Convention.

329. By its resolution 6 (XXXVII) of 23 February 1981, the Commission decided, inter alia, that the Group of Three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-eighth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

330. By the same resolution, the Commission appealed once again to those States that had not yet done so to ratify or to accede to the Convention without delay; commended those States parties that had submitted their reports, and in particular those that had submitted their second reports, and appealed to those States parties that had not yet done so to submit their reports as soon as possible.

331. Also in its resolution 6 (XXXVII), the Commission reiterated its recommendation that States parties should take into consideration, when submitting their reports, the guidelines (E/CN.4/1286, annex) laid down by the Group of Three in 1978 for the submission of reports and requested the Secretary-General to invite the States parties to submit their views and comments on the interim study (E/CN.4/1426) prepared by the Ad Hoc Working Group of Experts in accordance with Commission resolution 12 (XXXVI) on the ways and means of ensuring the implementation of the Convention.

332. The Group of Three established in accordance with article IX of the Convention held its fifth (1982) session from 25 to 29 January 1982. It considered reports submitted by 10 States parties to the Convention and submitted a report on its activities to the Commission at its thirty-eighth session together with conclusions and recommendations based on its consideration of reports submitted by States parties.

333. The Commission had before it, at its thirty-eighth session, the report and recommendations of the Group to the Commission (E/CN.4/1507) and a note by the Secretary-General (E/CN.4/1505) concerning the status of the Convention and of the submission of reports by States parties under article VII of the Convention. Reports transmitted to the Secretary-General by the following 10 States parties to the Convention were made available to the Commission: Barbados (E/CN.4/1505/Add.1), the United Arab Emirates (E/CN.4/1505/Add.2), Mexico (E/CN.4/1505/Add.3), Qatar (E/CN.4/1505/Add.4), Iraq (E/CN.4/1505/Add.5), Hungary (E/CN.4/1505/Add.6), Mongolia (E/CN.4/1505/Add.7), the German Democratic Republic (E/CN.4/1505/Add.8), the Union of Soviet Socialist Republics (E/CN.4/1505/Add.9), and the Syrian Arab Republic (E/CN.4/1505/Add.10). The Commission also had before it a progress report prepared by the Ad Hoc Working Group of Experts (E/CN.4/1485)

under Commission resolution 5 (XXXVII), which included information concerning ways and means of ensuring the implementation of the Convention, as well as concerning persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights.

334. At its 18th meeting, the Commission heard a statement by Mr. Annan Arkyn Cato (Ghana), member of the Ad Hoc Working Group of Experts, who introduced the progress report of the Ad Hoc Working Group of Experts, prepared at the request of the Commission in its resolution 5 (XXXVII).

335. At its 20th meeting, the Commission heard a statement by Ms. Roumiana Dermendjieva (Bulgaria), the Chairman-Rapporteur of the Group of Three established under article IX of the Convention, who introduced the report of the Group on its fifth session.

336. During the ensuing discussion, several members of the Commission stressed once again the importance of the International Convention on the Suppression and Punishment of the Crime of Apartheid as an international instrument in support of action to eliminate all practices of segregation and racial discrimination, and appealed to States parties to the Convention to implement its provisions fully. They also noted with concern that only 65 States were so far parties to the Convention and that no State party to the Convention belonged to the group of Western European and other States. Those speakers suggested that the Commission should appeal urgently to all States which had not yet done so to ratify or accede to the Convention as soon as possible. They stressed that universal acceptance of the Convention and implementation of its provisions would help remove the crime of apartheid, which all Member States abhorred. One speaker, however, pointed out that his Government was a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination but could not subscribe to the International Convention on the Suppression and Punishment of the Crime of Apartheid, since the latter Convention sought to define the word "crime" and to establish international jurisdiction, in a manner too broad and vague for his country to accept.

337. Referring to the report of the Group of Three to the Commission (E/CN.4/1507), several speakers expressed their appreciation of the work of the Group at its 1982 session and their full support for its conclusions and recommendations.

338. In accordance with the Group's recommendations, a member of the Commission noted that his Government was interested in the idea of establishing an international penal tribunal. Another member stated that her Government had submitted its periodic report to the Group together with draft statutes of an international penal tribunal for the suppression and punishment of the crime of apartheid as referred to in article V of the Convention. One speaker also informed the Commission that the parliament of his country had unanimously adopted a bill whereby the crime of apartheid would be punishable by death or imprisonment and that the bill would give effect to the provisions of the Convention.

339. It was recalled that the Convention had entrusted the Commission with the responsibility of preparing a list of individuals, organizations, institutions and representatives of States which were alleged to be responsible for the crimes enumerated in article II of the Convention and that, in response to the request of the Commission, the Ad Hoc Working Group of Experts had submitted a list of persons, supplementing the list it had already made available to the Commission

in document E/CN.4/1366, who might have committed crimes of apartheid or crimes which constituted serious violations of human rights. It was pointed out that the Ad Hoc Working Group had examined information regarding trade union rights in southern Africa and had come to the conclusion that South Africa had violated international standards of trade union rights. Trade unionists, the members of the Media Workers Association of South Africa and journalists had continued to be harassed, banned or imprisoned. On the basis of those acts, the Ad Hoc Working Group of Experts was of the opinion that the South African Government was guilty of the crime of apartheid as defined under articles I, II and III of the Convention. The Ad Hoc Working Group had recommended that its report (E/CN.4/1486) and conclusions on infringements of trade union rights be referred to the Group of Three established by the Commission under article IX of the Convention.

340. Most speakers commended the progress report submitted by the Ad Hoc Working Group of Experts (E/CN.4/1485) which, in the view of those speakers, was continuing to make a valuable contribution to United Nations efforts to combat the constant violation of human rights in South Africa and Namibia. They described the content of the report as providing still further examples of the crime of apartheid used by the Pretoria regime against the black population of South Africa and Namibia.

341. At the 24th meeting, on 17 February 1982, the representative of Zaire introduced a draft resolution (E/CN.4/1982/L.13) sponsored by Bulgaria, Burundi,*/ Cuba, Ghana, Mexico, Nigeria,*/ Senegal, Syrian Arab Republic, Tunisia,*/ Uganda, Yugoslavia, Zaire, Zambia and Zimbabwe, Egypt*/ Madagascar*/ and Rwanda*/ joined the sponsors of the draft resolution.

342. At the 37th meeting, on 25 February 1982, the representatives of Brazil, the Philippines and the United Kingdom made statements in explanation of vote before the vote. The representative of Zaire requested a roll-call vote on the draft resolution as a whole.

343. At the same meeting, the Commission adopted the draft resolution by 32 votes to none, with 11 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia and Zimbabwe. x

Abstaining: Australia, Canada, Denmark, France, Germany, Federal Republic of, Greece, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America.

344. For the text of the resolution, see chapter XXVI, section A, resolution 1982/10.

345. At the same meeting, on 25 February 1982, statements in explanation of vote after the vote were made by the representatives of Australia, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, the Netherlands, the United Kingdom and the United States.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

346. At the 62nd meeting, on 12 March 1982, the Chairman announced the composition of the Group of Three members of the Commission, consisting of the representatives of Bulgaria, Mexico and Zaire, who were also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.

347. For the text of the decision, see chapter XXVI, section B, decision 1982/107.

XV. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS
OBJECTION TO MILITARY SERVICE

348. The Commission considered agenda item 17 at its 60th meeting on 11 March 1982.

349. The Commission had before it reports of the Secretary-General (E/CN.4/1419 and Add.1-4, E/CN.4/1509) on the role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.

350. At the same meeting, the representative of the Byelorussian Soviet Socialist Republic introduced a draft resolution on the role of youth in the promotion and protection of human rights (E/CN.4/1982/L.54), sponsored by the Byelorussian Soviet Socialist Republic and Czechoslovakia. */

351. The representative of the United Kingdom orally proposed the following amendments, which were accepted by the sponsors: first, in the second preambular paragraph, the words "universal respect for and observance of human rights and fundamental freedoms for all" would be inserted between the words "to promote" and the words "better standards"; second, in the fifth preambular paragraph, the words "of the rights of youth, particularly" would be replaced by the words "by youth of all their human rights and fundamental freedoms, including"; third, in the same preambular paragraph, the word "political" would be inserted between the word "the" and the word "economic"; fourth, in the seventh preambular paragraph, the words "all of their human rights and fundamental freedoms, including" would be inserted between the word "youth" and the words "the right to education"; fifth, in operative paragraph 1, the word "political" would be inserted between the words "their country's" and the words "economic and social"; sixth, in the same operative paragraph, the word "political" would be inserted between the words "obstacles to" and the words "social and economic"; seventh, in the same operative paragraph, the words "exercise of human rights and fundamental freedoms and of the" would be inserted between the words "denial of the" and the words "right of peoples"; eighth, in operative paragraph 2, the words "of the rights of youth" would be replaced by the words "by youth of all their human rights and fundamental freedoms, including the right"; ninth, in operative paragraph 4, the words "of youth" would be replaced by the words "by youth of all their human rights and fundamental freedoms, including the right".

352. Statements in explanation of vote before the vote were made by the representatives of the Federal Republic of Germany and the United States of America.

353. Draft resolution E/CN.4/1982/L.54, as amended, was adopted without a vote.

354. For the text of the resolution, see chapter XXVI, section A, resolution 1982/36.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XVI. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

355. The Commission considered agenda item 18 together with items 6, 7 and 16 (see chaps. IV, V and XIV) at its 18th to 24th meetings, from 12 to 17 February 1982, and at its 36th and 37th meetings, on 24 and 25 February 1982. The Deputy Director of the Division of Human Rights introduced the item at the 18th meeting.

356. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session (E/CN.4/1512); a note by the Secretary-General prepared in accordance with resolution 7 (XXXVII) of the Commission (E/CN.4/1510): the annual reports on racial discrimination submitted by the International Labour Organisation (E/CN.4/1982/5) and the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1982/5/Add.1) prepared in accordance with Economic and Social Council resolution 1588 (L) of 21 May 1971 and General Assembly resolution 2785 (XXVI) of 6 December 1971; and the report of the seminar on "Effective measures to prevent transnational corporations and other established interests from collaborating with the racist regime of South Africa" (ST/HR/SER.A/9).

357. The Commission heard statements by the observers for the German Democratic Republic, the Libyan Arab Jamahiriya, Morocco, Nigeria and Viet Nam (20th meeting), and Afghanistan, Algeria, Czechoslovakia, Egypt, Hungary, Iraq and Madagascar (24th meeting). It also heard statements by the representatives of the Organization of African Unity and the South West Africa People's Organization (18th meeting), the Pan Africanist Congress of Azania (20th meeting), the League of Arab States and the African National Congress (24th meeting). In addition, the Commission heard statements by the observers for the Women's International Democratic Federation (20th meeting) and the International Confederation of Free Trade Unions (24th meeting), non-governmental organizations in category I consultative status, and the International Organization for the Elimination of all Forms of Racial Discrimination (21st meeting) and the Baha'i International Community (21st meeting), non-governmental organizations in category II consultative status.

358. In discussing the item, speakers stated that the Programme for the Decade reflected the determination of the international community to combat all forms of racial discrimination. They condemned apartheid as the most abhorrent form of racial discrimination. Discrimination, it was said, represented a violation of human rights and a threat to peace and harmony in the world.

359. Reference was made to a number of issues, including the practices of the apartheid regimes in South Africa and Namibia and the consequences of such practices, denial of the right of peoples to self-determination, violations of the rights of indigenous peoples and other population groups, economic exploitation, social inequalities and the resurgence of racism in certain parts of the world. It was noted that racism and racial discrimination continued to exist in spite of the efforts of the international community. That, it was said, showed the close links between the denial of human rights and the persistence of racial discrimination and underlined the need for continuous, concerted and vigorous action to ensure equality of treatment for all population groups.

360. Several speakers referred to measures taken, or contemplated, at the national, regional and international levels to attain the goals of the Decade. Such measures included accession to or ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, legislative and educational measures, implementation of United Nations decisions in support of national liberation movements, support of United Nations decisions against the racist regimes and participation in various meetings held within the framework of the Decade. In that context, it was stated that: (a) the UNITAR colloquium on "The prohibition of Apartheid, racism and racial discrimination and the achievement of self-determination", held at Geneva from 20 to 24 October 1980, had considered and approved the opinion that apartheid, racism and denials of the right to self-determination should be recognized as violations of the most fundamental norms governing international conduct; (b) the Committee on the Elimination of Racial Discrimination was to be commended on its work; (c) full support should be given to the implementation of relevant United Nations resolutions and the Sub-Commission should act on Commission resolution 14 D (XXXVI) of 28 February 1980 concerning the preparation of a study on ways and means of ensuring the implementation of United Nations resolutions on apartheid, racism and racial discrimination; the United Nations family should continue to support national liberation movements recognized by the Organization of African Unity; the international community should intensify its efforts to isolate the racist regime of South Africa; and the recommendations of the seminar on "Effective measures to prevent transnational corporations and other established interests from collaborating with the racist regime of South Africa" should be implemented.

361. Noting that three of the regional seminars envisaged under the Programme for the Decade had been held, two speakers expressed the hope that the remaining seminar would be held as soon as possible.

362. Education and information, it was said, played an important role in combating racial discrimination. In that connection, some speakers referred to the UNESCO symposium on a critical review of the various pseudo-scientific theories put forward to justify racism and racial discrimination, held at Athens, Greece, from 13 March to 3 April 1981, and to the UNESCO round-table on the role of the communication media in combating racism, racial discrimination and apartheid, held at Dakar, Senegal, from 7 to 11 December 1981.

363. Several speakers referred to the preparatory work for the Second World Conference to Combat Racism and Racial Discrimination. They said that the Conference should give due attention to the situation in the southern part of Africa and the factors leading to racial discrimination. Some speakers expressed the hope that the preparations for the Conference would be based on the provisions of General Assembly resolution 3057 (XXVIII) of 2 November 1973, and that divisive and extraneous issues would be avoided. Only concerted international efforts, it was said, would contribute to the achievement of the goals of the Conference.

364. Certain speakers indicated that they supported the Programme for the Decade as approved by the General Assembly in its resolution 3057 (XXVIII). However, support could not be given to divisive elements such as zionism or the use of force.

365. At the 36th meeting, on 24 February 1982, the representative of Zambia introduced a draft resolution (E/CN.4/1982/L.22) sponsored by Algeria, Ghana, Zaire, Zambia and Zimbabwe. Cuba, the Syrian Arab Republic and Uganda joined the sponsors.

366. At the 37th meeting, on 25 February 1982, the representative of the Federal Republic of Germany made a statement in explanation of vote before the vote.

367. At the same meeting, at the request of the representative of Zambia, a vote by roll-call was taken on the draft resolution. The draft resolution was adopted by 34 votes to none, with 8 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Japan, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia and Zimbabwe.

Abstaining: Australia, Canada, Denmark, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland.

368. For the text of the resolution, see chapter XXVI, section A, resolution 1982/11.

369. The representative of the United States of America made a statement after the vote.

370. At the 60th meeting, on 11 March 1982, the Chairman of the Commission read out a joint statement on behalf of the delegations of India and the United Kingdom of Great Britain and Northern Ireland in regard to Commission resolution 7 (XXXV) of 5 March 1979 on treatment of non-white immigrants. (For the text of the statement, see E/CN.4/1982/SR.60).

XVII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

371. The Commission considered agenda item 19 together with item 8 (see chap. VI) at its 30th to 34th meetings, held on 22 and 23 February 1982 and at its 55th meeting, on 9 March 1982.

372. In its resolution 16 (XXXVII) of 10 March 1981, the Commission had requested the Secretary-General to submit to it at its thirty-eighth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in that report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. The Commission had before it a report by the Secretary-General (E/CN.4/1511) prepared in response to that request. Moreover, the Secretary-General, in compliance with General Assembly resolution 36/58 of 25 November 1981, made available to the members of the Commission copies of the last annual report of the Human Rights Committee ^{1/} established under the International Covenant on Civil and Political Rights.

373. A number of speakers expressed their appreciation of the fact that more States had adhered to both Covenants and to the Optional Protocol since the thirty-seventh session of the Commission, and noted with regret that more than half the membership of the United Nations had not yet become parties to the Covenants. Some representatives deplored the fact that certain members of the Commission which had often declared their strong commitment to the cause of human rights had yet to accede to the Covenants. It was noted that, although ratification did not in itself represent an assurance that human rights would be fully respected, it would at least give an indication to citizens that their leaders recognized the existence of such rights and that the latter should be respected. It was also emphasized that there was a clear need for the States parties to implement the provisions of the Covenants in their respective territories. That implied the adoption of legal, judicial, administrative and other measures for the effective realization of the rights.

374. Some representatives stressed the interrelationship between universal adherence to the Covenants and international co-operation in the effective implementation of human rights. They called for the withdrawal of reservations as a means of enhancing full respect for human rights.

375. Speakers on the item praised the valuable work accomplished by the Human Rights Committee, established under the International Covenant on Civil and Political Rights, and the manner in which the Committee continued to discharge its responsibilities and to monitor the implementation of that instrument. One representative noted that in the five years of the Committee's existence, its members had conducted a fruitful and positive dialogue with the States parties and had established for themselves, collectively, a reputation as an active, committed and non-partisan Committee genuinely dedicated to the improvement of human rights throughout the world.

^{1/} Official Records of the General Assembly, Thirty-sixth Session, Supplement No.40 (A/36/40).

376. A number of representatives commended the work of the Economic and Social Council's Working Group which had been considering the reports submitted by States parties under the International Covenant on Economic, Social and Cultural Rights, and expressed the hope that the sessional Working Group would continue to develop its methods of work so as to be able to monitor more thoroughly the implementation by States parties of their obligations under that Covenant. However, one delegation expressed reservations concerning the machinery established by the Economic and Social Council for reviewing the implementation of the Covenants, and stated its desire that the Commission examine that question.

377. At the 55th meeting, held on 9 March 1982, the representative of Denmark introduced a draft resolution (E/CN.4/1982/L.25) sponsored by Canada, Costa Rica, Cyprus, Denmark, the Netherlands, Peru, Senegal and the United Kingdom of Great Britain and Northern Ireland.

378. At the same meeting, the draft resolution was adopted without a vote.

379. For the text of the resolution, see chapter XXVI, section A, resolution 1982/18.

XVIII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON
ITS THIRTY-FOURTH SESSION

380. The Commission considered agenda item 20 at its 31st and 33rd to 36th meetings, on 22 to 24 February 1982, and at its 56th meeting, on 10 March 1982.

381. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session (E/CN.4/1512) and a written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I), containing proposals of the United Nations Association of Australia with regard to measures to ensure the respect of the human rights of indigenous minorities (E/CN.4/1982/NGO/5).

382. At its 36th meeting, the Commission heard statements by the observers for Iran, Mauritania, New Zealand, Nicaragua and Norway. It also heard statements by the representative of the Council of Europe. The following non-governmental organizations also made statements: International Indian Treaty Council (category II), the World Council of Indigenous Peoples (category II), the Baha'i International Community (category II), the Anti-Slavery Society (category II), the Indian Law Resource Centre (Roster) and the Minority Rights Group (Roster).

383. In introducing the item, the representative of the Secretary-General pointed out that the structure of the report of the Sub-Commission on its thirty-fourth session had fully taken into account the directives given to the Sub-Commission by the Commission in its resolution 17 (XXXVII) of 10 March 1981. He made particular reference to the three draft resolutions proposed by the Sub-Commission for adoption by the Commission and all those Sub-Commission resolutions and decisions which required consideration by the Commission. The draft resolutions to be considered under the item referred respectively to the question of the establishment of a working group on indigenous populations; the question of the sending of a delegation to visit Mauritania in order to study the situation and ascertain the country's needs with regard to the question of slavery and the slave trade; and the question of the printing and wide publicity to be given to the study prepared by Mr. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479).

384. In the course of the debate various speakers expressed their appreciation to the Sub-Commission for its important work as reflected in the great number of studies it had undertaken, in the variety of its initiatives and in the recommendations it had made in its report. It was stated that the discussions held in the Commission during the previous year on the role of the Sub-Commission had produced some constructive results.

385. Referring to the role and nature of the Sub-Commission, speakers generally stressed the idea that the Sub-Commission was, and should remain, a subsidiary body of the Commission. Its work was complementary to that of the Commission. Many speakers were emphatic that the Sub-Commission should not seek a change in the nature of its relationship with the Commission.

386. In the opinion of some representatives, a principal function of the Sub-Commission was to serve as a source of information and thinking on which the Commission could draw. An essential task of the Sub-Commission was to prepare studies and make recommendations to the Commission. Certain speakers, while acknowledging that the Sub-Commission had abided more strictly by its terms of reference, which included the provisions of Commission resolution 17 (XXXVII), observed that there were still instances in which the Sub-Commission had exceeded its mandate and in which its actions had not been in keeping with its subsidiary role. Reference was made in that connection to the failure to implement the Commission's resolutions requiring the Sub-commission to undertake specific tasks. Other speakers emphasized that the Commission and the Economic and Social Council had given the Sub-Commission broad authority to operate in a number of areas. In the exercise of its function the Sub-Commission should be given authority to take such appropriate action as it deemed timely and useful.

387. In the opinion of some speakers, the Sub-Commission had a tendency to include in its agenda the same items as the Commission. That practice, those speakers said, involved a danger of duplication of work. It was also said that the Sub-Commission should concentrate on a limited number of subjects and that studies should be completed within a maximum of three years. Those speakers observed in that connection that in order to rationalize its programme of work, the Sub-Commission should undertake fewer studies. A number of studies already undertaken were of a largely academic nature and had taken years to complete. Furthermore, in the view of one representative, the procedure relating to communications, as laid down in Economic and Social Council resolution 1503 (XLVIII), was time-consuming and not very effective. Recalling that that procedure was of a temporary nature, he observed that there were other appropriate United Nations bodies to deal with it, in particular in regard to those countries which had acceded to the International Covenant on Civil and Political Rights.

388. A large number of speakers referred to the question of alternates to replace absent members of the Sub-Commission. The view was expressed that despite the suggestion made by the Commission in its resolution 17 (XXXVII), the practice of appointing alternates had continued markedly. According to some of those speakers there was no legal basis for that practice, which was contrary to rule 13 of the rules of procedure of the functional commissions of the Economic and Social Council. On the, other hand, other speakers noted that the replacement of absent members by alternates was in accordance with the established legal procedure and was directly provided for in paragraph 2 of rule 13 of the rules of procedure. Concern was expressed by many about the fact that in most cases the alternates appointed were government representatives. It was stated that many of the those representatives were members of the permanent missions at Geneva. It was suggested that that undermined the Sub-Commission's independent status. One delegation suggested that a seat should be declared vacant if the elected member could not attend an entire session and would be unable to attend the following session.

389. Different views were expressed about the title of the Sub-Commission. While some representatives said that they supported a change which would more clearly correspond to the Sub-Commission's terms of reference, others felt strongly that there was no need for any change.

390. Within the framework of the discussions on the item, Mr. A. Bouhdiba, Special Rapporteur of the Sub-Commission, introduced his study on child labour (E/CN.4/Sub.2/479). He stated that the study represented a synthesis of over 10,000 documents and was the result of a permanent dialogue with various intergovernmental and non-governmental organizations. It highlighted the salient features of the problem of the exploitation of child labour in order to ensure that international public opinion became aware of its extent and magnitude. The Special Rapporteur suggested the adoption of an appropriate five-year programme of action to fight the scourge of child labour and eliminate such a deplorable situation, which affected millions of human beings.

391. All speakers paid tribute to Mr. Bouhdiba for his excellent study. The study, it was said, presented an impressive picture of the problems that affected children in many parts of the world. In the view of certain representatives, the study contained some information which was too general in nature and which needed to be replaced in its historical context in order to be correctly interpreted. Also, in the view of one representative, the questions raised in the study should be examined within the context of the drafting of a convention on the rights of the child. The view was expressed that there was no need to hold a seminar on the subject, since the unacceptability of child labour was self-evident. One important measure which would contribute to the elimination of the practice would be the speediest drafting of a convention on the rights of the child. The proposal relating to the elaboration of a programme of concrete actions designed to put an end to the exploitation of child labour was generally supported.

392. Referring to the Working Group on Slavery, one speaker stated that there seemed to be a tendency in the Group to try to assimilate to slavery certain practices which, although deserving condemnation, were not, in fact, manifestations of slavery.

393. A number of speakers referred to the study on the problem of discrimination against indigenous populations (E/CN.4/Sub.2/476 and Add.1-6) being prepared by the Special Rapporteur, Mr. Martínez Cobo, and expressed the hope that the study would be completed soon. In the view of a number of speakers, the first part of the study gave valuable, but also disquieting, information on the widespread discrimination against indigenous populations in many parts of the world.

394. Several speakers welcomed the proposal of the Sub-Commission to establish annually a working group on indigenous populations to meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations. It was stated that Sub-Commission resolution 2 (XXXIV) had envisaged standard setting as an important preliminary task of the proposed Group. It was hoped that the real differences which existed between the aspirations and needs of the different indigenous groups would be given due weight in that respect. In the opinion of one representative, however, any decision to set up special machinery to deal with the question of indigenous populations should not be taken until the conclusions and recommendations to be included in Mr. Martínez Cobo's report had been considered. He also expressed the view that there was no legal basis for the system of annual reporting, implicit in the Sub-Commission's resolution.

395. Several speakers congratulated Mrs. Questiaux on the progress report she had submitted to the Sub-Commission with regard to the study of the implications for human rights of recent developments concerning situations known as states of siege or emergency (E/CN.4/Sub.2/490 and Corr.1).

396. Some speakers questioned the need for the Sub-Commission's sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to continue its work. One representative said that the Sub-Commission should limit itself to encouraging ratification without requesting information on the reasons which had prevented States from becoming parties to human rights instruments.

397. Divergent views were expressed on specific resolutions and decisions of the Sub-Commission, particularly decision 2 (XXXIV), by which the Sub-Commission had decided to "introduce into the agenda of its thirty-fifth session a new item entitled 'Review of the status and activities of the Sub-Commission and its relationships with the Commission and other United Nations bodies'" and decision 3 (XXXIV), by which the Sub-Commission had decided to "consider at its thirty-fifth session the positive role a High Commissioner for Human Rights as a United Nations official should play".

398. Regarding decision 2 (XXXIV), some delegations welcomed the inclusion of the above-mentioned item in the agenda of the thirty-fifth session of the Sub-Commission and the attribution to it of high priority. They were awaiting with interest the results of its examination. On the other hand, some other delegations stated that the decision went beyond the Sub-Commission's mandate, as established by the Commission and the Economic and Social Council, which, in particular, determined the Sub-Commission's status within the United Nations system as a subsidiary body of the Commission.

399. With respect to decision 3 (XXXIV), several speakers stressed that the General Assembly, the Economic and Social Council and the Commission on Human Rights should not be the only United Nations organs able to deal with reported cases of gross violations of human rights. In their opinion, the post of a United Nations High Commissioner for Human Rights would meet the need to deal with cases of reported violations. It was stated that analysis of the role of a High Commissioner in all its positive aspects might help to dispel the pre-occupations thus far expressed in the General Assembly on the matter. Other speakers doubted very much that the Sub-Commission, which had already pronounced itself in favour of the High Commissioner, would be able to conduct the study with the objectivity and impartiality that would be a prerequisite if the study was to be meaningful. Those speakers were opposed to the creation of a post of High Commissioner for Human Rights, since that would mean the establishment, in violation of the Charter of the United Nations, of a new organ independent of the Commission.

400. At the 56th meeting, on 10 March 1982, the Commission considered and adopted, by 35 votes to none, with 7 abstentions, a draft resolution, proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1512, chap. I, sect. A, draft resolution I). The representative of Brazil made a statement in explanation of vote before the vote.

401. For the text of the resolution, see chapter XXVI, section A, resolution 1982/19.

402. At the same meeting, the Commission considered draft resolution II, proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (ibid., draft resolution II). At the request of the representative of Algeria, a separate vote was taken on operative paragraph 1 of the draft resolution. By 24 votes to 6, with 10 abstentions, the Commission decided to retain operative paragraph 1. At the request of the representative of the United Kingdom, a separate vote was taken on operative paragraph 5 of the draft resolution. By 30 votes to 7, with 5 abstentions, the Commission decided to retain operative paragraph 5. Draft resolution II was adopted by 34 votes to none, with 9 abstentions.

403. For the text of the resolution, see chapter XXVI, section A, resolution 1982/20.

404. At the same meeting, the Commission adopted without a vote draft resolution III, proposed by the Sub-Commission for adoption by the Commission, contained in the report of the Sub-Commission (ibid., draft resolution III).

405. For the text of the resolution, see chapter XXVI, section A, resolution 1982/21.

406. Prior to the vote on the resolutions referred to above, the attention of the Commission had been drawn to the estimate of the programme budget implications of the resolutions as contained in document E/CN.4/1512, annex II, paragraphs 3 and 4 (in regard to draft resolution I), paragraphs 13 and 14 (in regard to draft resolution II) and paragraphs 17, 18 and 19 (in regard to draft resolution III). 1/

407. At the 56th meeting, on 10 March 1982, the representative of Costa Rica introduced a draft resolution (E/CN.4/1982/L.28) sponsored by Costa Rica, Gambia, the Federal Republic of Germany, Italy, Norway, */ Panama and Senegal.

408. At the same meeting, the representative of Brazil introduced amendments (E/CN.4/1982/L.46) to the draft resolution.

409. At the same meeting, the representative of Yugoslavia introduced an oral amendment to the fourth Brazilian amendment (E/CN.4/1982/L.46, para. 4) whereby the words "the concepts contained in General Assembly resolution 32/130" would be added between the words "United Nations auspices" and the words "as well as the practice of".

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ An estimate of the programme budget implications of the Commission's resolutions and decisions appears in annex III.

410. By a roll-call vote, requested by the representative of Italy, of 14 to 12, with 17 abstentions, the Commission adopted the oral amendment of the representative of Yugoslavia. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, India, Pakistan, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Costa Rica, Denmark, France, Gambia, Germany, Federal Republic of, Italy, Japan, Panama, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, China, Cyprus, Fiji, Ghana, Greece, Jordan, Mexico, Netherlands, Peru, Philippines, Rwanda, Togo, Uruguay, Zaire, Zambia, Zimbabwe.

411. By a roll-call vote, requested by the representative of Italy, of 16 to 15, with 12 abstentions, the Commission adopted the amendments proposed by Brazil, as amended. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Ethiopia, Greece, India, Pakistan, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Canada, Costa Rica, Denmark, France, Gambia, Germany, Federal Republic of, Italy, Japan, Mexico, Netherlands, Panama, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cyprus, Fiji, Ghana, Jordan, Peru, Philippines, Rwanda, Togo, Uruguay, Zaire, Zambia, Zimbabwe.

412. By a roll-call vote, requested by the representative of Senegal, of 29 to 8, with 6 abstentions, the Commission adopted draft resolution E/CN.4/1982/L.23, as amended. The voting was as follows:

In favour: Australia, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Panama, Peru, Rwanda, Senegal, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba,
Ethiopia, Philippines, Poland, Syrian Arab Republic,
Union of Soviet Socialist Republics

Abstaining: Algeria, Argentina, Cyprus, India, Togo, Zimbabwe.

413. For the text of the resolution, see chapter XXVI, section A, resolution 1982/22.

414. At the 56th meeting, on 10 March 1982, the representatives of Australia and the Byelorussian Soviet Socialist Republic introduced a draft resolution (E/CN.4/1982/L.31), sponsored by Australia and the Byelorussian Soviet Socialist Republic, which was adopted without a vote.

415. For the text of the resolution, see chapter XXVI, section A, resolution 1982/23.

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

416. The Commission considered agenda item 21 at its 60th meeting on 11 March 1982,

417. The Commission had before it the following documents:

The report of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities submitted to the Commission at its thirty-seventh session (E/CN.4/L.1579), as reproduced in paragraph 406 of the Commission's report on that session (E/1981/25-E/CN.4/L.1475);

A note by the Secretary-General incorporating all provisions relevant to the rights of minorities as contained in international instruments (E/CN.4/Sub.2/L.735);

The revised draft declaration on minorities (E/CN.4/Sub.2/L.734).

418. At its 4th meeting, on 3 February 1982, the Commission established an open-ended Working Group to consider further the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. Mr. Toševski (Yugoslavia) was elected Chairman-Rapporteur of the Working Group.

419. At the 60th meeting the Chairman-Rapporteur introduced the report of the Working Group (E/CN.4/1982/L.42). At the same meeting, the Commission took note of the report, which is reproduced in an addendum to the present report (E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect. D).

420. At the 60th meeting, on 11 March 1982, the representative of Yugoslavia introduced a draft resolution (E/CN.4/1982/L.62), which was adopted without a vote.

421. For the text of the resolution, see chapter XXVI, section A, resolution 1982/38.

XX. MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

422. The Commission considered item 22 at its 60th meeting on 11 March 1982. At that meeting, the representative of the Byelorussian Soviet Socialist Republic introduced a draft resolution (E/CN.4/1982/L.53) sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic the German Democratic Republic ^{*/} and Poland. At the same meeting, the representative of the Netherlands introduced amendments to the draft resolution (E/CN.4/1982/L.69) sponsored by Australia, Canada and the Netherlands.

423. The Commission decided to defer further discussion and action on the item to its thirty-ninth session, when the item would be taken up as a matter of high priority.

424. For the text of the decision, see chapter XXVI, section B, decision 1982/105.

^{*/} In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

425. The Commission considered item 23 at its 60th meeting on 11 March 1982. At that meeting, the representative of Uganda introduced a draft resolution (E/CN.4/1982/L.48) sponsored by Algeria, Bulgaria, Canada, China, Ghana, India, Panama, Poland, Rwanda, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zaire, Zambia and Zimbabwe.

426. At the same meeting, the draft resolution was adopted without a vote.

427. For the text of the resolution, see chapter XXVI, section A, resolution 1982/37.

XXII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

428. The Secretary-General distributed to the members of the Commission confidential lists of communications (E/CN.4/CCR/81/1-12), replies of Governments (E/CN.4/GR.81/1-12) and a confidential document of a statistical nature (E/CN.4/CCR/Stat.23).

XXIII. ELECTION OF A MEMBER OF THE SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION AND PROTECTION
OF MINORITIES

429. At its 61st meeting, on 12 March 1982, the Commission agreed to consider, as an additional item on its agenda, the question of the election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

c

430. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and decision 1978/21 of 5 May 1978, the Commission was required, following the resignation of Mrs Nicole Questiaux (France) from membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to elect a new member of the Sub-Commission from among experts nominated by the Western European and other States.

431. The Commission had before it document E/CN.4/1982/18 of 16 February 1982, containing the nomination by the Government of France of Mr. Louis Joinet.

432. At its 61st meeting, on 12 March 1982, the Commission, by secret ballot, elected Mr. Joinet to membership of the Sub-Commission.

XXIV. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA FOR THE
THIRTY-NINTH SESSION OF THE COMMISSION

433. The Commission considered agenda item 25 at its 62nd meeting on 12 March 1982. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary General (E/CN.4/1982/L.71 */) containing a draft provisional agenda for the thirty-ninth session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their preparation.

434. At the same meeting, the Commission took note of the draft provisional agenda.

435. For the text of the decision, see chapter XXVI, section B, decision 1982/108.

436. The text of the draft provisional agenda for the thirty-ninth session of the Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session

Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

Legislative authority: Commission resolutions 1982/1 A and B, and 1982/2.

Documentation:

- (a) Report of the Secretary-General containing information submitted by Israel on the implementation of paragraphs 4, 5 and 9 of the resolution (paragraph 11 of resolution 1982/1 A);
- (b) Report of the Secretary-General containing information concerning detainees, such as their number, identity, place and duration of detention (paragraph 12 of resolution 1982/1 A);
- (c) Report of the Secretary-General on the measures taken to bring resolution 1982/1 A to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (paragraph 13 of resolution 1982/1 A);
- (d) List of United Nations reports, appearing between sessions of the Commission, that deal with the situation of the population of occupied Arab territories (paragraph 14 of resolution 1982/1 A).

5. Question of human rights in Chile

Legislative authority: Commission resolution 1982/25.

Documentation:

Report of the Special Rapporteur (paragraph 6).

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

Legislative authority: Commission resolutions 1982/8, 1982/9 and 1982/10.

Documentation:

- (a) Progress report of the Ad Hoc Working Group of Experts (paragraph 7 of resolution 1982/8);
- (b) Summary of the findings of the Ad Hoc Working Group of Experts contained in the progress report (paragraph 11 of resolution 1982/8);
- (c) Report of the Ad Hoc Working Group of Experts on the policies and practices which violate human rights in Namibia (paragraph 11 of resolution 1982/9).

7. The 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

Legislative authority: Commission resolution 1982/12.

Documentation:

Updated version of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 9).

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

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

Legislative authority: Commission resolution 1982/17.

Documentation:

Report of the Working Group (paragraph 12).

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

Legislative authority: Commission resolutions 1982/3, 1982/13, 1982/14, 1982/15 and 1982/16.

Documentation:

- (a) Reports, studies and publications prepared by the Special Unit on Palestinian Rights established by General Assembly resolution 32/40 B of 2 December 1977 (paragraph 8 of resolution 1982/3);
- (b) Report containing observations and recommendations of the Sub-Commission (paragraph 7 of resolution 1982/13).

10. Question of the human rights of all persons subjected to any form of detention and imprisonment, in particular:

- (a) Torture and other cruel, inhuman or degrading treatment or punishment
- (b) Question of enforced or involuntary disappearances

Legislative authority: Commission resolution 1982/24.

Documentation:

- (a) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3);
- (b) General recommendations of the Sub-Commission on the means for eliminating enforced or involuntary disappearances of persons (paragraph 6).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Legislative authority: Commission resolutions 1982/40, 1982/41 and 1982/42.

Documentation:

Report by the Working Group (paragraph 9 of resolution 1982/40).

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

- (a) Question of human rights in Cyprus
- (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its thirty-seventh session

(a) Legislative authority: Commission decision 1982/102.

Documentation:

Report of the Secretary-General.

(b) Legislative authority: Commission resolution 1982/26.

Documentation:

Report of the Secretary-General (paragraph 6).

(c) Legislative authority: Commission resolution 1982/27.

Documentation:

Report of the Secretary-General (paragraph 4).

(d) Legislative authority: Commission resolution 1982/28.

Documentation:

Report of the Special Representative (paragraph 9).

(e) Legislative authority: Commission resolution 1982/29.

Documentation:

Comprehensive report by the Special Rapporteur on the occurrence and extent of the practice of summary or arbitrary executions in any part of the world (paragraph 5 of draft resolution II brought to the attention of the Economic and Social Council).

(f) Legislative authority: Commission resolution 1982/31.

Documentation:

Report of the Special Rapporteur (paragraph 2).

(g) Legislative authority: Commission resolution 1982/33.

Documentation:

Report of the Special Envoy (paragraph 5).

(h) Legislative authority: Commission resolution 1982/34

Documentation:

Report of the Secretary-General (paragraph 2 of draft resolution III brought to the attention of the Economic and Social Council).

13. Question of a convention on the rights of the child

Legislative authority: Commission resolution 1982/39

Documentation:

Relevant material prepared by the Secretary-General relating to the draft convention on the rights of the child (paragraph 2 of draft resolution IV brought to the attention of the Economic and Social Council).

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

15. Human rights and scientific and technological developments

Legislative authority: Commission resolutions 1982/4, 1982/5, 1982/6 and 1982/7.

Documentation:

Views and recommendations, including a draft body of guidelines, principles and guarantees, of the Sub-Commission on the final report by the Rapporteur on the question of the protection of those detained on the grounds of mental health (paragraph 2 of resolution 1982/6).

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

Legislative authority: Commission resolution 1982/10.

Documentation:

- (a) Views and comments by States parties on the interim study prepared by the Ad Hoc Working Group of Experts on southern Africa (paragraph 5);
- (b) Report of the Group of Three established under article IX of the Convention (paragraph 7).

17. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

Legislative authority: Commission resolution 1982/36.

Documentation:

Progress report by the Secretary-General on the implementation of the Programme of Measures and Activities in connection with International Youth Year (paragraph 3).

18. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

(b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

19. Status of the International Covenants on Human Rights

Legislative authority: Commission resolution 1982/18

Documentation:

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, including information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights (paragraph 10).

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

Legislative authority: Commission resolutions 1982/22 and 1982/23.

Documentation:

(a) Report of the Sub-Commission on its thirty-fifth session;

(b) First study by the Sub-Commission on possible terms of reference for the mandate of a High Commissioner for Human Rights, taking into account the provisions of the Charter of the United Nations and of pertinent international instruments concluded under United Nations auspices, the concept contained in General Assembly resolution 32/130, as well as the practice of the United Nations system for the promotion and protection of human rights (paragraph 1 of resolution 1982/22);

(c) Complete list of the studies under preparation by the Sub-Commission with relevant information on the legislative authority and timetable for the completion of the studies (paragraph 3 of resolution 1982/23).

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

Legislative authority: Commission resolution 1982/38.

Documentation:

Report of the Working Group on the revised draft declaration proposed by Yugoslavia (paragraph 2).

22. Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

23. Advisory services in the field of human rights

24. Communications concerning human rights

- (a) Legislative authority: Economic and Social Council resolution 728 F (XXVIII) and Commission resolutions 14 (XV) and 51 (XV).

Documentation:

Confidential and non-confidential lists of communications and documents containing the replies of Governments to communications furnished to them and a confidential document of a statistical nature.

- (b) Communications on the status of women

Legislative authority: Economic and Social Council resolution 1980/39, paragraph 1.

25. Draft provisional agenda for the fortieth session of the Commission

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fortieth session of the Commission, together with information concerning documentation relating thereto.

26. Report to the Economic and Social Council on the thirty-ninth session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions.

XXV. ADOPTION OF THE REPORT

437. At its 62nd meeting, on 12 March 1982, the Commission considered its draft report on the work of its thirty-eighth session. The draft report, as amended in the course of the discussion, was adopted unanimously at the same meeting.

XXVI. RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS THIRTY-EIGHTH SESSION

A. Resolutions

1982/1. Question of the violation of human rights in the
occupied Arab territories, including Palestine 1/

A 2/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 3/ and of other relevant conventions and regulations,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 36/15 of 28 October 1981, 36/120 of 10 December 1981, 36/147 of 16 December 1981 and 36/226 of 17 December 1981, and all General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980.

Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization concerning the conditions of the population in the Palestinian and other occupied Arab territories since 1967, including Jerusalem,

1/ Adopted at the 17th meeting on 11 February 1982, by a roll-call vote of 32 to 1, with 9 abstentions. See chap.II.

2/ Adopted at the 17th meeting on 11 February 1982, by a roll-call vote of 32 to 3, with 7 abstentions. See chap.II.

3/ United Nations, Treaty Series, vol. 75, p.287.

Taking note of the report "Review of the economic conditions of the Palestinian people in the occupied Arab territories" 4/ prepared by the secretariat of the United Nations Conference on Trade and Development,

Recalling its resolution 1 (XXXVII) of 11 February 1981 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine", and previous resolutions of the Commission on Human Rights on this subject,

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the Palestinian and other Arab occupied territories;

2. Reiterates the alarm deeply expressed by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its reports submitted to the General Assembly at its thirty-fourth, 5/ thirty-fifth 6/ and thirty-sixth 7/ sessions, that Israel's policy in the occupied territories is based on the so-called "Homeland" doctrine which envisages a mono-religious (Jewish) State that includes also territories occupied by Israel since June 1967, and the affirmation by the Special Committee that this policy not only denies the rights to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights;

3. Declares that Israel's grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the Additional Protocols to the Geneva Conventions 8/ are war crimes and an affront to humanity;

4. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and alter its physical character, demographic composition, institutional structure and status, and considers all these measures and their consequences null and void;

5. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:

(a) The annexation of parts of the occupied territories, including Jerusalem;

(b) The establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto;

4/ TD/B/870.

5/ A/34/631.

6/ A/35/425.

7/ A/36/632/Add.1 and Add.1/Corr.1.

8/ A/32/144, annexes I and II.

(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;

(d) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(e) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other;

(f) The destruction and demolition of Arab houses;

(g) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population and the torture of persons under detention, and the inhuman conditions in prisons;

(h) The pillaging of archaeological and cultural property;

(i) The interference with religious freedoms and practices as well as with family rights and customs;

(j) The systematic Israeli repression against universities in the occupied Palestinian territories, restricting and impeding academic activities of Palestinian universities by subjecting selections of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities;

(k) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. Calls upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967;

7. Calls upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the expelled Mayors of Hebron and Halhoul so that they can resume the functions for which they were elected and appointed;

8. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 4 and 5 above;

9. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

10. Reiterates its call to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of

War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution;

11. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-ninth session on the implementation of paragraphs 4 5 and 9 above;

12. Renews its request to the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its thirty-ninth session;

13. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its thirty-ninth session;

14. Further requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of those occupied territories;

15. Decides that a seminar on "Violations of human rights in the Palestinian and other Arab territories occupied by Israel" be held at the United Nations Office at Geneva and requests the Secretary-General to make the appropriate arrangements for the organization of this seminar and to report to the Commission on Human Rights at its thirty-ninth session;

16. Decides to place on the provisional agenda of the thirty-ninth session as a matter of high priority the item entitled "Question of the violation of human rights in the Arab occupied territories, including Palestine";

B 9/

The Commission on Human Rights,

Recalling its resolution 1 B (XXXVII) of 11 February 1981 and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980 and 36/147 of 16 December 1981,

Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

9/ Adopted at the 17th meeting on 11 February 1982, by a roll-call vote of 41 to 1. See chap. II.

Recalling resolution III on the application of the Fourth Geneva Convention of 12 August 1949 adopted by the XXIVth International Conference of the Red Cross held at Manila in November 1981,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

Recognizing that the persistent failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 10/ creates a situation fraught with danger,

Taking into account that States parties to the Fourth Geneva Convention of 12 August 1949 undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Expresses its deep concern at the consequences of Israel's systematic refusal to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem;
2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;
3. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;
4. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem;
5. Urged once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem;
6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.

10/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

1982/2. Question of the violation of human rights in the occupied Arab territories, including Palestine 11/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the principles of international law,

Gravely alarmed by Israel's behaviour in ignoring all the relevant resolutions of the Security Council, the General Assembly, the Commission on Human Rights and other international organs of the United Nations concerning the Arab territories occupied by Israel and its persistent violations of human rights in those territories,

Reaffirming that the acquisition of territories by force is inadmissible, according to the Charter of the United Nations, the principles of international law, and relevant Security Council resolutions,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation resulting from such invasion or attack or any annexation by the use of force of the territory of another State or part thereof,

Recalling Security Council resolution 497/1981 of 17 December 1981, in which the Security Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect,

Recalling its resolution 1 (XXXVII) of 11 February 1981 by which the Commission on Human Rights condemned the Israeli policies and practices of annexing parts of the occupied Arab territories,

Recalling General Assembly resolution 36/226 B of 17 December 1981 by which the General Assembly reaffirmed once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 12/ to the occupied Syrian territory,

Recalling General Assembly resolution ES-9/1 of 5 February 1982 in which the Assembly strongly deplored the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

1. Resolutely condemns the Israeli decision, dated 14 December 1981, annexing the Golan Syrian territory occupied since 1967, through the imposition of its laws, jurisdiction and administration on the occupied territory;

11/ Adopted at the 17th meeting on 11 February 1982, by a roll-call vote of 22 to 11, with 7 abstentions. See chap. II.

12/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

2. Declares that the Israeli decision is null and void and without any international legal effect and demands that Israel, the occupying Power, rescind its illegal and pernicious act;

3. Determines that the persistent defiance by Israel of the resolutions and authority of the United Nations and the systematic violations of human rights in the occupied Arab territories, including Palestine, constitute a continuing threat to international peace and security;

4. Calls upon all Member States to apply against Israel the measures referred to in paragraphs 11, 12, 13 and 15 of General Assembly resolution ES-9/1 of 5 February 1982.

1982/3. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 13/

The Commission on Human Rights,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 of 2 December 1977, 32/42 of 7 December 1977, 33/28 of 7 December 1978, 34/65 of 29 November 1979, ES.7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981 and 36/226 of 17 December 1981,

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its resolutions 2 (XXXVII) of 11 February 1981 and 14 (XXXVII) of 6 March 1981,

Bearing in mind the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 14/ and especially paragraphs 49 to 72 of that report,

Reaffirming that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and other relevant United Nations resolutions, and expressing its grave concern that the Palestinian people have been prevented by force from enjoying their inalienable rights, in particular their right to self-determination,

Expressing its grave concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

13/ Adopted at the 17th meeting on 11 February 1982, by a roll-call vote of 24 to 8, with 10 abstentions. See chap. VII.

14/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 35 (A/36/35).

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State of Palestine;

2. Reaffirms the inalienable right of the Palestinians to return to their homes and property, from which they have been displaced and uprooted by Israel, and calls for their return in the exercise of their right to self-determination;

3. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations;

4. Reaffirms the basic principle that the future of the Palestinian people can only be decided with its full participation in all efforts, through its representative, the Palestine Liberation Organization;

5. Expresses its strong opposition to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

6. Strongly rejects the continuation of the negotiations on the question of "autonomy", within the framework of the "Camp David accords" and declares that these accords have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967;

7. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter and the relevant resolutions of the United Nations;

8. Requests the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B of 2 December 1977.

1982/4. Human rights and scientific and technological developments 15/

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of society,

15/ Adopted at the 29th meeting on 19 February 1982 by 31 to none, with 12 abstentions. See chap. XIII.

Reaffirming the major significance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 16/

Considering that implementation of this Declaration by all States will contribute to the strengthening of international peace and the security of peoples, to their economic and social development as well as to international co-operation in the field of human rights,

Taking into account the relevant provisions of the Declaration on Social Progress and Development, 17/

Recalling General Assembly resolution 36/56 A of 25 November 1981,

Drawing attention to its own resolution 38 (XXXVII) of 12 March 1981,

Seriously concerned that the results of scientific and technological progress could be used to spur on the arms race to the detriment of international peace and security and social progress, human rights and fundamental freedoms, and the dignity of the human person,

Recognizing that the establishment of the new international economic order calls for a vital contribution to be made by science and technology to economic and social progress,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the basic ways to accelerate the economic development of the developing countries,

1. Stresses the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind in order to promote human rights and fundamental freedoms under conditions of scientific and technological progress;

2. Calls upon all States to make the necessary efforts to use the achievements of scientific and technological progress for peaceful economic, social and cultural development and to improve the well-being of peoples;

3. Requests once again the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development;

4. Decides to consider that study as a matter of priority at its thirty-ninth session under the item entitled "Human rights and scientific and technological developments".

16/ General Assembly resolution 3384 (XXX).

17/ General Assembly resolution 2542 (XXIV).

1982/5. Human rights and scientific and technological developments 18/

The Commission on Human Rights,

Expressing its deep alarm over the unprecedented Israeli act of aggression on the Iraqi nuclear installations on 7 June 1981,

Taking note of Security Council resolution 487 (1981) of 19 June 1981 and General Assembly resolution 36/27 (XXXVI) of 13 November 1981 which affirmed, inter alia, the inalienable sovereign right of all States to develop technological and nuclear programmes for peaceful purposes, in accordance with the internationally accepted objectives of preventing the proliferation of nuclear weapons,

Taking note further of the Declaration 19/ and the Programme of Action 20/ on the Establishment of a New International Economic Order, the Charter of Economic Rights and Duties of States 21/ and the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 22/

1. Expresses its conviction that the Israeli act of aggression against the Iraqi nuclear installation constitutes a violation of the inalienable sovereign right of States to scientific and technological progress for achieving social and economic development and raising the living standards of peoples and the dignity of the human person;

2. Strongly condemns Israel for its premeditated and unprecedented act of aggression which constitutes a dangerous escalation of Israeli violations of the inalienable human rights and the sovereign rights of States to scientific and technological development;

3. Calls upon all States to cease forthwith any moral, material or human assistance which enables Israel to pursue its policies of aggression, expansion and violation of the human rights of others.

1982/6. Human rights and scientific and technological developments 23/

The Commission on Human Rights

Recalling General Assembly resolution 33/53 of 14 December 1978, by which the Commission on human rights was requested to urge the Sub-Commission on Prevention

18/ Adopted at the 29th meeting on 19 February 1982, by a roll-call vote of 30 to 1, with 11 abstentions. See chap. XIII.

19/ General Assembly resolution 3201 (S-VI).

20/ General Assembly resolution 3202 (S-VI).

21/ General Assembly resolution 3281 (XXIX).

22/ General Assembly resolution 3384 (XXX).

23/ Adopted at the 29th meeting on 19 February 1982, without a vote. See chap. XIII.

of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health with a view to formulating guidelines,

Recalling also General Assembly resolution 36/56 B of 25 November 1981, by which the Commission on Human Rights was requested to continue its consideration of this question, in the light of the action being taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to submitting a report to the General Assembly at its thirty-eighth session through the Economic and Social Council,

Recalling further its resolution 10 A (XXXIII) of 11 March 1977, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study this question,

Taking note of resolution 20 (XXXIV) of 10 September 1981 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission expressed its deepest appreciation and thanks to its Rapporteur, Mrs. Erica-Irene Daes, for her preliminary report, ^{24/} and requested her to submit her final report, including a draft body of guidelines, principles and guarantees, to the Sub-Commission at its thirty-fifth session,

Noting with appreciation the preliminary report by Mrs. Erica-Irene Daes,

Convinced that detention of persons in mental institutions on account of their political views or on other non-medical grounds is a violation of their human rights,

1. Takes note with deep satisfaction of the work being undertaken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this subject in accordance with General Assembly resolutions 33/53, 35/130 B and 36/56 B, and Commission on Human Rights resolution 10 A (XXXIII);

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fifth session, to consider as a matter of high priority the Rapporteur's final report, with a view to submitting its views and recommendations, including a draft body of guidelines, principles and guarantees, to the Commission on Human Rights at its thirty-ninth session;

3. Decides to consider the report on this subject by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities as a matter of priority at its thirty-ninth session.

1982/7. Human rights and scientific and technological developments ^{25/}

The Commission on Human Rights,

Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in fundamental

^{24/} E/CN.4/Sub.2/474.

^{25/} Adopted at the 29th meeting on 19 February 1982, by a roll-call vote of 32 to none, with 11 abstentions. See chap. XIII.

human rights and in the dignity and worth of the human person, to maintain international peace and security, to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and for fundamental freedoms,

Reaffirming the provisions of the Universal Declaration of Human Rights, 26/ the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, 27/ article 6 of which states that "every human being has the inherent right to life",

Recalling its resolution 5 (XXXII) of 27 February 1976.

Recalling the Declaration on the Strengthening of International Security of 16 December 1970, 28/ the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind of 10 November 1975, 29/ the Declaration on the Preparation of Societies for Life in Peace of 15 December 1978 30/ and the Declaration on the Prevention of Nuclear Catastrophe of 9 December 1981, 31/

Recalling also the Charter of Economic Rights and Duties of States 32/ and the Declaration 33/ and Programme of Action 34/ on the Establishment of a New International Economic Order of 1 May 1974,

Reaffirming once again the inherent right of all peoples and all individuals to life,

Deeply concerned that international peace and security continues to be threatened by the arms race, particularly the nuclear arms race in all its aspects, as well as by violations of the Principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and self-determination of peoples,

Aware that all the horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization on earth,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use,

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- 26/ General Assembly resolution 217 A (III).
 - 27/ General Assembly resolution 2200 A (XXI), annex.
 - 28/ General Assembly resolution 2734 (XXV).
 - 29/ General Assembly resolution 3384 (XXX).
 - 30/ General Assembly resolution 33/73.
 - 31/ General Assembly resolution 36/100.
 - 32/ General Assembly resolution 3281 (XXIX).
 - 33/ General Assembly resolution 3201 (S-VI).
 - 34/ General Assembly resolution 3202 (S-VI).

Recalling the historic responsibility of the Governments of all countries of the world to remove the threat of war from the lives of people, to preserve civilization and ensure that everyone enjoys his inherent right to life,

Convinced that for no people in the world today is there a more important question than that of the preservation of peace and of ensuring the cardinal right of every human being, namely, the right to life,

1. Expresses its firm conviction that all peoples and all individuals have an inherent right to life, and that the safeguarding of this foremost right is an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political, rights;

2. Stresses the urgent need for all possible efforts by the international community to strengthen peace, remove the threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control, thus contributing to assuring the right to life;

3. Calls upon all States to take the necessary measures to ensure that the results of scientific and technical progress are used exclusively in the interests of international peace and for the benefit of mankind and for promoting and encouraging respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion;

4. Decides in its future activities to stress the need to ensure the cardinal right of everyone to life;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a study on the negative consequences of the arms race, particularly the nuclear arms race in all its aspects, for the implementation of economic, social, cultural as well as civil and political rights, the establishment of the new international economic order and, above all, of the inherent right to life, and to submit that study for consideration by the Commission at its fortieth session;

6. Requests the Secretary-General to bring this resolution to the attention of the Economic and Social Council, the General Assembly and other United Nations bodies concerned with disarmament matters.

1982/8. Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 35/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII), 12 (XXXV) and 5 (XXXVII),

Recalling also Economic and Social Council decision 1981/155 of 8 May 1981,

Having examined the progress report of the Ad hoc Working Group of Experts submitted in accordance with Commission resolution 5 (XXXVII), 36/

35/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 42 to none, with 1 abstention. See chap. IV.

36/ E/CN.4/1485.

1. Expresses its appreciation to the Ad hoc Working Group of Experts for the in-depth study and the objective findings contained in the progress report;
2. Expresses its deep indignation at the continuing widespread and inhuman violations of human rights in South Africa and in Namibia;
3. Condemns the impediments which the racist Government of South Africa has placed in the way of negotiations for the independence of Namibia;
4. Condemns once again the so-called "granting of independence" to the Ciskei following the granting of so-called "independence" to Transkei, Bophuthatswana and Venda, and declares that these acts constitute serious denial of the right of peoples to self-determination and independence;
5. Expresses its profound indignation at the fact that:
 - (a) Child labour is practised in South Africa on a wide scale;
 - (b) Persons captured at Kassinga and imprisoned at the Hardap Dam Camp near Mariental in the South of Namibia are subjected to various forms of torture and other acts of ill-treatment;
 - (c) Black women and children are subjected to various forms of oppression and are denied the security, protection and comfort of family life;
 - (d) International standards concerning trade union rights for black workers are violated in South Africa;
 - (e) The torture and murder of political prisoners in detention continue unabated in South Africa;
6. Demands that South Africa cease forthwith all acts and inhuman practices, particularly those which violate the enjoyment of human rights by the people, especially black children and black women, in South Africa;
7. Requests the Ad hoc Working Group of Experts to continue to study the policies and practices which violate human rights in South Africa and Namibia and to submit its findings and recommendations to the Commission at its thirty-ninth session;
8. Renews its invitation to all Member States of the United Nations to make observations on the draft statutes of the International Penal Tribunal 37/ to enable the Ad hoc Working Group to continue its study;
9. Decides that the Ad hoc Working Group of Experts should continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem necessary and appropriate, particularly serious violations when it learns of such violations during its inquiries;
10. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid;
11. Requests the Secretary-General further to prepare a summary of the findings of the Ad hoc Working Group of Experts contained in the progress report and to give these findings and the Commission's condemnation of them wide publicity.

1982/9. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts - Namibia 38/

The Commission on Human Rights,

Having examined the chapter of the report relating to the question of Namibia as submitted by the Ad Hoc Working Group of Experts on southern Africa, 39/

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Taking into account the deteriorating situation in Namibia,

Recalling the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia contained in General Assembly resolution S-9/2 of 3 May 1978,

Recalling Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978 which established the United Nations plan for the independence of Namibia based on free and fair elections in the territory under the supervision and control of the United Nations,

Bearing in mind the relevant resolutions adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981,

Bearing in mind also the relevant provisions of the Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi from 9 to 13 February 1981, 40/ as well as the final communiqué of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Namibia, held at Algiers from 16 to 18 April 1981, 41/

Taking into account the relevant provisions of the Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa, held in Paris from 20 to 27 May 1981, 42/

1. Reaffirms the inalienable rights of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights 43/ and other relevant international instruments;

38/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 37 to none, with 6 abstentions. See chap. IV.

39/ E/CN.4/1485.

40/ See A/36/116 and Corr.1, annex.

41/ See A/36/222-S/14458 and Corr.1, annex.

42/ A/36/319-S/14531, annex II.

43/ General Assembly resolution 217 A (III).

2. Declares that the Namibian people can legitimately exercise their right to self-determination and independence only under conditions determined by the United Nations in accordance with Security Council resolutions 435 (1978) and 439 (1978);
3. Emphasizes the need for the urgent implementation of Security Council resolutions 435 (1978) and 439 (1978);
4. Welcomes again the declared readiness of the South West Africa People's Organization to work for a negotiated settlement of the independence of Namibia under United Nations auspices;
5. Demands that South Africa comply with all resolutions on Namibia adopted by the Security Council, the General Assembly and the Commission on Human Rights in order to enable the United Nations to fulfil its obligations to the Namibian people;
6. Demands also that South Africa cease without further delay all acts of torture and ill-treatment of Namibian political detainees and prisoners;
7. Condemns the ever-increasing atrocities perpetrated against defenceless people, especially women and children, by the racist régime because of their opposition to apartheid;
8. Further demands that captured combatants be granted prisoner-of-war status and be treated in accordance with the provisions of the Geneva Conventions of 1949 44/ and Additional Protocol I thereto; 45/
9. Requests that South Africa allow the Ad Hoc Working Group of Experts to make an on-the-spot investigation of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;
10. Calls upon South Africa to desist forthwith from its aggression and flagrant violation of the territorial integrity of African States, especially the territorial integrity of Angola;
11. Requests the Ad Hoc Working Group of Experts to continue to study, as a matter of priority, the policies and practices which violate human rights in Namibia and to submit a report to the Commission at its thirty-ninth session.

1982/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 46/

The Commission on Human Rights,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980 and 6 (XXXVII) of 23 February 1981,

44/ United Nations, Treaty Series, vol. 75, Nos. 970-973, p. 31 et seq.

45/ A/32/144, annex I.

46/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 32 to none, with 11 abstentions. See chap. XIV.

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called on States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three members of the Commission 47/ appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Reaffirming its conviction that wider ratification of, or accession to, the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three and in particular the conclusions and recommendations contained in it;
2. Commends those States parties that have submitted periodic reports and urges those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;
3. Again calls upon States which have not yet done so to ratify or accede to the Convention without delay;
4. Recommends once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports;
5. Again requests the Secretary-General to invite the States parties to submit their views and comments on the interim study 48/ prepared by the Ad Hoc Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI);
6. Calls once again on States parties to strengthen their co-operation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and the Charter of the United Nations;
7. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;
8. Decides that the Group of Three shall meet for a period of not more than five days before the thirty-ninth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

47/ E/CN.4/1507.

48/ E/CN.4/1426.

1982/11. Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 49/

The Commission on Human Rights,

Recalling General Assembly resolution 35/33 of 14 November 1980, by which the General Assembly decided to hold in 1983 a Second World Conference to Combat Racism and Racial Discrimination,

Recalling also General Assembly resolution 36/8 of 28 October 1981 and Commission on Human Rights resolution 7 (XXXVII) of 23 February 1981 on the Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Mindful that the Second World Conference to Combat Racism and Racial Discrimination should contribute to a profound evaluation of the state of racial discrimination in the world and should contribute concretely and effectively to the further struggle against racism and racial discrimination,

1. Recommends to the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination that the Second World Conference should pay particular attention to the findings of the various seminars, round-tables and studies conducted during the second half of the Decade, and that the relevant reports and studies should be among the basic documents of the Second World Conference;

2. Urges the Secretary-General to appoint the Secretary-General for the Second World Conference to Combat Racism and Racial Discrimination as early as possible, so as to enable him or her to commence the preparations for the World Conference as soon as possible;

3. Decides that the Commission on Human Rights shall be represented at the World Conference by the Chairman of its thirty-ninth session;

4. Decides to discuss the preparations for the Second World Conference and the Commission's participation therein at its thirty-ninth session.

1982/12. The 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 50/

The Commission on Human Rights,

Reaffirming that any political, military, economic and other forms of assistance given to the colonial and racist regime in South Africa strengthen that regime and obstruct the efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

49/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 34 to none, with 8 abstentions. See chap. XVI.

50/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 32 to 4, with 7 abstentions. See chap. V.

Recognizing that the utmost priority must be accorded to international action to ensure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and for the liberation of the people of southern Africa from the racist and colonial regime,

Recalling General Assembly resolutions 3382 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978 and 35/32 of 14 November 1980,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, General Assembly resolution 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, General Assembly resolution 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid regime, and General Assembly resolution 3362 (S-VII) of 16 September 1975,

Recalling further General Assembly resolution 36/172 of 17 December 1981,

Bearing in mind its resolutions 7 (XXXVIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980 and 8 (XXXVII) of 23 February 1981,

Taking note of resolution 2 (XXXVIII) and the relevant parts of resolutions 8 (XXXVIII) and 6 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the updated report 51/ prepared by Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission 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 regimes in southern Africa, which contains an updated list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regime in South Africa.

Deeply concerned at the fact that foreign interests continue to support and to give all forms of assistance, including the delivery of nuclear supplies and equipment, to the racist regime of South Africa, enabling it to acquire nuclear weapon capability,

Conscious of the continuing need to mobilize world public opinion against the political, military, economic and other forms of assistance given to the racist regime in South Africa,

1. Expresses its appreciation to the Special Rapporteur for his report containing the updated list of banks, transnational corporations and other organizations assisting the racist regime in South Africa;

51/ E/CN.4/Sub.2/469 and Corr.1 and Add.1

2. Welcomes the declarations adopted by the International Conference on Sanctions against South Africa organized by the United Nations in co-operation with the Organization of African Unity and held in Paris from 20 to 27 May 1981 as well as the proclamation by the General Assembly of 1982 as the International Year of Mobilization for Sanctions against South Africa;

3. Affirms the inalienable right of the oppressed peoples of South Africa and Namibia to self-determination, independence and the enjoyment of the natural resources of their territories;

4. Reiterates its request to all States which have not yet done so to take effective measures to end all forms of collaboration and assistance, including military and nuclear supplies and equipment, to the racist regime which uses such assistance to repress the people of South Africa and Namibia and their national liberation movements as well as commit acts of aggression against neighbouring independent African States;

5. Appeals once again to the Governments of the countries in which the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put an end to their trading, manufacturing and investment activities in South Africa and Namibia;

6. Calls again upon all States, relevant specialized agencies, non-governmental and other organizations to continue to give wide publicity to the report of the Special Rapporteur;

7. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list, subject to annual review, and submit, through the Sub-Commission, the revised report to the Commission;

8. Requests the Group of Three Members of the Commission which has been set up under the International Convention on the Suppression and Punishment of the Crime of apartheid to examine whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid, and whether or not some legal action could be taken under the Convention, and to report to the Commission;

9. Decides to consider at its thirty-ninth session the revised report, within the framework of its item "Adverse consequences for the enjoyment of human rights, of political, military, economic and other forms of assistance given to the colonial and racist regimes in southern Africa".

1982/13. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 52/

The Commission on Human Rights,

Recalling its resolution 29 (XXXVI) of 11 March 1980, which, inter alia, recommends that the people of Kapuchea be granted their fundamental freedoms and human rights, including the right to decide their own future,

52/ Adopted at the 38th meeting on 25 February 1982, by a roll-call vote of 28 to 8, with 5 abstentions. See chap. VII.

Recalling Economic and Social Council decision 1981/154 of 8 May 1981, by which the Council endorsed resolution 11 (XXXVII) of the Commission on Human Rights, in which the Commission, inter alia, called for the withdrawal of foreign forces from Kampuchea, thus allowing the full enjoyment by the Kampuchean people of their fundamental human rights and freedom, including the right to self-determination,

Recalling further General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980 and 36/5 of 21 October 1981, calling for the total withdrawal of foreign forces from Kampuchea,

Recalling in particular paragraph 3 of General Assembly resolution 36/5 in which the Assembly approved the report of the International Conference on Kampuchea and adopted:

(a) The Declaration on Kampuchea, which includes four elements of negotiations for a comprehensive political settlement of the Kampuchean problem;

(b) Resolution 1 (I) in which the Conference, inter alia, established the Ad Hoc Committee of the International Conference on Kampuchea;

Taking into account resolution 13 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 10 September 1981, by which the Sub-Commission reiterated its recommendation that the Commission on Human Rights should keep the situation of human rights in Kampuchea under continuing review with a view to restoring full respect for human rights and fundamental freedom as speedily as possible in Kampuchea,

Noting with appreciation the review of further materials on the human rights situation in Kampuchea undertaken by Mr. Asbjørn Eide; 53/

1. Reiterates its condemnation of the gross and flagrant violations of human rights which have occurred as well as the gross and flagrant violations of human rights which continue to occur in Kampuchea, as expressed in its resolution 11 (XXXVII) of 6 March 1981;

2. Expresses its conviction that the withdrawal of all foreign forces from Kampuchea, the restoration and preservation of Kampuchea's independence, sovereignty and territorial integrity, the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea are the principal components of any just and lasting resolution to the Kampuchean problem;

3. Reaffirms that the primary violation of human rights in Kampuchea at present is the persistence of foreign occupation which prevents the people of Kampuchea from exercising their right to self-determination;

4. Reaffirms its call to the parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate and unconditional withdrawal of foreign forces from Kampuchea, as reiterated in the Declaration

on Kampuchea adopted on 17 July 1981, in order to allow the people of Kampuchea to exercise their fundamental freedom and human rights, including the right to decide their own future through free and fair elections under United Nations supervision without outside interference, subversion or coercion;

5. Further calls upon all parties concerned to join in the efforts to seek a comprehensive solution to the Kampuchean problems within the framework of the Declaration on Kampuchea of 17 July 1981 and to co-operate in the work of the Ad Hoc Committee of the International Conference on Kampuchea;

6. Requests the Secretary-General of the United Nations to follow the situation closely and to exercise his good offices in order to contribute to a comprehensive political settlement and the restoration of human rights in Kampuchea;

7. Requests the Sub-Commission on Prevention of Discrimination and the Protection of Minorities to examine the practices of the foreign forces which affect the human rights of the people of Kampuchea and which prevent the people of Kampuchea from exercising their right to self-determination, and to submit its report to the Commission at its thirty-ninth session with appropriate observations and recommendations, together with any further material on the human rights situation in Kampuchea which becomes available to it;

8. Recommends that the Economic and Social Council consider the situation in Kampuchea at its first session in 1982 with a view to ensuring the full enjoyment of the fundamental human rights and freedom, including the right of self-determination, of the Kampuchean people;

9. Decides to keep the situation in Kampuchea under review as a matter of priority at its thirty-ninth session under the item entitled "The right of the peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1982/14. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation: situation in Afghanistan 54/

The Commission on Human Rights,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter of the United Nations is to develop friendly relations among the nations based on respect for the principle of equal rights and self-determination of peoples,

Recalling its resolutions 3 (XXXVI) of 14 February 1980 and 13 (XXXVIII) of 6 March 1981,

54/ Adopted at the 38th meeting on 25 February 1982, by a roll-call vote of 32 to 7, with 4 abstentions. See chap. VII.

Further recalling resolution ES-6/2 of 14 January 1980, adopted by the General Assembly at its sixth emergency special session,

Also recalling General Assembly resolution 35/37 of 20 November 1980 and 36/34 of 18 November 1981 on the situation in Afghanistan which, inter alia, reaffirmed the right of the Afghan people to determine their own form of Government and to choose their economic, political and social system free from outside intervention, subversion, coercion, or constraints of any kind whatsoever, and which called for the immediate withdrawal of foreign troops from Afghanistan,

Recalling further General Assembly resolutions 35/35 B of 14 November 1980 36/10 of 28 October 1981, as well as resolutions 26 (XXXIII) and 11 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 12 September 1980 and 9 September 1981 respectively,

Recognizing the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Non-Aligned Movement for a political solution of the situation in respect of Afghanistan,

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

Reaffirming further the inalienable rights of all people to determine their own form of government and to choose their own economic political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the continued foreign armed intervention in Afghanistan in contravention of the above principles and its serious implications for international peace and security,

Noting the increasing concern of the international community over the continued and serious sufferings of the Afghan people and over the magnitude of social and economic problems posed to Pakistan and Iran by the presence on their soil of millions of Afghan refugees and the continuing increase in their numbers,

Deeply conscious of the urgent need for a political solution of the grave situation in respect of Afghanistan,

1. Reaffirms its most profound concern that the people of Afghanistan continue to be denied their right to self-determination and to determine their own form of Government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

2. Calls for the immediate withdrawal of the foreign troops from Afghanistan;

3. Further calls for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference;

4. Affirms the right of the Afghan refugees to return to their homes in safety and honour;

5. Urges all concerned to work towards a settlement which would ensure that the Afghan people would determine their destiny free from outside interference and which would enable the Afghan refugees to return to their homes;

6. Further urges all concerned to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan;

7. Appeals to all States and national and international organizations to extend humanitarian relief assistance with a view to alleviating the hardship of Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

8. Decides to consider this matter at its thirty-ninth session with high priority under the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1982/15. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 55/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights 56/ and other relevant international instruments relating to human rights,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in resolution 1514 (XV) of 14 December 1960,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

55/ Adopted at the 38th meeting on 25 February 1982, by a roll-call vote of 27 to 3, with 13 abstentions. See chap. VII.

56/ General Assembly resolution 217 A (III).

Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the Movement of Non-Aligned Countries regarding the decolonization of Western Sahara and the right of the people of that territory to self-determination and independence,

Considering the relevant resolutions of the General Assembly on the question of Western Sahara, and more particularly resolution 36/46 of 24 November 1981, and decision 36/406 of 24 November 1981,

Taking note of the resolution on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, 57/ held at Nairobi, Kenya, from 24 to 27 June 1981, and also of the decisions adopted by the Implementation Committee on Western Sahara of the Organization of African Unity at its sessions held at Nairobi from 24 to 26 August 1981 58/ and from 8 to 9 February 1982,

Recalling also resolutions 4 (XXXVI) of 15 February 1980 and 12 (XXXVII) of 6 March 1981 adopted by the Commission on Human Rights at its thirty-sixth and thirty-seventh sessions,

1. Welcomes the decisions and resolutions of the Organization of African Unity and the United Nations to organize throughout the territory of Western Sahara a free and fair referendum on self-determination in order to reach a just and definitive solution to the question of the Western Sahara;

2. Urges to that end the two parties to the conflict, Morocco and the Frente Popular para La Liberación de Sanguia el-Hanra y de Río de Oro (Frente Polisario) to enter into direct negotiations with a view to concluding a cease-fire, which is an indispensable prerequisite for the organization of the referendum on self-determination;

3. Decides to follow closely the developments of the situation in Western Sahara and to consider this question within the framework of the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its thirty-ninth session, as a matter of high priority.

1982/16. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 59/

The Commission on Human Rights,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights 60/ and other relevant international instruments relating to human rights,

57/ See A/36/534, annex II, resolution AHG/Res.103 (XVIII).

58/ See A/36/512-S/14692, annex.

59/ Adopted at the 38th meeting on 25 February 1982, by a roll-call vote of 32 to 8, with 3 abstentions. See chap. VII.

60/ General Assembly resolution 217 A (III).

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration and 35/118 of 11 December 1980, containing the Plan of Action for the Full Implementation of the Declaration,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 35/35 of 14 November 1980, 36/68 of 1 December 1981 and 36/76 of 4 December 1981,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXIII) of 5 March 1976, 3 (XXXIV) of 14 February 1978, 2 (XXXV) and 3 (XXXV) of 21 February 1979, 5 (XXXVI) of 15 February 1980 and 14 (XXXVII) of 6 March 1981,

Recalling Security Council resolutions 405 (1977) of 14 April 1977 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practices of using mercenaries against developing countries and national liberation movements,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 61/

Condemning the continued colonialist and racist oppression of millions of Africans, particularly in Namibia, by the racist Government of South Africa through its persistent, illegal occupation of the international territory and its intransigent attitude towards all efforts being made to bring about an internationally acceptable solution to the situation obtaining in the territory,

Condemning the racist regime of South Africa for its ruthless exploitation of the people and resources of Namibia, as well as its attempt to destroy the national unity and territorial integrity of Namibia,

Condemning the racist regime of South Africa for developing a nuclear capability for military and aggressive purposes,

Affirming that Walvis Bay and the offshore islands constitute an integral part of the territory of Namibia,

Affirming that "bantustanization" is incompatible with genuine independence, national unity and sovereignty and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

61/ General Assembly resolution 2625 (XXV).

Affirming also that the system of apartheid imposed on the South African people constitute a gross and massive violation of the rights of that people,

Reiterating its affirmation on the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the enjoyment of human rights,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence;

2. Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) and 2145 (XXI) of 27 October 1966, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal, including armed struggle, against the illegal occupation of their territory by South Africa;

3. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movements by all available means, including armed struggle, for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa as a whole;

4. Strongly condemns the apartheid regime of South Africa for its brutal repression and indiscriminate torture and killing of workers, schoolchildren and other opponents of apartheid, and the imposition of death sentences on freedom fighters;

5. Condemns the continued policy of "bantustanization" which is contrary to the principle of self-determination and inconsistent with genuine independence and national unity;

6. Strongly condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa and calls upon the States concerned to cease forthwith all such collaboration;

7. Condemns the continuing activities of foreign economic and other interests which are impeding the implementation of the Declaration contained in General Assembly resolution 1514 (XV) with respect to the colonial territories, particularly Namibia;

8. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence, and also demands full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9. Declares that the illegal occupation of Namibia by South Africa continues to constitute an act of aggression against the Namibian people and a threat to international peace and security as well as an affront to the United Nations, which has direct responsibility for the territory until independence;

10. Condemns the actions of those States, especially the major trading partners of South Africa, which have increased their collaboration in the political, economic and military fields with the racist regime of South Africa, despite repeated appeals by the international community, and the decisions of the United Nations;

11. Reaffirms once again that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon Governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it, to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

12. Expresses deep appreciation of the important work being done by the Ad Hoc Committee towards the elaboration of an international convention against the recruitment, use, financing and training of mercenaries and urges all States to contribute towards the early adoption of such a convention;

13. Reaffirms once again that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources, and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples 62/ and poses a serious threat to international peace and security;

14. Decides to include in the provisional agenda of its thirty-ninth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

62/ General Assembly resolution 1514 (XV).

1982/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve those human rights 63/

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Considering also the Universal Declaration of Human Rights, 64/ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 65/ according to which the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order and General Assembly resolutions 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975, and 35/56 of 5 December 1980 containing the International Development Strategy for the Third United Nations Development Decade,

Recalling also the Declaration on the Granting of Independence to Colonial Countries and Peoples, 66/ the Declaration on Social Progress and Development, 67/ the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 68/ the Declaration on the Strengthening of International Security 69/ and the Declaration on the Deepening and Consolidation of International Détente, 70/

Bearing in mind that the International Development Strategy for the Third United Nations Development Decade stated that "the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom",

63/ Adopted at the 55th meeting on 9 March 1982, by 41 votes to none, with 1 abstention. See chap. VI.

64/ General Assembly resolution 217 A (III).

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

66/ General Assembly resolution 1514 (XV).

67/ General Assembly resolution 2542 (XXIV).

68/ General Assembly resolution 2625 (XXV).

69/ General Assembly resolution 2734 (XXV).

70/ General Assembly resolution 32/155.

Recalling its resolutions 2 (XXXI) of 10 February 1975, 4 (XXXIII) of 21 February 1977, 4 and 5 (XXXV) of 2 March 1979, 6 and 7 (XXXVI) of 21 February 1980 and 36 (XXXVII) of 11 March 1981,

Recalling also its resolution 36 (XXXVII), which stated, inter alia, that equality of opportunity for development is as much a prerogative of nations as of individuals within nations,

Taking into account General Assembly resolution 36/133 of 14 December 1981, which declared that the right to development is an inalienable human right,

Taking into account General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979, 35/174 of 15 December 1980, and 36/133 of 14 December 1981,

Recalling also General Assembly resolution 32/130 of 16 December 1977, which stated inter alia that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Emphasizing that the promotion of respect for the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Noting with interest that the Heads of State or Government of the Non-Aligned Countries, at their Sixth Conference held at Havana, Cuba, from 3 to 9 September 1979, set as one of the essential objectives of the non-aligned movement the early establishment of the New International Economic Order with a view to accelerating the development of developing countries, eliminating the inequality between developed and developing countries, and the eradication of poverty, hunger, sickness and illiteracy in the developing countries, and called on the United Nations to continue working towards the comprehensive achievement of human rights, in order to ensure the dignity of human beings,

Emphasizing the importance for all countries of evolving appropriate socio-economic systems that are best suited to their own political, economic, social and cultural situations, free from external influences and constraints that distort and prevent achievement of the right to development,

Further underlining the importance of individual and collective self-reliance on the part of the developing countries as a means of accelerating their development and contributing to achievement of the right to development,

Recognizing that international peace and security are essential elements for the full realization of the right to development,

1. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;

2. Expresses its deep concern at the present situation in the attainment of the aims and objectives for the establishment of a New International Economic Order and the adverse effects on the full achievement of human rights and in particular the right to development;

3. Reaffirms that all nations have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources subject to the principles referred to in article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;
4. Once again reiterates the need to ensure the realization of work, education, health and proper nourishment through the adoption of national and international measures, as a necessity for the full enjoyment of human rights;
5. Reaffirms that foreign occupation, colonialism, apartheid, racism and racial discrimination and the denial of the right to self-determination of peoples and of universally recognized human rights are serious impediments to economic and social progress;
6. Takes note of the conclusions and recommendations of the "Seminar on the relations that exist between human rights, peace and development", held in New York from 3 to 14 August 1981; 71/
7. Takes note also of the second part of the study prepared by the Secretary-General on the regional and national dimensions of the right to development as a human right; 72/
8. Commends the report of the Working Group of Governmental Experts on the Right to Development, which was held in Geneva on three occasions between 20 July 1981 and 22 January 1982; 73/
9. Takes note with satisfaction of the progress made so far by the Working Group as reflected in its report and its recommendations;
10. Decides to reconvene the Working Group with the same mandate in order to allow it to elaborate, on the basis of its report and all documents already submitted or to be submitted, a draft declaration on the right to development;
11. Requests the Working Group to hold two meetings of two weeks each in Geneva, the first in June/July 1982 and the second in September/October 1982;
12. Also requests the Working Group to submit to the Commission at its thirty-ninth session a report and concrete proposals for a draft declaration on the right to development;
13. Requests the Secretary-General to provide all necessary assistance to the Working Group;
14. Decides to consider this question as a matter of high priority at its thirty-ninth session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group;
15. Decides also to review, at its thirty-ninth session, the need for the Working Group to continue its activities.

71/ ST/HR/SER.A/10.

72/ E/CN.4/1488.

73/ E/CN.4/1489.

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights 75/ constitute the first all-embracing and legally binding international treaties in the field of human rights, and together with the Universal Declaration of Human Rights, 76/ form the heart of the International Bill of Human Rights,

Recalling its resolution 16 (XXXVII) of 10 March 1981 and General Assembly resolution 36/58 of 25 November 1981,

Recalling its resolution 24 (XXXVII) of 11 March 1981 and Economic and Social Council resolution 1980/30 of 2 May 1980 on development of public information activities in the field of human rights,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights, 77/

Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report, 78/

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. Takes due note of Economic and Social Council decision 1981/162 of 8 May 1981 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and looks forward to further results in this regard at the first regular session of the Council in 1982;

74/ Adopted at the 55th meeting on 9 March 1982, without a vote. See chap. XVII.

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

76/ General Assembly resolution 217A (III).

77/ E/CN.4/1511.

78/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40).

3. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto and takes note of the decisions of the Human Rights Committee on the question of periodicity and on guidelines regarding the form and content of reports from States parties under article 40, paragraph 1 (b), of the Covenant as well as the adoption by the Committee of general comments under article 40, paragraph 4, of the Covenant;
4. Urges all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;
5. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;
6. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;
7. Welcomes the measures taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and takes note of the General Assembly's request to the Secretary-General in resolution 36/58 to consider the more appropriate steps for the publication of the Committee's documentation and to report on this question to the General Assembly at its thirty-seventh session;
8. Takes note of paragraph 14 of General Assembly resolution 36/58 in which the Assembly urges the Secretary-General to take all possible steps to ensure that the Division of Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights;
9. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights and to distribute them and make them known as widely as possible in their territories;
10. Requests the Secretary-General to submit to the Commission on Human Rights, at its thirty-ninth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

1982/19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: study of the problem of discrimination against indigenous populations 79/

The Commission on Human Rights,

Recalling its resolution 22 (XXXVII) of 10 March 1981, in which it recognized the great importance of the subject of the human rights of indigenous peoples and expressed its hope that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fourth session, would be in a position to make recommendations to the Commission at its thirty-eighth session on the subject of the promotion and protection of the human rights of indigenous peoples, in the light of the study on the problem of discrimination against indigenous peoples,

Mindful of resolution 2 (XXXIV) of the Sub-Commission, which drew the attention of the Commission to the serious and pressing plight of indigenous populations and emphasized the need for special measures to be taken in order to promote and protect the human rights of indigenous populations,

Bearing in mind the work carried out by the Special Rapporteur,
Mr. José R. Martínez Cobo,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chapter I, section A, draft resolution I.]

1982/20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 80/

The Commission on Human Rights,

1. Decides, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs:

2. Requests the United Nations Department of Public Information to take measures to create greater public awareness of the continued existence of slavery and slavery-like institutions and practices and to mobilize international action for their eradication;

79/ Adopted at the 56th meeting on 10 March 1982, by 35 votes to none, with 7 abstentions. See chap. XVIII.

80/ Adopted at the 56th meeting, on 10 March 1982, by 34 votes to none, with 9 abstentions. See chap. XVIII.

3. Appeals to Member States of the United Nations;

(a) To ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, 81/ if they have not yet done so, or to implement its provisions effectively if they have already ratified it;

(b) To undertake concerted action against all enterprises which promote prostitution and the traffic in persons and to include relevant information in their reports concerning the Convention;

(c) To intensify research into the economic, social, psychological, sexual and emotional causes of prostitution and pimping and to promote the social reintegration of victims of prostitution and traffic;

4. Invites the Voluntary Fund for the United Nations Decade for Women to consider whether the Fund could provide support for projects aimed at the rehabilitation of prostitutes in poor areas, and to make this information available to the Working Group on Slavery at its eighth session;

5. Recognizes that apartheid is a slavery-like practice and endorses the call for mandatory economic sanctions against South Africa and appeals to Member States of the Security Council to support proposals to this effect;

6. Requests the Secretary-General to transmit the statements submitted to the Working Group at its seventh session by the Anti-Slavery Society for the Protection of Human Rights, the Minority Rights Group and the International Abolitionist Federation containing allegations specifically on slavery-like practices in certain countries, together with the relevant parts and recommendations of the report of the Working Group on Slavery, to the Governments of those countries for information and such observations as they may wish to make, and to the intergovernmental organizations and agencies mentioned by the Working Group in its recommendations;

7. Requests the Secretary-General to call upon States parties to the Slavery Convention of 1926, 82/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 83/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions, and to call upon other States, intergovernmental organizations, relevant agencies of the United Nations and non-governmental organizations concerned and the International Criminal Police Organization (Interpol) to supply relevant information to the Working Group on Slavery.

81/ United Nations, Treaty Series, vol. 96, No. 1342, p.271.

82/ League of Nations, Treaty Series, vol. LX, No. 1414, p.253.

83/ United Nations, Treaty Series, vol. 266, No. 3822, p.40.

1982/21. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: exploitation of child labour 84/

The Commission on Human Rights,

1. Recommends to the Economic and Social Council that the study prepared by Mr. A. Bouhdiba on the exploitation of child labour 85/ should be printed and given the widest possible distribution, including distribution in Arabic;
2. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present to the Council, through the Commission, a concrete programme of action to combat violations of human rights through the exploitation of child labour.

1982/22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session 86/

The Commission on Human Rights,

Bearing in mind General Assembly resolution 36/135 of 14 December 1981,

Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session, 87/

Sharing the view expressed by the Sub-Commission in its resolution 12 (XXXIV) that the number and scale of violations of human rights in many parts of the world make it essential for the United Nations to develop effective ways and means of responding urgently to violations of human rights and fundamental freedoms,

Recognizing the desirability that major decisions concerning the organization and operation of the United Nations system for the promotion and protection of human rights be adopted on the basis of a consensus which takes account of different views expressed by Member States, in order to ensure their effectiveness,

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to formulate a first study on possible terms of reference for the mandate of a High Commissioner for Human Rights, taking into account the provisions of the Charter of the United Nations and of pertinent international instruments concluded under United Nations auspices, the concepts contained in General Assembly resolution 32/130 of 16 December 1977, as well as the practice of the United Nations system for the promotion and protection of human rights, and to submit its proposals to the Commission on Human Rights at its thirty-ninth session;

84/ Adopted at the 56th meeting on 10 March 1982, without a vote. See chap. XVIII.

85/ E/CN.4/Sub.2/479.

86/ Adopted at the 56th meeting on 10 March 1982, by a roll-call vote of 29 to 8, with 6 abstentions. See chap. XVIII.

87/ E/CN.4/1512.

2. Decides to resume consideration of the question of the establishment of a post of United Nations High Commissioner for Human Rights at its thirty-ninth session under the item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", with a view to examining further steps to be taken in this regard.

1982/23. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fourth session 88/

The Commission on Human Rights

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session, 89/

Expressing appreciation of the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Noting the efforts made by the Sub-Commission to take into account a number of suggestions expressed by the Commission at its thirty-seventh session,

Taking into account the further attention given by the Commission to the consideration of the report of the Sub-Commission at the present session,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its fifth session as well as in its resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, and relevant resolutions of the Economic and Social Council and the General Assembly,

Recalling further that members of the Sub-Commission are elected by the Commission as experts in their individual capacity,

Considering that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members be its guiding principles,

1. Calls upon the Sub-Commission in the fulfilment of its functions and duties to be guided by the resolutions and the relevant documents referred to in the preambular paragraphs of the present resolution;
2. Draws the attention of the Sub-Commission to the comments and suggestions made during the consideration of the Sub-Commission's report at the present session of the Commission and requests the Sub-Commission to take them into account;
3. Requests the Sub-Commission to attach to its report in the future a complete list of the studies under preparation, with relevant information on the legislative authority and the timetable for the completion of the studies;

88/ Adopted at the 56th meeting on 10 March 1982, without a vote. See chap. XVIII.

89/ E/CN.4/1512.

4. Considers that, without prejudice to the proper application of rule 13 of the rules of procedure of the functional commissions of the Economic and Social Council, when in exceptional cases an alternate is appointed temporarily in the place of an elected member, due attention must be paid to the necessity of choosing a person with the requisite expertise and qualifications and that it must be kept in mind that the appointment of a government official as an alternate may sometimes not be in keeping with the character of the Sub-Commission, as a body composed of experts.

1982/24. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: question of missing and disappeared persons 90/

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, which requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, whereby it decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons,

Recalling General Assembly resolution 36/163 of 16 December 1981, wherein the General Assembly welcomed the decision taken by the Commission on Human Rights in its resolution 10 (XXXVII) of 26 February 1981 to extend the mandate of this Working Group for one year,

Recalling resolution 15 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering the need to observe United Nations standards and practice regarding the receipt of communications, their transmittal to the Governments concerned and their evaluation,

Taking note of the report of the Working Group, 91/

1. Expresses its appreciation to the Working Group for the work done;

90/ Adopted at the 56th meeting on 10 March 1982, without a vote. See chap. VIII.

91/ E/CN.4/1492 and Add.1.

2. Decides to extend for one year the term of the Working Group's mandate, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980;

3. Requests the Working Group to submit to the Commission, at its thirty-ninth session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, inter alia, to protect persons providing information, or to limit the dissemination of information provided by Governments;

4. Renews its request to the Secretary-General to appeal to all Governments to co-operate in a spirit of complete confidence with the Working Group;

5. Further requests the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner, and if necessary to make the necessary arrangements to ensure the continuity of the Secretariat's work;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-ninth session;

7. Decides to consider this question at its thirty-ninth session under a sub-item of the agenda entitled "Question of enforced or involuntary disappearances".

1982/25. Question of human rights in Chile 92/

The Commission on Human Rights,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and determined to remain vigilant with regard to violations of human rights wherever they occur,

Recalling its resolutions 11 (XXXV) of 6 March 1979, 21 (XXXVI) of 29 February 1980 and 9 (XXXVII) of 26 February 1981, General Assembly resolution 36/157 of 16 December 1981 and General Assembly resolution 33/173 of 20 December 1978 on disappeared persons, which resolutions bear witness to the concern of the United Nations at the human rights situation in Chile,

Realizing that the developments over the past year still warrant the attention of the General Assembly and the Commission on Human Rights,

Decides

92/ Adopted at the 56th meeting on 10 March 1982, by a roll-call vote of 28 to 6, with 8 abstentions. See chap. III.

Disturbed at the conclusion of the Special Rapporteur that it is not possible to report any improvement in the human rights situation in Chile but that on the contrary the situation has deteriorated in certain respects and that none of the appeals by the General Assembly and the Commission on Human Rights have been heeded,

Convinced that the new constitution in force in Chile as from 11 March 1981, which was prepared with a lack of popular participation, not only fails to guarantee, but in certain respects allows interferences with, human rights and fundamental freedoms,

Having taken note of the reports by the Special Rapporteur on the situation of human rights in Chile, 93/

1. Commends the Special Rapporteur on his reports prepared in accordance with Commission on Human Rights resolution 9 (XXXVII) of 26 February 1981;

2. Reiterates its serious concern at the persistence and, in certain respects, the deterioration of the situation of human rights in Chile, as indicated by the Special Rapporteur, and particularly:

(a) The disruption of the traditional democratic legal order and its institutions by maintenance and expansion of the emergency legislation and the promulgation of a constitution that fails to reflect a freely expressed popular will, and whose provisions waive, suspend or restrict the enjoyment or the exercise of human rights and fundamental freedoms;

(b) The intensification of practices such as arbitrary detention and confinement in secret places, often accompanied by torture and inhuman or degrading treatment which, on occasion, result in unexplained deaths;

(c) The persecution, intimidation and imprisonment, as well as the banishment and forced exile of a number of persons who participate in trade union, academic, cultural and humanitarian activities;

3. Reiterates also its great concern at the fact that the remedies of habeas corpus or amparo prove to be not effective owing to the fact that the judiciary in Chile does not fully exercise its powers in this respect and performs its functions with utmost restrictions, as well as at the recent dismissal of legal proceedings against members of the uniformed services accused of the death and disappearance of persons;

93/ A/36/594 and E/CN.4/1484.

4. Repeats its urgent appeal to the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps that could enable the Commission on Human Rights to consider terminating the mandate of the Special Rapporteur:

(a) To put an end to the state of emergency, under which continued human rights violations occur, and to restore the democratic institutions and constitutional guarantees formerly enjoyed by the Chilean people;

(b) To put an end to arbitrary detentions, physical or psychological intimidations and prosecution of persons who exercise their right to freedom of expression and opinion, including the right to petition;

(c) To respect the human rights of persons detained for political reasons and to separate them from those detained for criminal offences;

(d) To take effective measures to guarantee the right to life and to prevent persecution and intimidation as well as torture and other forms of cruel, inhuman or degrading treatment resulting, inter alia, in unexplained deaths and to prosecute and punish those responsible for such practices;

(e) To investigate and clarify the fate of persons who have disappeared for political reasons, to inform the relatives of those persons of the outcome of the investigation and to prosecute and punish those responsible for such disappearances;

(f) To restore fully trade union rights, especially the freedom to form trade unions which can operate freely without governmental control and can exercise fully the right to strike;

(g) To re-establish the full enjoyment and exercise of civil and political rights and freedoms and to guarantee the freedom of assembly and association, and the freedom of Chilean citizens to reside in and freely to enter and leave the country, and to end the practice of banishments applied to nationals, a practice which amounts to forced exile from the country;

5. Rejects the attitude of the Chilean authorities in not co-operating with the Special Rapporteur and not complying with Chile's obligations under various international human rights instruments;

6. Decides to extend the mandate of the Special Rapporteur for one year and requests him to report on further developments in the situation of human rights in Chile to the General Assembly at its thirty-seventh session and the Commission on Human Rights at its thirty-ninth session;

7. Recommends to the Economic and Social Council that it make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

8. Decides to consider at its thirty-ninth session, as a matter of high priority, the question of the human rights situation in Chile.

1982/26. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights and fundamental freedoms in Poland 94/

The Commission on Human Rights,

Recalling the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, 95/

Conscious of its responsibility to promote and guarantee the maintenance of those principles and to ensure respect for human rights and fundamental freedoms for all,

Reiterating that all Member States have an obligation to protect human rights and fundamental freedoms and to carry out the obligations they have undertaken under the various international instruments in the field of human rights,

Determined to remain vigilant with regard to violations of human rights wherever they occur,

Aware of the fact that recent events in Poland have given rise to considerable humanitarian problems,

1. Expresses deep concern at the continued reports of widespread violations of human rights and fundamental freedoms in Poland, including the arbitrary arrest and detention of thousands of persons, denial of the right to freedom of expression and the right of peaceful assembly, suspension of the right to form and join independent trade unions, and at the imposition of severe punishment on persons accused of violating martial law;

2. Affirms the right of the Polish people to pursue its political, economic, social and cultural development, free from outside interference;

3. Notes that the Polish Authorities have stated their intention to terminate the restrictive measures imposed on the exercise of human rights and fundamental freedoms;

4. Expresses the hope that this stated intention will be realized in the very near future, particularly in relation to the release of all persons detained without charge, the review of severe prison sentences imposed in the context of the state of martial law in Poland, and the lifting of restrictions on the free flow of information;

5. Emphasizes the importance of the activities of the international and national humanitarian organizations operating in Poland;

94/ Adopted at the 58th meeting on 10 March 1982, by a roll-call vote of 19 to 13, with 10 abstentions. See chap. X.

95/ General Assembly resolution 217 A (III).

6. Decides to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its thirty-ninth session,

7. Requests the Government of Poland to extend its co-operation to the Secretary-General or the person designated by him;

8. Decides further to maintain the situation of human rights and fundamental freedoms in Poland under review as a matter of priority at its thirty-ninth session on the basis of the report of the Secretary-General or the person designated by him.

1982/27. 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 96/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights, 97/

Noting that it is imperative for all Member States of the United Nations to fulfil their obligations on the basis of international instruments to promote and encourage respect for human rights and fundamental freedoms for all individuals without distinction of any kind,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also General Assembly resolution 36/22 of 9 November 1981 on the practice of arbitrary or summary executions,

Taking into account resolution 8 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission expressed its profound concern for the perilous situation facing the Baha'is in Iran, and the note by the Secretary-General pursuant to that resolution, 98/

1. Expresses its deep concern at the continuing reports about grave violations of human rights and fundamental freedoms in Iran, such as summary and arbitrary executions;

96/ Adopted at the 59th meeting on 11 March 1982, by a roll-call vote of 19 to 9, with 15 abstentions. See chap. X.

97/ General Assembly 217 A (III)

98/ E/CN.4/1517.

2. Urges the Government of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property or other status;

3. Requests the Secretary-General to establish direct contacts with the Government of Iran on the human rights situation prevailing in that country and to continue his efforts to endeavour to ensure that the Baha'is are guaranteed full enjoyment of their human rights and fundamental freedoms;

4. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-ninth session a report compiled on the basis of all available information, including information on any direct contacts which he may have established with the Government of Iran concerning the general human rights situation prevailing in that country;

5. Invites the Government of Iran to extend its co-operation to the Secretary-General;

6. Decides to keep the situation of human rights and fundamental freedoms in Iran under consideration at its thirty-ninth session.

1982/28. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in El Salvador 99/

The Commission on Human Rights,

Recognizing the permanent validity under all circumstances of the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights, 100/

Reaffirming once again that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken through the various international instruments in this field,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures in order to restore respect for human rights and fundamental freedoms,

Recalling that in its resolutions 35/192 of 15 December 1980 and 36/155 of 16 December 1981, the General Assembly expressed its deep concern for the situation of human rights in El Salvador, especially in view of the death of thousands of people and the climate of repression and insecurity prevailing in that country,

99/ Adopted at the 59th meeting on 11 March 1982, by a roll-call vote of 25 to 5, with 13 abstentions. See chap. X.

100/ General Assembly resolution 217 A (III).

Recalling also its own resolution 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador,

Having carefully examined the report of the Special Representative, 101/ which confirms the persistence to this date of murders, abductions, terrorist acts and all grave violations of human rights and fundamental freedoms in El-Savador, perpetrated by governmental paramilitary organizations and other armed groups;

Noting in particular that the Special Representative, while noting the difficulties currently standing in the way of a normal functioning of justice in El Savador, underlines the general attitude of passivity and inactivity on the part of the present Salvadorian authorities with regard to the constant violations of human rights in that country,

Endorsing resolution 10 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which states that only respect for article 25 of the International Covenant on Civil and Political Rights 102/ will assure to the Salvadorian nation, through the participation of all its political forces, the full exercise of its fundamental rights in establishing a democratically elected government,

Bearing in mind that the situation in El Salvador, as clearly shown in the report of the Special Representative, has its root causes in internal political economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights, as contemplated by the Sub-Commission, do not exist at the present time,

Reiterating its appeal to the Salvadorian parties involved, made in its resolution 32 (XXXVII), to reach a peaceful settlement and put an end to violence in order to prevent further loss of lives and alleviate the suffering of the people of El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador;
2. Expresses its deepest concern at the deteriorating situation in El Salvador, at the continued violations of human rights and at the resulting suffering of the Salvadorian people, and regrets that the appeals for the cessation of violence made by the General Assembly, the Commission and the international community in general, have not been heeded;
3. Affirms that it is incumbent only on the Salvadorian people to exercise its right to determine freely its political status and freely pursue its economic, social and cultural development and to establish the conditions and undertake the changes most adequate to its aspirations as a people and as a nation without direct or indirect external interference of any kind;

101/ E/CN.4/1502.

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

4. Reiterates the appeal made by the General Assembly to the Government of El Salvador to work together with all representative political forces in El Salvador towards a comprehensive negotiated political solution in order to establish, in an atmosphere free from intimidation and terror, the appropriate conditions for the establishment of a democratically elected Government;

5. Draws again to the attention of all Salvadorian parties concerned that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 103/ on the laws of war, are applicable to armed conflicts not of an international character and requests all parties to the conflicts to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

6. Recalls that in its resolution 36/155 the General Assembly reiterated its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support, so as to allow the political forces in that country to restore peace and security;

7. Calls upon all Salvadorian parties concerned to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population in El Salvador;

8. Strongly urges the Government of El Salvador to take the necessary steps to ensure full respect for human rights and fundamental freedoms in the country;

9. Decides to extend the mandate of the Special Representative for another year and requests him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session;

10. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

11. Calls upon the Government of El Salvador as well as all other parties to extend their co-operation to the Special Representative of the Commission;

12. Decides to consider the question of human rights in El Salvador at its thirty-ninth session as a matter of high priority.

1982/29. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: summary or arbitrary executions 104/

The Commission on Human Rights,

1. Recommends the following resolution for adoption by the Economic and Social Council:

[For the text, see chapter I, section A, draft resolution II.]

103/ United Nations, Treaty Series, vol. 75, Nos. 970-973, p.31 et seq.

104/ Adopted at the 59th meeting on 11 March 1982 by 33 votes to 1, with 8 abstentions. See chap. X.

1982/30. 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 105/

The Commission on Human Rights,

Recalling that the General Assembly, in the Universal Declaration of Human Rights, 106/ proclaimed that every individual and every organ of society, keeping the Declaration constantly in mind, should strive by teaching and education to promote respect for the rights and freedoms contained therein,

Noting that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights 107/ affirm that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights and freedoms recognized in the Covenants,

Reaffirming its resolution 5 (XXXIII) of 28 February 1977, in which it decided to deal, on an equal basis, with violations of economic, social and cultural rights, and with civil and political rights,

Bearing in mind that the Economic and Social Council and the Commission on Human Rights have repeatedly and consistently emphasized the importance of the role of individuals, groups and organs of society in the promotion and protection of human rights,

Recalling its resolution 23 (XXXVI) of 29 February 1980, in which the Commission, inter alia, appealed to all Governments to encourage and support individuals, groups and organs of society exercising their right and responsibility to promote the effective observance of human rights without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights,

Recalling also its resolution 28 (XXXVII) of 11 March 1981, which was adopted without a vote,

Deploring, whenever they occur, and without prejudice to either article 4 or article 5 of the International Covenant on Civil and Political Rights, all attempts to prevent individuals, groups or organs of society from promoting and protecting the enjoyment of universally-recognized human rights and fundamental freedoms, whether civil, political, economic, social or cultural,

105/ Adopted at the 59th meeting on 11 March 1982, without a vote,
See chap. X.

106/ General Assembly resolution 217 A (III).

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

1. Reiterates the right and responsibility of individuals, groups and organs of society to promote and protect the rights recognized in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and all other relevant international instruments, without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights;

2. Emphasizes that in the exercise of these rights and freedoms, the individual shall be subject only to such limitations as are determined in the Charter of the United Nations, the Universal Declaration of Human Rights, and the Covenants on Human Rights, and other relevant instruments, and that the imposition of other limitations or the persecution or punishment of anyone exercising, individually or collectively, his universally-recognized human rights and fundamental freedoms is at variance with the obligations of States under these instruments to work for the full and effective enjoyment of human rights and fundamental freedoms;

3. Requests the Secretary-General to present to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fifth session, elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms;

4. Further requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the basis of these elements, to prepare, for submission to the Commission at its fortieth session, a report containing principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms taking into account the particular responsibility of States in protecting human rights as well as civil, political, economic, social and cultural rights;

5. Decides to undertake, at its fortieth session, on the basis of the Sub-Commission's report, and as a matter of priority, work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms.

1982/31. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Guatemala 108/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 109/ and the International Covenants on Human Rights, 110/

Recalling its decision 12 (XXXV) of 14 March 1979, and its resolutions 32 (XXXVI) of 11 March 1980 and 33 (XXXVII) of 11 March 1981,

108/ Adopted at the 59th meeting on 11 March 1982, by a roll-call vote of 29 to 2, with 12 abstentions. See chap. X.

109/ General Assembly resolution 217 A (III).

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

Noting General Assembly decision 36/435 of 16 December 1981,

Taking into account the information on the human rights situation in Guatemala contained in the Secretary-General's note of 31 December 1981, 111/

Deploring that the Government of Guatemala has not co-operated with the Secretary-General in his efforts to establish direct contacts with the Government of Guatemala so that the Commission may be more fully informed about the human rights situation in that country,

Noting the assurances given by the Government of Guatemala during the thirty-eighth session of the Commission that it will be co-operative in this regard in the future,

1. Expresses its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Guatemala;
2. Requests the Chairman to appoint, after consultation within the Bureau, a Special Rapporteur of the Commission whose mandate will be to make a thorough study of the human rights situation in Guatemala, based on all information which he may deem relevant, including any comments and information which the Government of Guatemala may wish to submit, to be presented to the Commission at its thirty-ninth session;
3. Requests the Government of Guatemala to extend its full co-operation to the Special Rapporteur;
4. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission;
5. Decides to continue the examination of the situation of human rights and fundamental freedoms in Guatemala at its thirty-ninth session.

1982/32. 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: human rights and mass exoduses 112/

The Commission on Human Rights,

Mindful of its mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all,

Mindful that human rights violations are among the principal causes of massive exoduses,

Recalling its resolution 30 (XXXVI) of 11 March 1980, General Assembly resolution 35/196 of 15 December 1980 and Commission resolution 29 (XXXVII) of 11 March 1981 on the question of human rights and massive exoduses,

Noting General Assembly resolution 35/124 of 11 December 1980 and 36/148 of 16 December 1981 on international co-operation to avert new massive flows of refugees,

111/ E/CN.4/1501.

112/ Adopted at the 59th meeting on 11 March 1982, without a vote. See chap. X.

Having in mind General Assembly resolution 32/130 of 16 December 1977 and Commission resolution 4 (XXXIII) of 21 February 1977 on the full realization of economic, social and cultural rights,

Taking into account General Assembly resolution 36/225 of 17 December 1981 on strengthening the capacity of the United Nations system to respond to natural disasters and other disaster situations and bearing in mind all relevant General Assembly resolutions concerning international efforts to meet humanitarian needs in emergency situations,

Taking note of General Assembly resolution 36/136 of 14 December 1981 on a new international humanitarian order,

Disturbed by the continuing scale and magnitude of the exoduses and displacements of populations in many regions of the world,

Gravely concerned at the human suffering of the millions of refugees and displaced persons in all regions of the world,

Noting the heavy burden imposed upon the international community as a whole by these sudden and massive movements of population and more particularly on developing countries with limited resources of their own,

Recalling the fundamental principles established for the international protection of refugees and the necessity that these principles be fully respected and maintained,

1. Commends the Special Rapporteur for the study on human rights and massive exoduses, 113/
2. Requests the Secretary-General to transmit the study to the General Assembly for consideration at its thirty-seventh session;
3. Requests the Secretary-General to bring the study as soon as possible to the attention of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, established by the General Assembly by its resolution 36/148 of 16 December 1981;
4. Invites interested Governments, United Nations agencies or departments concerned, specialized agencies, international organizations and non-governmental organizations to communicate their views on the study and the recommendations contained therein to the Secretary-General;
5. Requests the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study, to explore further with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study and to remain available for consultations with the Group of Governmental Experts as required;
6. Decides to review the question of human rights violations and mass exoduses at its thirty-ninth session.

1982/33. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Bolivia 114/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights, 115/

Conscious of its responsibility to remain fully informed about violations of human rights and fundamental freedoms wherever they occur,

Recalling its resolution 34 (XXXVII) of 11 March 1981, providing for the appointment of a Special Envoy to carry out a thorough study of the human rights situation in Bolivia,

Having carefully examined the study of the Special Envoy 116/ and the observations of the Government of Bolivia, 117/

Noting the conclusion of the Special Envoy that, following 17 July 1980, grave, massive and persistent violations of human rights occurred in Bolivia,

Noting also the observations of the Government of Bolivia and especially the conclusion of the Special Envoy that there has been, since 4 September 1981, an improvement in the situation of human rights in Bolivia,

Requesting the Government of Bolivia to expedite its legal studies preparatory to signing and ratifying a number of international human rights instruments, in particular the International Covenant on Civil and Political Rights,

Expressing the hope that the process of restoring respect for human rights and fundamental freedoms will continue unimpeded,

Convinced that the continued attention of the United Nations is warranted in order to monitor developments in the situation of human rights in Bolivia,

Welcoming the co-operation extended by the Bolivian Government to the Special Envoy,

1. Expresses its deep concern over the grave, massive and repeated violations of human rights which took place in Bolivia after 17 July 1980;
2. Expresses further its satisfaction that an improvement in the human rights situation in Bolivia has taken place since 4 September 1981;
3. Urges the Bolivian Government to take further practical measures to implement its stated resolve to ensure full respect for human rights and fundamental freedoms;

114/ Adopted at the 59th meeting on 11 March 1982, without a vote. See chap. X.

115/ General Assembly resolution 217 A (III).

116/ E/CN.4/1500.

117/ E/CN.4/1500/Add.1.

4. Requests the Secretary-General to provide advisory services and other forms of appropriate assistance requested by the Government of Bolivia to help the Government to continue to take appropriate measures guaranteeing the enjoyment of human rights and fundamental freedoms;

5. Decides to extend the mandate of the Special Envoy for another year and requests him to report to the Commission at its thirty-ninth session;

6. Invites the Government of Bolivia to continue, as in the recent past, its active co-operation with the Special Envoy of the Commission;

7. Requests the Secretary-General to give all necessary assistance to the Special Envoy;

8. Decides to consider the report of the Special Envoy of the Commission at its thirty-ninth session.

1982/34. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation in Equatorial Guinea 118/

The Commission on Human Rights,

Recalling its resolutions 15 (XXXV) of 13 March 1979, 33 (XXXVI) of 11 March 1980 and 31 (XXXVII) of 11 March 1981 on the situation of human rights in Equatorial Guinea,

Further recalling that the Economic and Social Council, in its resolution 1981/38 of 8 May 1981, expressed its readiness to assist the Government of Equatorial Guinea, at its request, in the task of restoring human rights in Equatorial Guinea and requested the Secretary-General to draw up a plan of action aimed at the implementation of recommendations 119/ submitted by Professor Fernando Volio Jiménez, the expert appointed by the Secretary-General in pursuance of Commission resolution 33 (XXXVI),

Noting that the Economic and Social Council, in its decision 1981/167 of 16 July 1981, invited the Commission on Human Rights to examine at its thirty-eighth session the draft plan of action prepared by the Secretary-General,

1. Takes note of the report of the Secretary General 120/ submitted in accordance with Economic and Social Council resolution 1981/38;

2. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chapter I, section A, draft resolution III.]

118/ Adopted at the 59th meeting on 11 March 1982, without a vote. See chap. X.

119/ See E/CN.4/1439 and Add.1.

120/ E/CN.4/1495.

1982/35. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 121/

The Commission on Human Rights,

Convinced of the urgent need to adopt a comprehensive convention on the protection of the rights of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, in which the Assembly decided to create, at its thirty-fifth session, a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolution 35/198 of 15 December 1980, in which the Assembly noted with satisfaction that the Working Group had been able to commence its work during the thirty-fifth session in accordance with its terms of reference,

Further recalling General Assembly resolution 36/160 of 16 December 1981, in which the Assembly took note of the report of the open-ended Working Group 122/ and expressed its satisfaction with the substantial progress that the Working Group had so far made in the accomplishment of its mandate,

Noting that the General Assembly decided that, in order to enable the Working Group to complete its task as soon as possible, the Working Group would hold again an intersessional meeting of two weeks duration in New York, in May 1982, immediately after the first regular session of the Economic and Social Council,

1. Welcomes the progress made so far by the Working Group in the elaboration of the convention;
2. Invites all Member States to co-operate fully with the Working Group in the discharge of its mandate;
3. Expresses the hope that the General Assembly will complete the elaboration of the convention as soon as possible;
4. Requests the Secretary-General to inform the Commission at its thirty-ninth session on further progress achieved in this regard under the item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

1982/36. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service 123/

The Commission on Human Rights,

Recalling that the Charter of the United Nations expresses the determination to save succeeding generations from the scourge of war and to promote social progress and development,

121/ Adopted at the 60th meeting on 11 March 1982, by a roll-call vote of 39 to none, with 3 abstentions. See chap. XII.

122/ A/C.3/36/10.

123/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. XV.

Noting that the United Nations is also called upon to promote universal respect for and observance of human rights and fundamental freedoms for all, better standards of living, full employment of the population and favourable conditions for economic and social progress and development,

Recognizing the great importance of the role of youth in the all-round development of each country,

Reaffirming the need to educate young people in the ideals of peace and mutual understanding among nations, respect for human rights and fundamental freedoms and dedication to the aims of social progress and development,

Considering that States should take action for the realization by youth of all their human rights and fundamental freedoms, including the right to education and the right to work, so that young people may really play an active role in the political, economic and social development of their country,

Welcoming the designation of 1985 by the General Assembly of the United Nations as International Youth Year under the motto "Participation, Development, Peace",

Recognizing that the preparation and holding of International Youth Year will create favourable opportunities for drawing attention to the situation, specific needs and aspirations of young people and for mobilizing efforts to create optimum conditions for securing for youth all of their human rights and fundamental freedoms, including the right to education and the right to work,

1. Emphasizes the important role of young people in the promotion of their country's political, economic and social development, and especially in efforts to overcome such obstacles to political, social and economic development as colonialism and neo-colonialism, all forms of racial discrimination, racism and apartheid, foreign domination and occupation, aggression, and threats to national sovereignty, national unity and territorial integrity, denial of the exercise of human rights and fundamental freedoms and of recognition of the right of peoples to self-determination and to the exercise of full sovereignty over their natural wealth and resources;

2. Calls upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all of their human rights and fundamental freedoms, including the right to education and work, with a view to creating conditions for the active participation of young people in the formulation and implementation of programmes for the economic and social development of their country;

3. Requests the Secretary-General to submit to the Commission on Human Rights a progress report on the implementation of the Programme of Measures and Activities in connection with International Youth Year;

4. Decides to examine at its fortieth session the question of the exercise by youth of all their human rights and fundamental freedoms, including the right to education and to work.

1982/37. Advisory services in the field of human rights:
assistance to Uganda 124/

The Commission on Human Rights,

Recalling General Assembly resolutions 35/103 of 5 December 1980 and 36/218 of 17 December 1981 on assistance for the reconstruction, rehabilitation and development of Uganda, as well as its own resolution 30 (XXXVII) of 11 March 1981,] and Economic and Social Council decision 1981/146 of 8 May 1981,

Considering the need to take into due account the importance of assistance designed to help the Government of Uganda to continue guaranteeing the enjoyment of human rights and fundamental freedoms,

Mindful of the needs in the area of human rights indicated by the Government of Uganda in respect of which assistance could be provided,

Noting with satisfaction the efforts made by the Government of Uganda to restore in that country a democratic system respectful of human rights and fundamental freedoms,

Welcoming the endeavours of the Government and people of Uganda aimed at the reconstruction, rehabilitation and development of their country,

1. Requests the Secretary-General rapidly to establish contact with the Government of Uganda in order to provide, within the framework of the programmes of advisory services, all appropriate assistance to help the Government of Uganda to take measures to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the following matters;

(a) The need for appropriate assistance to restore a law library for the High Court and Ministry of Justice;

(b) The need for a qualified and experienced expert to serve as Commissioner for the revision of Ugandan law, in conformity with recognized norms of human rights and fundamental freedoms, and the printing of consolidated volumes of the revised laws;

(c) The need for the training of prison officers with a view to securing the application of recognized norms of treatment of prisoners;

(d) The need for the training of police officials, particularly investigative and scientific experts;

2. Invites all States, specialized agencies and United Nations organs, as well as humanitarian and non-governmental organizations, to lend their support and assistance to the Government of Uganda in its efforts to guarantee the enjoyment of human rights and fundamental freedoms;

3. Decides to review this question at its thirty-ninth session under the item "Advisory services in the field of human rights" in the light of the report of the Secretary-General on the implementation of this resolution;

124/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. XXI.

4. Recommends to the Economic and Social Council the adoption of the following decision:

[For the text, see chapter I, section B, draft decision 14.]

1982/38. Rights of persons belonging to national, ethnic, religious and linguistic minorities 125/

The Commission on Human Rights,

Recalling its resolution 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980 and 21 (XXXVII) of 10 March 1981,

Having taken cognizance of the report of the Working Group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, 126/

1. Decides to consider at its thirty-ninth session the item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";
2. Decides to establish at its thirty-ninth session an open-ended working group in order to continue consideration of the revised draft declaration proposed by Yugoslavia, 127/ taking into account all relevant documents.

1982/39. Question of a convention on the rights of the child 128/

The Commission on Human Rights,

Having in mind the draft convention on the rights of the child submitted by Poland on 7 February 1978, 129/ the amended version of the draft submitted on 5 October 1979 130/ and the document submitted by Poland on 7 October 1981, 131/

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979 and 35/131 of 11 December 1980, as well as resolution 36/57 of 25 November 1981, by which the Assembly requested the Commission on Human Rights to continue to give the highest priority to the question of completing the draft convention on the rights of the child,

Recalling also its resolutions 20 (XXXIV) of 8 March 1978, 19 (XXXV) of 14 March 1979, 36 (XXXVI) of 12 March 1980 and 26 (XXXVII) of 10 March 1981, as well as Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978, and Council decision 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981,

125/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. XIX.

126/ E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect. D.

127/ E/CN.4/Sub.2/L.734.

128/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. XI.

129/ Commission on Human Rights resolution 20 (XXXIV), annex.

130/ E/CN.4/1349.

131/ A/C.3/36/6.

Noting with satisfaction the considerable progress made by the open-ended working group during its one week of negotiations prior to the thirty-eighth session of the Commission and during the present session,

Noting also the widespread interest in working out a truly comprehensive international convention on the rights of the child displayed so far by the representatives of numerous countries and international organizations,

1. Decides to continue at its thirty-ninth session, as a matter of high priority, its work on a draft convention on the rights of the child, with a view to completing the elaboration of the convention at that session for transmission to the General Assembly through the Economic and Social Council;

2. Requests the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the thirty-ninth session of the Commission on Human Rights to facilitate completion of the work on a draft convention on the rights of the child;

3. Recommends that the Economic and Social Council should adopt the following resolution:

[For the text, see chapter I, section A, draft resolution IV.]

1982/40. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 132/

The Commission on Human Rights,

Recalling General Assembly resolution 34/46 of 23 November 1979, 35/1974 of 15 December 1980 and 36/133 and 36/135 of 14 December 1981,

Taking into account the concepts contained in General Assembly resolution 32/130 of 16 December 1977,

Bearing in mind the measures taken by the Economic and Social Council in its resolution 1979/36 of 10 May 1979,

Recalling also its resolution 23 (XXXVII) of 10 March 1981, in which it decided to continue, at its thirty-eighth session, its ongoing work on the overall analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Cognizant of the contribution that this ongoing work can make to the efforts within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

132/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. IX.

Attaching importance to improving the functioning of the existing system of United Nations organs dealing with human rights,

1. Takes note with satisfaction of the report of the open-ended working group 133/ established at its thirty-eighth session;
2. Decides to recommend to the Economic and Social Council that it consider, at its first regular session in 1982, the possibility of rescheduling the annual session of the Commission and, if necessary, the Sub-Commission, with a view to enabling the Commission to meet later in the year;
3. Decides to consider at its thirty-ninth session the possibility of rationalizing its agenda and to this end to establish during the session an informal group of ten members to consider what might be done to that effect with regard to the agenda for the fortieth session;
4. Requests the informal group to take into account the report of the open-ended working group established at its thirty-eighth session;
5. Decides also to consider at its thirty-ninth session the elaboration of its programme and methods of work, bearing in mind the concepts set forth in existing human rights instruments and relevant General Assembly resolutions, including General Assembly resolution 32/130.
6. Decides to consider at its thirty-ninth session, when considering its organization of work, the question of a time-limit on statements in order to ensure that adequate time is made available for the consideration of all items;
7. Decides to examine, at its thirty-ninth session, the organization and functioning of open-ended working groups;
8. Decides, in response to General Assembly resolution 36/135, to inform the General Assembly, through the Economic and Social Council, that it intends to keep under continued consideration the proposal for the creation of a post of a United Nations High Commissioner for Human Rights, taking into account the work being undertaken in implementation of its resolution 1982/22 of 10 March 1982;
9. Decides to establish an open-ended working group, at its thirty-ninth session, to continue the ongoing work on overall analysis;
10. Requests the Secretary-General to bring the present resolution and the relevant chapter of its report on the thirty-eighth session to the attention of the General Assembly through the Economic and Social Council;

1982/41. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 134/

The Commission on Human Rights,

Recalling its resolution 20 (XXXVII) of 10 March 1981, by which it recommended, through the Economic and Social Council, the draft declaration on the elimination

133/ E/1982/12/Add.1-E/CN.4/1982/30/Add.1, sect. B.

134/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. IX.

of all forms of intolerance and of discrimination based on religion or belief to the General Assembly for adoption,

Expressing its deepest satisfaction at the adoption of the Declaration by the General Assembly, 135/

Mindful of its resolutions 23 (XXXV) of 14 March 1979, 24 (XXXVI) of 11 March 1980 and 24 (XXXVII) of 10 March 1981 on the development of public information activities in the field of human rights, as well as of the world-wide programme for the dissemination of basic international instruments on human rights currently being implemented by the Secretary-General,

1. Requests the Secretary-General, within the world-wide programme for the dissemination of basic international instruments on human rights, to disseminate widely, as a matter of priority and in as many languages as possible, the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

2. Further requests the Secretary-General to issue, as soon as possible, a pamphlet containing the text of the Declaration, together with the relevant articles of the Universal Declaration of Human Rights 136/ and the International Covenant on Civil and Political Rights, 137/ in the six official languages of the United Nations, and to give the widest dissemination to this pamphlet.

1982/42. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms: development of public information activities in the field of human rights 138/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXV), of 14 March 1979, 24 (XXXVI) of 11 March 1980 and 24 (XXXVII) of 10 March 1981, as well as Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights,

Noting General Assembly resolution 36/58 of 25 November 1981 on the status of the International Covenants on Human Rights,

Taking into account General Assembly resolutions 34/182 of 18 December 1979, 35/201 of 16 December 1980 and 36/149 of 16 December 1981 on questions relating to information,

Appreciative of the reports of the Secretary-General on measures taken to enhance public information activities in the field of human rights, 139/

135/ General Assembly resolution 36/55.

136/ General Assembly resolution 217 A (III).

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

138/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. IX.

139/ E/CN.4/1368, E/CN.4/1436, E/CN.4/1496.

Reaffirming its belief that progress in the promotion and protection of human rights is assisted by programmes of teaching, education and information in the field of human rights,

Noting that activities to improve publicity in the field of human rights are an essential part of the endeavour to fulfil the purposes of the United Nations as set out in Article 1, paragraph 3, of the Charter of the United Nations,

Recognizing that the United Nations system has a special responsibility under the Charter to be a centre for harmonizing actions towards these ends,

Welcoming the commemoration in 1983 of the thirty-fifth anniversary of the adoption of the Universal Declaration of Human Rights, 140/

1. Requests all Governments to continue their consideration of action to facilitate publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights on the setting and implementation of human rights standards;

2. Invites the Secretary-General to give increased attention to ways of facilitating the stimulation of public interest in the promotion and protection of human rights, particularly in the light of the commemoration of the thirty-fifth anniversary of the Universal Declaration of Human Rights, and to report thereon to the Commission at its thirty-ninth session;

3. Welcomes the launching in the 1982-1983 biennium of the proposed dissemination programme covering international instruments on human rights and requests the Secretary-General to report each year to the Commission on the implementation of this programme;

4. Recommends in this regard that the United Nations develop a compilation of translations, including translations in languages other than official United Nations languages, of international instruments on human rights, particularly the International Covenants on Human Rights, and invites those Governments which have authorized translations to forward copies to the Division on Human Rights;

5. Requests the Secretary-General to consider establishing small reference libraries containing material of scholarly and public interest in the field of human rights in United Nations offices, giving priority to establishing such libraries in developing countries;

6. Requests the Secretary-General to keep the Commission informed on the elaboration and implementation of the programmes referred to in his reports, as well as his response to the request in paragraph 5 of the present resolution;

7. Decides to continue its consideration of this question at its thirty-ninth session under the item "Further promotion and encouragement of human rights and fundamental freedoms".

1982/43. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment: the United Nations Voluntary Fund for Victims of Torture 141/

The Commission on Human Rights,

Bearing in mind its resolution 35 (XXXVII) of 11 March 1981,

140/ See General Assembly resolutions 217 A (III) and 32/123.

141/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. VIII.

Recalling General Assembly resolution 36/151 of 16 December 1981, by which the Assembly decided to establish a United Nations Voluntary Fund for Victims of Torture,

Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

Further noting with deep concern that acts of torture take place in various countries,

Recognizing the need to provide assistance to the victims of torture in a purely humanitarian spirit,

1. Calls upon all Governments in a position to do so to respond favourably to requests for contributions to the Fund;

2. Requests the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund.

1982/44. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: torture and other cruel, inhuman or degrading treatment or punishment 142/

The Commission on Human Rights,

Having in mind General Assembly resolution 36/60 of 25 November 1981, by which the Commission was requested to complete, as a matter of the highest priority, at its thirty-eighth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1981/37 of 8 May 1981, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the Commission's thirty-eighth session to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that such a draft convention was discussed in a working group prior^o to and during the thirty-eighth session of the Commission but that it was not found possible to complete the work during that session,

Noting with satisfaction the progress made by the open-ended working group on the draft convention during the thirty-eighth session,

Desiring to make arrangements to expedite the work on the draft convention with a view to its early adoption,

1. Recognizes that it is advisable to continue the work on the draft convention in a working group which should meet before the thirty-ninth session of the Commission;

2. Decides to accord the highest priority to the consideration of this question at its thirty-ninth session;

3. Recommends that the Economic and Social Council should adopt the following resolution:

[For the text, see chapter I, section A, draft resolution V.]

142/ Adopted at the 60th meeting on 11 March 1982, without a vote. See chap. VIII.

B. Decisions

1982/101. Organization of work 143/

(a) The Commission decided to set up informal open-ended working groups for the consideration of agenda items 10 (a), 11, 13 and 21.

(b) The Commission also decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. Abdoulaye Dieye, Special Rapporteur of the Commission on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. Annan Arkyn Cato, Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (iii) In connection with item 10 (b): Viscount Colville, Chairman-Rapporteur of the Working Group on enforced or involuntary disappearances;
- (iv) In connection with item 12: Mr. Hector Gros Espiell, Special Envoy of the Commission to study the human rights situation in Bolivia;
- (v) In connection with item 12: Mr. José Pastor Ridruejo, Special Representative of the Commission on the situation of human rights in El Salvador;
- (vi) In connection with item 12: Prince Sadruddin Aga Khan, Special Rapporteur of the Commission to study the question of human rights and massive exoduses;
- (vii) In connection with item 12 (b): representatives of States in respect of which situations are being considered under Economic and Social Council resolution 1503 (XLVIII);
- (viii) In connection with item 20: Mr. Abdelwahab Boudhiba, Special Rapporteur of the Sub-Commission on the exploitation of child labour.

143/ Adopted at the 4th meeting, on 3 February 1982. See chap. XXVII.

1982/102. Question of human rights in Cyprus 144/

The Commission decided that the debate under item 12 (a) entitled "Question of human rights in Cyprus" be postponed to the thirty-ninth session of the Commission, with due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject continue to remain operative including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

1982/103. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 145/

The Commission decided, subject to approval by the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to the thirty-ninth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.

1982/104. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation: postponement of action on draft resolution E/CN.4/1982/L.21 and the amendments to that draft resolution contained in documents E/CN.4/1982/L.30, E/CN.4/1982/L.32 and E/CN.4/1982/L.34 146/

The Commission decided to postpone action on draft resolution E/CN.4/1982/L.21 and on the amendments to that draft resolution contained in documents E/CN.4/1982/L.30, E/CN.4/1982/L.32 and E/CN.4/1982/L.34.

1982/105. Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences 147/

The Commission decided to defer further discussion and action on the item entitled "Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences" to its thirty-ninth session when the item would be taken up as a matter of high priority.

144/ Adopted at the 59th meeting, on 11 March 1982, without a vote. See chap. X.

145/ Adopted at the 51st meeting, on 5 March 1982, without a vote. See chap. X.

146/ Adopted at the 60th meeting, on 11 March 1982, without a vote. See chap. VII.

147/ Adopted at the 60th meeting, on 11 March 1982, without a vote. See chap. XX.

1982/106. Appointment of the Chairman of the Commission's Ad Hoc Working Group of Experts on Violations of Human Rights in Southern Africa 148/

The Commission decided to appoint Mr. Annan A. Cato to succeed Mr. Keba Mbaye as Chairman of the Commission's Ad Hoc Working Group of Experts on Violations of Human Rights in Southern Africa.

1982/107. Composition of the Group of Three members of the Commission, who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid, to consider reports submitted by States parties in accordance with article VII of the Convention 149/

The Commission took note of the announcement by the Chairman that the representatives of Bulgaria, Mexico and Zaire would form the Group of Three members of the Commission, who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid, to consider reports submitted by States parties in accordance with article VII of the Convention.

1982/108. Draft provisional agenda for the thirty-ninth session 150/

The Commission took note of the draft provisional agenda for the thirty-ninth session.

1982/109. Expression of gratitude and appreciation to Mr. Theo C. van Boven 151/

The Commission on Human Rights decided to express its gratitude and appreciation to Mr. Theo C. van Boven for his service to the Commission and for his dedication to the cause of human rights.

148/ Adopted at the 62nd meeting, on 12 March 1982, without a vote. See chap. IV.

149/ Adopted at the 62nd meeting, on 12 March 1982, without a vote. See chap. XIV.

150/ Adopted at the 62nd meeting, on 12 March 1982, without a vote. See chap. XXIV.

151/ Adopted at the 62nd meeting, on 12 March 1982, without a vote. See chap. XXVII.

XXVII. ORGANIZATION OF THE THIRTY-EIGHTH SESSION

A. Opening and duration of the session

438. The Commission on Human Rights held its thirty-eighth session at the United Nations Office at Geneva from 1 February to 12 March 1982.

439. The session was opened (1st meeting) by Mr. Carlos Calero-Rodrigues (Brazil), Chairman of the Commission at its thirty-seventh session, who made a statement in the course of which he welcomed the following members of the Commission elected or re-elected for a three-year term by the Economic and Social Council on 7 May 1981 (Council decision 1981/134) - Argentina, Bulgaria, Canada, China, Cuba, Gambia, Germany, Federal Republic of, Italy, Japan, Pakistan, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zimbabwe - and informed the Commission on his intersessional activities. The Director-General of the United Nations Office at Geneva welcomed the participants on behalf of the Secretary-General. The Director of the Division of Human Rights then made a statement.

B. Attendance

440. The session was attended by representatives of 43 States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

441. At its 1st meeting, on 1 February 1982, the Commission elected the following officers by acclamation:

Chairman:	Mr. Ivan Garvalov	(Bulgaria)
Vice-Chairmen: <u>1/</u>	Mr. Anisse Salah-Bey	(Algeria)
	Mr. Andreas Ch. Poyouros	(Cyprus)
	Mr. Peter H. Kooijmans	(Netherlands)
Rapporteur:	Mr. Alberto Luis Davérède	(Argentina)

D. Agenda

442. The Commission had before it the provisional agenda for the thirty-eighth session (E/CN.4/1480) drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its thirty-seventh session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

1/ The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

443. At its 1st meeting, the Commission considered and adopted the provisional agenda. The agenda, as adopted, is given in annex II below.

E. Organization of work

444. At its 1st, 2nd, 3rd and 4th meetings, the Commission considered the organization of its work. Bearing in mind the respective priority of the various items and the availability of the relevant documentation, the Commission accepted a recommendation by its officers to the effect that the following items should be considered jointly: items 6, 7, 16 and 18; items 8 and 19; items 10 and 10 (b); items 23 and 24. It was also agreed that members could address themselves to item 9 when considering item 4. The Commission further agreed to consider the items on its agenda in the following order: 4; 15; 11; 6, 7, 16 and 18; 9; 8 and 19; 20; 10 and 10 (b); 5; 12; 14; 17; 23 and 24; 11; 21; 13; 10 (a); and 25 and 26.

445. At its 3rd meeting, on 2 February 1982, the Commission decided to adjourn the debate on a draft decision (E/CN.4/1982/L.1 of 2 February 1982) submitted by the delegations of Australia, Canada, Denmark, Federal Republic of Germany, France, Italy, Japan, Netherlands, United Kingdom and United States of America until the Commission took up item 12 of its agenda. ^{2/} At the 51st meeting, on 5 March 1982, the Secretary of the Commission announced that the sponsors had withdrawn draft decision E/CN.4/1982/L.1.

446. At its 4th meeting, the Commission decided to establish informal open-ended working groups for the consideration of items 10 (a), 13, 11 and 21.

447. The Commission also decided (for the text of the decision, see chap. XXVI, sect. B, decision 1982/101) to invite the following persons to participate in its meetings:

(a) In connection with item 5, Mr. Abdoulaye Dièye, Special Rapporteur of the Commission on the situation of human rights in Chile (Commission resolution 9 (XXXVII) of 26 February 1981);

(b) In connection with item 6, Mr. Annan Arkyn Cato, Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa (Commission resolution 5 (XXXVII) of 23 February 1981);

(c) In connection with item 10 (b), Viscount Colville, Chairman-Rapporteur of the Working Group on enforced or involuntary disappearances (Commission resolution 10 (XXXVII) of 26 February 1981);

^{2/} The decision to adjourn the debate was adopted by a roll-call vote of 11 to none, with 14 abstentions, as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, India, Jordan, Mexico, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: China, Costa Rica, Fiji, Ghana, Pakistan, Panama, Peru, Philippines, Senegal, Uganda, Yugoslavia, Zaire, Zambia, Zimbabwe.

(d) In connection with item 12, Mr. Hector Gros Espiell, Special Envoy of the Commission to study the human rights situation in Bolivia (Commission resolution 34 (XXXVII) of 11 March 1981);

(e) In connection with item 12, Mr. José Antonio Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador (Commission resolution 32 (XXXVII) of 11 March 1981);

(f) In connection with item 12, Prince Sadruddin Aga Khan, Special Rapporteur of the Commission to study the question of human rights and massive exoduses (Commission resolution 29 (XXXVII) of 11 March 1981);

(g) In connection with item 12 (b), representatives of those States in respect of which situations are being considered under Economic and Social Council resolution 1503 (XLVIII);

(h) In connection with item 20, Mr. Abdelwahab Boudhiba, Special Rapporteur of the Sub-Commission on the exploitation of child labour (Sub-Commission resolution 18 (XXXIV)).

F. Meetings, resolutions and documentation

448. The Commission held 62 meetings.

449. The resolutions and decisions adopted by the Commission at its thirty-eighth session are contained in chapter XXVI of the present report. Draft resolutions and decisions for action by the Economic and Social Council and other matters of concern to the Council are set out in chapter I.

450. Annex III contains estimates of the programme budget implications of certain decisions.

451. Annex IV contains a list of documents submitted for the consideration of the Commission.

452. The reports of the informal open-ended working groups of the Commission under items 10 (a), 11, 13 and 21 are contained in an addendum to the present report (E/1982/12/Add.1-E/CN.4/1982/30/Add.1).

G. Other matters

453. At the 62nd meeting, on 12 March 1982, the Commission, by a decision, expressed its gratitude and appreciation to Mr. Theo C. van Boven for his service to the Commission and for his dedication to the cause of human rights. (For the text of the decision, see chap. XXVI, sect. B, decision 1982/109).

Annex I

ATTENDANCE

Members

Algeria

Mr. Anisse Salah-Bey, Mr. Salah Fellah,* Mr. Abdelkader Taffar,*
Mrs. Fatma-Zohra Ksentini,* Mr. Lakhel Benkelai*

Argentina

Mr. Gabriel Martínez, Mr. Atilio Molteni,* Mr. Alberto Daverede,*
Miss Norma E. Nascimbene,** Mr. Mario Pena,** Mr. Roberto Rodríguez,**
Mr. Juan F. Gomensoro,** Mr. Roberto López Delgado,** Mr. Juan Arcuri,**
Mr. Jorge I. Bullo Perea,** Mr. Juan Sola**

Australia

Mr. Pierre Hutton, Ms. Pera Wells,* Mr. Joe Thwaites,* Ms. Erika Feller,*
Mr. Jim Thomson,** Ms. Margaret Doyle**

Brazil

Mr. Carlos Calero Rodrigues, Mr. Gilberto Vergne Saboia,*
Mr. Afonso Emilio de Alencastro Massot,* Mr. Renato Xavier,*
Mr. Enio Cordeiro*

Bulgaria

Mr. Ivan Garvalov, Mr. Nikola Stoimenov,* Ms. Roumiana Dermendjieva,*
Mr. Vladimir Sotirov*

Byelorussian Soviet Socialist Republic

Mr. Lev I. Maksimov, Mr. Vladimir V. Grekov,* Mr. Stanislav S. Ogurtsov,*
Mr. Serguei N. Chilovitch**

Canada

Mr. Yvon Beaulne, Mr. Richard McKinnon,* Mr. Frank Chandler,*
Mr. Roderick Bell,** Mr. Jacques Gaudreau,** Mrs. Julie Loranger,**
Miss E. Feldman,** Miss Shelagh Day,** Miss E. Page**

* Alternate

** Adviser

China

Mrs. Gu Yijie, Mr. Ma Longde,* Mr. Gu Shiyun,* Ms. Zhang Yanling,*
Mr. Chen Shiqiu,* Mr. Chou Hsienchueh,* Ms. Guo Yuanhui,* Ms. Tu Yung,*
Mr. Yu Shutong,** Mr. Yang Wenchang**

Costa Rica

Mrs. Elizabeth Odio Benito, a/ Mr. Luis A. Varela Quirós, b/
Mrs. Marta E. Odio Benito*

Cuba

Mr. Luis SoláVila, Mr. Julio Heredia Pérez,* Mr. Angel Víctor González Pérez,*
Mrs. Olga Valdés,* Mrs. María A. Flores*

Cyprus

Mr. Andreas Ch. Pouyouros, Mr. Andrestinos Papadopoulos,*
Mr. Charis Theodorou**

Denmark

Mr. Niels Boel, Mr. Kaj Repsdorph, c/ Mr. Michael Bendix,*
Mr. Niels K. Dyrlund,* Ms. Aase Moltke-Leth,* Ms. Marie-Louise Laursen*

Ethiopia

Mr. Tadesse Terrefe, Ms. Kongit Sinegiorgis,* Mr. Feseha Masresha*

Fiji

Mr. Ross I. Ligairi

France

Mr. Claude-Albert Colliard, Mr. Robert de Souza,* Mr. Jacques Le Blanc,*
Mr. Louis Giustetti,* Mr. Michel Perrin,** Mr. Gilles Chouracqui,**
Mr. Jean-Francois Bouffandeau,** Mr. Jean Maurice Ripert,**
Miss Sylvaine Carta,** Mr. Frédéric Pierret,** Mr. Régis de Gouttes,**
Mrs. Françoise Camus,** Miss Elisabeth Ponroy**

a/ Until 19 February 1982.

b/ As from 22 February 1982.

c/ During Mr. Boel's absence.

Gambia

Mr. O.A. Sallah, Mr. F.R.C. Blain,* Mr. O.A.J. Mahoney,* Mr. H.A. Jallow*

Germany, Federal Republic of

Mr. Gerhard Jahn, Mr. Norbert Lang,* Mr. Karl Borchard,** Mr. Frank Lambach,**
Mr. Julius Bobinger,** Mr. Horst-Wolfram Kerll**

Ghana

Mr. Jonas K.D. Foli

Greece

Mr. Emmanuel Roucounas, Mr. Constantin Ivraakis,* Mr. Paul Apostolides,**
Mr. Anastase Mitsialis,** Miss Ionna Manganara**

India

Mr. B.R. Bhagat, Mr. A.P. Venkateswaran,* Mr. T.C.A. Rangachari,**
Mrs. Lakshmi Puri**

Italy

Mr. Emilio Bettini, Mr. Manfredo Incisa di Camerana,*
Miss Maria Antonietta Cao Pinna,* Miss Maria-Teresa Falchetta,*
Mr. Claudio Zanghi**

Japan

Mrs. Sadako Ogata, Mr. Shunji Kobayashi,* Mrs. Ryoko Akamatsu,*
Mr. Tadayuki Nonoyama,* Mr. Hideki Hayashida,** Mr. Nacharu Fujii,**
Mr. Kunio Shimizu,** Ms. Nobuko Suzuki**

Jordan

Mr. Ghaleb Z. Barakat, Mr. Saleh Kabariti,* Mr. Tarek Madi,**
Mr. Khalil Abdel-Rahim,** Mr. Ahmad Al-Mufleh**

Mexico

Mr. Antonio González de León, Mr. Alberto Szekely,* Mrs. Orpha Garrido Ruiz**,
Miss María Angélica Arce Mora**

Netherlands

Mr. Peter H. Kooijmans, Mr. Herman Burgers,* Mr. Roelof R. Smit,*
Mr. Jaap A. Walkate,** Mr. A. F. van Dongen,** Mr. Hans van den Dool,**
Mr. Teunis Kamper,** Mr. Cees Roels**

Pakistan

Mr. Agha Hilaly, Mr. Mansur Ahmad,* Mr. Munir Akram,** Mr. Tariq Altaf,**
Mr. Salman Bashir**

Panama

Mr. Octavio Ferrer Anguizola, Mr. Luis Enrique Martínez Cruz,*
Mrs. Itzia Aizpurua Pérez*

Peru

Mr. Juan Alvarez Vita, Miss Noela Pantoja Crespo*

Philippines

Mr. Luis Moreno-Salcedo, Mr. Francisco F. Santos,* Mr. Calixto V. Espejo**

Poland

Mr. Adam Lopatka, Mr. Jerzy Zawalonka,* Mr. Wlodzimierz Kalinowski*

Rwanda

Mr. François Habiyakare

Senegal

Mr. Alioune Sène, Mr. Abdoulaye Dièye,* Mr. Samba Mbodj,* Mr. Ibrahim Sy,*
Mr. Ousmane Tanor Dieng,* Mr. Mouhamed El Moustapha Diagne,*
Mr. Sambacor Konate,* Mr. Moustapha N'Diaye,* Mr. Youssoupha Ndiaye*

Syrian Arab Republic

Mr. Adib Daoudy Mr. Ahmad Saker,* Mr. M. Jalal Al-Baroudi,*
Mr. Hicham Joundi,** Mr. Muhsen Sayadi,** Mr. Adnan Homoui**

Togo

Mr. Atsu-Koffi Amega, d/ Mr. Koffi Adjoyi*

Uganda

Mr. Olara Otunnu, Mr. James Obol-Ochola,* Mr. H.F.L. Acemah,*
Mr. Bernard Odoch-Jato,* Mr. J.B. Okumu**

d/ Did not attend the session.

Union of Soviet Socialist Republics

Mr. V.A. Zorin, Mr. V.N. Sofinsky,* Mr. D.V. Bykov,* Mr. K.F. Gutsenko,*
Mr. S.V. Chernichenko,* Mr. K.L. Kelin,** Mr. G.P. Antonov,**
Mr. S.B. Nikiforov,** Mr. K.G. Guevorguian,** Mr. P.I. Baulin,**
Mr. T.A. Bagirov**

United Kingdom of Great Britain and Northern Ireland

Viscount Colville of Culross, Mr. P.H.R. Marshall,* Mr. R.C. Fursland,*
Mr. C.W. Long,** Mrs. K. Colvin,** Mr. B.D. Adams,** Miss S. Foulds,**
Miss C.J. Hart,** Mrs. A. Glover,** Mr. T. Wilkie**

United States of America

Mr. Michael Novak, Mr. Warren Hewitt,* Mr. Richard Schifter,*
Mr. Geoffrey Swaebe,* Miss Heidi August,** Mr. Stephen R. Bond,**
Mr. Harvey Feldman,** Mr. Patrick J. Flood,** Mr. John W. MacDonald Jr.,**
Mr. Jacob Stein,** Miss Theresa Tull,** Mr. Charles Berk,**
Mr. Peter Galbraith,** Mr. Thomas A. Johnson,** Mr. John Kriendler,**
Mr. Carl Gershman**

Uruguay

Mr. Carlos Giambruno, Mr. Julio Lacarte Muró,* Mr. Carlos A. Fernández
Mr. Carlos A. Fernández Ballesteros,* Mr. Rubén Díaz,** Mrs. Zulma Guelman,**
Mrs. Elsa Borges,** Mrs. Sara Saragosa**

Yugoslavia

Mr. Ivan Toševski, Mr. Marko Vrhunec,* Miss Zaga Ilić,**
Mrs. Marija Djordjević,** Mr. Željko Jerkić**

Zaire

Mr. Bagbeni Adeito Nzengeya, Mr. Moyila Ngonda Bempu,*
Mr. Dzankon Detemeni**

Zambia

Mr. Chama L.C. Mubanga-Chipoya

Zimbabwe

Mr. Galilee Jess Jani

States Members of the United Nations represented by observers

Afghanistan, Austria, Bangladesh, Belgium, Bolivia, Burundi, Central African Republic, Colombia, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Gabon, German Democratic Republic, Guatemala, Haiti, Hungary, Iran, Iraq, Ireland, Israel, Ivory Coast, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mongolia, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Portugal, Qatar, Romania, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United Arab Emirates, Venezuela, Viet Nam, Yemen

Non-member States represented by observers

Holy See, Republic of Korea, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization

Regional intergovernmental organizations

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States

National liberation movements

African National Congress, Palestine Liberation Organization, Pan Africanist Congress of Azania, South West Africa People's Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Social Welfare, International Council of Women, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Muslim World League, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress

Category II

Afro-Asian Peoples Solidarity Organization, All-India Women's Conference, Amnesty International, Anti-Slavery Society, Arab Lawyers Union, Association for the Study of the World Refugee Problem, Baha'i International Community, Caritas Internationalis, Christian Democratic World Union, Commission of the Churches on International Affairs, Co-ordinating Board of Jewish Organizations, Friends World Committee for Consultation, International Association for Religious Freedom,

International Association of Democratic Lawyers, International Association of Penal Law, International Catholic Child Bureau, International Catholic Migration Commission, International Commission of Jurists, International Committee of the Red Cross, International Co-operation for Socio-economic Development, International Council of Jewish Women, International Christian Union of Business Executives, International Federation of Human Rights, International Federation of Social Workers, International Federation of University Women, International Federation of Women Lawyers, International Fellowship of Reconciliation, International Indian Treaty Council, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Union for Child Welfare, International Union of Latin Notariat, Pan-Pacific and South-East Asia Women's Association, Pax Christi International, Pax Romana, Rädda Barnen's Riksförbund (Save the Children), Soroptimist International, Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association of Girl Guides and Girl Scouts, World Association of World Federalists, World Council of Indigenous Peoples, World Jewish Congress, World Movement of Mothers, World Student Christian Federation, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association.

Roster

Indian Law Resource Center, International Abolitionist Federation, International Federation of Rural Adult Catholic Movements, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Police Association, International Progress Organization, International Secretariat of Catholic Technologists, Agriculturists and Economists, International Studies A Association, International Union of Students, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, Procedural Aspects of International Law Institute, Servas International, Survival International, World Association for the School as an Instrument of Peace, World Peace Council.

Annex II

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Question of the violation of human rights in the occupied Arab territories, including Palestine.
5. Question of human rights in Chile.
6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.
7. The 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.
8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
 - (a) Problems related to the right to enjoy an adequate standard of living; the right to development;
 - (b) The effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms.
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
 - (a) Torture and other cruel, inhuman or degrading treatment or punishment;
 - (b) Question of missing and disappeared persons.
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms - National institutions for the promotion and protection of human rights.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
 - (a) Question of human rights in Cyprus;
 - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its thirty-seventh session.
13. Question of a convention on the rights of the child.
14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
15. Human rights and scientific and technological developments.
16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
17. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.
18. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination;

(b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.
19. Status of the International Covenants on Human Rights.
20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session.
21. Rights of persons belonging to national, ethnic, religious and linguistic minorities.
22. Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences.
23. Advisory services in the field of human rights.
24. Communications concerning human rights.
25. Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
26. Draft provisional agenda for the thirty-ninth session of the Commission.
27. Report to the Economic and Social Council on the thirty-eighth session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS
AND DECISIONS ADOPTED BY THE COMMISSION
AT ITS THIRTY-EIGHTH SESSION

1. In the course of its thirty-eighth session, the Commission on Human Rights adopted 17 resolutions and one decision that have administrative and programme budget implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.

2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its thirty-seventh session any additional resources needed to implement the proposals during the biennium 1982-1983. Those implications are summarized in the following table:

SUMMARY TABLE, BY SECTION, OF ADMINISTRATIVE AND PROGRAMME
BUDGET IMPLICATIONS FOR 1982-1983 OF RESOLUTIONS AND
DECISIONS ADOPTED BY THE COMMISSION
AT ITS THIRTY-EIGHTH SESSION
(United States dollars)

Resolution or decision	Section 23 Human Rights		Section 29 B Conference Services, Geneva		TOTAL
	1982	1983	1982	1983	
Resolution 1982/1A	90 900	-	232 600	-	323 500
" 1982/12	1 100	-	-	-	1 100*
" 1982/17	112 000	-	191 200	-	303 200
" 1982/19	2 600	-	38 800	-	41 400
" 1982/20	8 700	-	-	-	8 700
" 1982/21	900	-	29 700	-	30 600
" 1982/24	181 050	67 500	238 900	8 600	496 050*
" 1982/25	101 000	33 700	390 800	200 800	726 300
" 1982/26	29 900	2 500	-	-	32 400
" 1982/28	45 000	1 200	-	-	46 200
" 1982/29	24 700	2 500	-	-	27 200
" 1982/31	44 500	2 500	-	-	47 000
" 1982/32	1 800	-	-	-	1 800
" 1982/33	32 800	3 400	-	-	36 200
" 1982/39	-	-	-	77 500	77 500
" 1982/41	-	(72 000)	-	-	(72 000)**
" 1982/44	-	-	-	77 000	77 000
Decision 1982/103	-	-	-	41 700	41 700
TOTALS	676 950	113 300	1 122 000	405 600	2 317 850

* / Not included in overall costs under section 23 are costs to be incurred under sections 28 G and 28 H. These costs are estimated in total at \$53,300 for 1982 and \$12,500 for 1983.

** / Not included in overall costs under section 23, as these costs are to be incurred under section 27.

Resolution 1982/1A. Question of the violation of human rights in the occupied Arab territories, including Palestine

3. By paragraph 15 of resolution 1982/1A, the Commission on Human Rights decided that a seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel would be held at the United Nations Office at Geneva and requested the Secretary-General to make the appropriate arrangements for the organization of the seminar and to report to the Commission on Human Rights at its thirty-ninth session.

4. The relevant costs under section 23 (Human Rights) are estimated at \$90,900 and conference servicing costs to be financed under section 29 B (Conference Services, Geneva), calculated on a full-cost basis, are estimated at \$232,600 for 1982.

Human Rights
(Section 23)

Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel (1 week)

	<u>1982</u> (US dollars)
(a) Travel and subsistence of 32 participants	
Travel	69 500
Subsistence	18 400
(b) Consultants	
Fees for 3 background papers	3 000
	<hr/>
TOTAL	90 900

Resolution 1982/12. 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

5. By paragraph 7 of resolution 1982/12, the Commission on Human Rights welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist regime in South Africa, and to submit, through the Sub-Commission, the revised report to the Commission.

6. By paragraph 9, the Commission decided to consider the revised report at its thirty-ninth session within the framework of its item on adverse consequences, for the enjoyment of human rights, of political, military, economic and other forms of assistance given to the colonial and racist regimes in southern Africa.

7. On the basis of the foregoing, the relevant costs are estimated as follows:

1982
(US dollars)

Human Rights
(Section 23)

Travel (Cairo/Geneva/Cairo, by economy class) of Special Rapporteur for consultations with Division of Human Rights and subsistence for 5 working days	1 100 <u>=====</u>
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Electronic Data Processing and Information
Systems Division
(Section 28 G)

Computer services	15 500 <u>=====</u>
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Resolution 1982/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

8. By paragraph 11 of resolution 1982/17, the Commission on Human Rights decided to request the Working Group of Governmental Experts on the Right to Development to hold two meetings of two weeks each in Geneva, the first in June/July 1982 and the second in September/October 1982. By paragraph 12, the Commission requested the Working Group to submit to the Commission at its thirty-ninth session a draft declaration on the right to development. By paragraph 13, the Commission requested the Secretary-General to provide all necessary assistance to the Working Group.

9. On the basis of the foregoing, the relevant costs under section 23 (Human Rights) are estimated at \$112,000 for 1982. The related conference servicing costs that would arise, calculated on a full-cost basis, are estimated at \$191,200 for 1982, to be financed under section 29 B (Conference Services, Geneva).

Human Rights
(Section 23)

1982
(US dollars)

I. Meeting of Working Group (Geneva, June/July 1982), 10 working days	
Travel and subsistence	
(a) Travel	33 000
(b) Subsistence	23 000
	<u>=====</u>
Subtotal I	56 000 <u>=====</u>

1982
(US dollars)

II. Meeting of Working Group
(Geneva, September/October 1982),
10 working days

Travel and subsistence

(a) Travel	33 000
(b) Subsistence	<u>23 000</u>
Subtotal II	<u>56 000</u>
Total	<u><u>112 000</u></u>

Resolution 1982/19. Report of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities on its thirty-fourth session;
study of the problem of discrimination against indigenous populations

10. By resolution 1982/19, the Commission on Human Rights recommended that the Economic and Social Council should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations which would meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission.

11. The relevant costs under section 23 (Human Rights) are estimated at \$2,600, and conference servicing costs to be financed under section 29 B (Conference Services, Geneva), calculated on a full-cost basis, are estimated at \$38,800 for 1982.

Human Rights
(Section 23)

1982
(US dollars)

Subsistence of 5 members of the Sub-Commission
for 5 days prior to the thirty-fifth session of
the Sub-Commission

2 600

Resolution 1982/20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave-trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

12. By resolution 20/1982, the Commission on Human Rights decided, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission to send a delegation, not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs.

Human Rights
(Section 23)

1982
(US dollars)

One round-trip for 2 members of delegation accompanied by 1 substantive officer and 1 secretary for consultations with the Government of Mauritania (calculated on a notional basis for a period of 5 working days)

Travel and subsistence of delegation
(2 x \$2,500)

5 000

Travel and subsistence of staff

3 700

8 700

Resolution 1982/21. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: exploitation of child labour

13. By resolution 1982/21, the Commission on Human Rights recommended to the Economic and Social Council that the study prepared by Mr. A. Bouhdiba on the exploitation of child labour should be printed and given the widest possible distribution, including distribution in Arabic.

14. The relevant costs under section 23 (Human Rights) are estimated at \$900, and conference servicing costs to be financed under section 29 B (Conference Services, Geneva), calculated on a full-cost basis, are estimated at \$29,700 for 1982.

Human Rights
(Section 23)

1982
(US dollars)

Travel (Tunis/Geneva/Tunis, by economy class) of Special Rapporteur to present his study to the Sub-Commission at its thirty-fifth session, and subsistence for 5 working days

900

Resolution 1982/24. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: question of missing and disappeared persons

15. By paragraphs 2 and 3 of resolution 1982/24, the Commission on Human Rights decided to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances as laid down in Commission resolution 20 (XXXVI) of 29 February 1980, and requested the Working Group to submit to the Commission, at its thirty-ninth session, a report on its work together with its conclusions and recommendations. By paragraph 5, the Commission further requested the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it required to perform its functions in an effective and expeditious manner, and if necessary to make arrangements to ensure the continuity of the Secretariat's work.

16. For the purpose of determining the programme budget implications of the resolution, and based on past experience of the working methods and needs of the Working Group, the following assumptions have been made:

(a) The Working Group, composed of five members, would meet at Geneva (or New York) in May/June 1982 for a period of one week in order to receive and examine available information;

(b) The Working Group would meet at Geneva in August/September 1982 for a period of ten working days to receive and examine available information;

(c) The Working Group would meet at Geneva in December 1982 to examine further information and prepare its report to the Commission on Human Rights at its thirty-ninth session;

(d) For the purpose of establishing direct contacts with Governments, one member of the Working Group, accompanied by a substantive officer, would undertake an estimated three separate round-trips in 1982 and one round-trip in 1983;

(e) One officer at the P-3 level would be required to provide basic services in connection with the activities of the Working Group, to function as secretary of the Group during the meetings, and to assist the Group in the preparation of its report to the Commission on Human Rights at its thirty-ninth session;

(f) With regard to the information that the Working Group may seek and receive from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources, three functions at the secretariat level would have to be fulfilled to enable the Group to carry out its activities: the information would have to be initially screened and classified; the information would have to be analysed and prepared in usable form for the Group; and finally, correspondence with those involved in the procedure would have to be maintained. Two officers at the P-2/P-1 level, assisted by two clerk/typists in the General Service category, would accomplish these tasks;

(g) The use of computer services would be indispensable to organize the data on missing persons and to reduce staff costs.

17. On the basis of the foregoing, the estimated costs under section 23 (Human Rights) are \$181,050 for 1982 and \$67,500 for 1983, including a total of \$16,500 (\$13,200 for 1982 and \$3,300 for 1983) for the rental of visual display units linked to computer terminals. Additional computer services costs are estimated at \$37,800 for 1982 and \$12,500 for 1983, to be financed partly under section 28 G (Electronic Data Processing and Information Systems Division) - United Nations share of ICC Geneva cost - and partly under section 28 H (Division of Administration, Geneva, Electronic Data Processing Unit). These cost estimates are reflected in the attached summary. The related conference servicing costs that would arise, calculated on a full-cost basis, are estimated at \$238,900 in 1982 and \$8,600 in 1983, to be financed under section 29 B (Conference Services, Geneva).

<u>Human Rights</u> (Section 23)	<u>1982</u> (US dollars)	<u>1983</u>
I. <u>Meeting in Geneva (or New York)^{a/} May-June 1982</u> <u>(5 working days)</u>		
Travel and subsistence of Working Group		
(a) Travel	7 000	
(b) Subsistence	<u>3 850</u>	
Subtotal I	<u>10 850</u>	
II. <u>Meeting in Geneva, August-September 1982</u> <u>(10 working days)</u>		
Travel and subsistence of Working Group		
(a) Travel	7 000	
(b) Subsistence	<u>7 650</u>	
Subtotal II	<u>14 650</u>	
III. <u>Meeting in Geneva, December 1982</u> <u>(10 working days)</u>		
Travel and subsistence of Working Group		
(a) Travel	7 000	
(b) Subsistence	<u>7 650</u>	
Subtotal III	<u>14 650</u>	

^{a/} In the event that the meeting takes place in New York, travel and subsistence for two substantive officers to service meetings are estimated at \$3,000.

	<u>1982</u>	<u>1983</u>
	(US dollars)	
<u>IV. Four separate round-trips for one member of Working Group accompanied by substantive officer for establishment of direct contacts (calculated on a notional basis for a period of 5 working days for each visit)</u>		
(a) Travel costs of member of Working Group 4 x \$2,500	7 500	2 500
(b) Travel costs of substantive officer 4 x \$2,300	6 900	2 300
Subtotal IV	<u>14 400</u>	<u>4 800</u>
<u>V. Staffing resources to service Working Group (July 1982 to March 1983)</u>		
1 staff member at the P-3 level	28 900	15 100
2 staff members at the P-2/P-1 level	47 100	24 700
2 staff members at the General Service level	34 800	18 100
Subtotal V	<u>110 800</u>	<u>57 900</u>
<u>VI. Computer services costs</u>		
(a) Rental of visual display units linked to computer terminals as well as rental and installation of printer terminal	13 200	3 300
(b) Data entry, programming, storage; production	(37 800)	(12 500) ^{b/}
Subtotal VI	<u>51 000</u>	<u>15 800</u>
<u>VII. Overtime</u>		
Overtime for General Service staff	2 500	1 500
Subtotal VII	<u>2 500</u>	<u>1 500</u>
TOTAL	<u><u>181 050</u></u>	<u><u>67 500</u></u>

^{b/} Not included in over-all total of costs under section 23, as these costs are to be incurred under sections 28 G and 28 H.

Resolution 1982/25. Question of human rights in Chile

18. By paragraph 6 of resolution 1982/25, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for 1 year and requested him to report on further developments in the situation of human rights in Chile to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session. By paragraph 7, the Commission recommended to the Economic and Social Council that it should make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution.
19. For the purpose of determining the programme budget implications of the resolution, it has been assumed that the Special Rapporteur would require the necessary arrangements to be made to permit him to gather information relevant to his mandate. The Special Rapporteur would conduct hearings of persons having knowledge and experience of the situation of human rights in Chile; in the event that the Government of Chile extended its co-operation, the Special Rapporteur would visit that country for that purpose and to collect information.
20. The Special Rapporteur would require an ongoing system for recording information received by him or otherwise brought to his attention.
21. The Special Rapporteur would conduct consultations periodically to review the information for the purpose of establishing the facts upon which his report to the General Assembly and to the Commission on Human Rights would be based. The Special Rapporteur envisages that such consultations would take place at Geneva at the end of May 1982 for a period of 5 working days. The Special Rapporteur would undertake a mission to Chile during the summer of 1982 for a period of 10 working days for the purpose of collecting information on the spot. Immediately after the mission, he would spend 5 working days in New York or Geneva for the purpose of gathering further information. Should the mission to Chile not take place, the Special Rapporteur would visit New York during the summer of 1982 for a period of 7 working days, for the purpose of hearing testimony and collecting information. The Special Rapporteur would also visit Geneva during September 1982 for a period of 10 working days. The Special Rapporteur would spend 10 working days in New York at the time of the submission of his report to the General Assembly at its thirty-seventh session. He would then visit Geneva for a period of 10 working days during January 1983 for the purpose of hearing testimony, receiving other evidence and finalizing his report to the Commission on Human Rights at its thirty-ninth session. The Special Rapporteur would visit Geneva during February/March 1983 for a period of 5 working days for the purpose of presenting his report to the Commission on Human Rights at its thirty-ninth session. The Special Rapporteur would conduct hearings in Geneva, New York or elsewhere.
22. It is estimated that an average of 190 pieces of information (reports, including press reports, articles, letters, etc.) of varying size would have to be examined per month and a synthesis of them prepared for the Special Rapporteur. This would necessitate the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary to assist the Special Rapporteur in the gathering of information, the compilation of materials and the preparation of his report.

23. On the basis of the foregoing, the estimated costs under section 23 (Human Rights) would amount to \$101,000 for 1982 and \$33,700 for 1983. The related conference servicing costs to be financed under section 29 B (Conference Services, Geneva), calculated on a full-cost basis, are estimated at \$390,800 for 1982 and \$200,800 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u>	<u>1983</u>
	(US dollars)	
I. Meeting in Geneva, May 1982 (5 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel	1 400	-
(b) Subsistence	800	-
Travel and subsistence of witnesses		
(a) Travel	5 000	-
(b) Subsistence	1 500	-
Subtotal I	<u>8 700</u>	
II. Field mission to Chile 10 working days, plus 5 working days in New York or Geneva, summer 1982 (total: 15 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel	4 300	-
(b) Subsistence	3 000	-
Travel and subsistence of staff of Division of Human Rights		
Principal secretary 1		
Substantive officer 1		
Secretary 1		
(a) Travel	9 600	-
(b) Subsistence	6 800	-
Travel and subsistence of witnesses		
(a) Travel	2 100	-
(b) Subsistence	900	-

		<u>1982</u>	<u>1983</u>
		(US dollars)	
II.	(continued)		
	General expenses		
	Local transportation and communications; air freight for equipment and documentation; rental of equipment; miscellaneous	5 000	-
	Local staff		
	Staff who may be provided by other United Nations Offices in Latin America without charge		
	Administrative officer		
	Bilingual secretaries		
	Typist(s)		
	Subtotal II	<u>31 700</u>	-
III.	In the event that the field mission to Chile does not materialize:		
	Meeting in New York, end June 1982 (7 working days)		
	Travel and subsistence of Special Rapporteur		
	(a) Travel	2 800	-
	(b) Subsistence	1 200	-
	Travel and subsistence of staff of Division of Human Rights		
	Substantive officer 1		
	Secretary 1		
	(a) Travel	2 700	-
	(b) Subsistence	1 600	-
	Travel and subsistence of witnesses		
	(a) Travel	3 000	-
	(b) Subsistence	1 000	-
	Subtotal III	<u>12 300</u>	-

	<u>1982</u>	<u>1983</u>
	(US dollars)	
IV. Meeting in Geneva, September 1982 (10 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel	1 400	-
(b) Subsistence	1 400	-
Travel and subsistence of witnesses		
(a) Travel	5 000	-
(b) Subsistence	1 500	-
Subtotal IV	<u>9 300</u>	
V. Mission of Special Rapporteur to Headquarters, New York, at thirty-seventh session of General Assembly (10 working days)		
(a) Travel	2 800	
(b) Subsistence	1 600	
Subtotal V	<u>4 400</u>	
VI. Meeting in Geneva, January 1983 (10 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel		1 400
(b) Subsistence		1 400
Travel and subsistence of witnesses		
(a) Travel		5 000
(b) Subsistence		1 500
Subtotal VI		<u>9 300</u>

	<u>1982</u>	<u>1983</u>
	(US dollars)	
VII. Mission of Special Rapporteur to Geneva at thirty-ninth session of Commission on Human Rights (5 working days)		
(a) Travel		1 400
(b) Subsistence		800
		<u>2 200</u>
Subtotal VII		
VIII. Supplementary staff to service Special Rapporteur		
(a) Temporary assistance for gathering information, compiling materials and preparing the report (P-2 staff member for 9 months)	23 500	12 400
(b) Secretarial assistance (1 staff member at GS level for 9 months)	17 400	9 100
	<u>40 900</u>	<u>21 500</u>
Subtotal VIII		
IX. Overtime	1 000	500
X. Press clippings and related services required on a yearly subscription basis	5 000	200
<u>Human Rights</u> (Section 23)	<u>1982</u>	<u>1983</u>
	(US dollars)	

Summary

I. Meeting in Geneva, May 1982 (5 working days)	8 700
II. Field mission to Chile: 10 working days plus 5 working days in New York or Geneva, summer 1982 (15 working days)	31 700
III. In the event mission to Chile does not materialize, meeting in New York, June 1982 (7 working days)	(12 300) _{c/}

c/ Not included in over-all total of costs.

	<u>1982</u>	<u>1983</u>
	(US dollars)	
IV. Meeting in Geneva, September 1982 (10 working days)	9 300	
V. Travel and subsistence of Special Rapporteur for mission to New York, at thirty-seventh session of General Assembly (10 working days)	4 400	
VI. Meeting in Geneva, January 1983 (10 working days)		9 300
VII. Travel and subsistence of Special Rapporteur for mission to Geneva at thirty-ninth session of Commission on Human Rights (5 working days)		2 200
VIII. Supplementary staff to service Special Rapporteur	40 900	21 500
IX. Overtime	1 000	500
X. Press clippings and related services required on a yearly subscription basis	5 000	200
	<u>101 000</u>	<u>33 700</u>
TOTAL		

Resolution 1982/26. Question of the violation of human rights
and fundamental freedoms in any part of the world, with
particular reference to colonial and other dependent countries
and territories: situation of human rights and fundamental
freedoms in Poland

24. By paragraph 6 of resolution 1982/26, the Commission on Human Rights decided to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland.

25. For the purpose of determining the programme budget implications of the resolution, the following assumptions have been made:

(a) Initially in 1982, for a period of 5 working days, the person designated by the Secretary-General would undertake a trip to Geneva for the purpose of holding consultations with the Division of Human Rights and to organize and plan his work in relation to his mandate;

(b) Subsequently in 1982, for a period of 5 working days, the person designated by the Secretary-General, accompanied by 2 staff members from the Division of Human Rights, would carry out a mission to Poland for the purpose of collecting information on the spot;

(c) Further in 1982, for a period of 5 working days, the person designated by the Secretary-General would travel to Geneva in order to finalize his report to the Commission on Human Rights at its thirty-ninth session;

(d) In February/March 1983, for a period of 5 working days, the person designated by the Secretary-General would travel to Geneva to present his report to the Commission on Human Rights at its thirty-ninth session;

(e) Additional staffing resources to assist the person designated by the Secretary-General with the preparation of his report would be required for a period of 4 months in 1982.

26. On the above assumptions, the relevant costs under section 23 (Human Rights) are estimated at \$29,900 for 1982 and \$2,500 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u> (US dollars)	<u>1983</u>
I. One round-trip to Geneva of person designated by the Secretary-General for consultations with the Division of Human Rights (5 working days)		
Travel and subsistence	2 500	
II. Field mission to Poland of person designated by the Secretary-General (5 working days)		
(a) Travel and subsistence of person designated by the Secretary-General	2 500	
(b) Travel and subsistence of 2 staff members from the Division of Human Rights	2 200	
(c) General expenses: local transportation, communication and rental of office space	1 000	
III. One round-trip to Geneva of person designated by the Secretary-General to finalize his report (5 working days)		
Travel and subsistence	2 500	
IV. One round-trip to Geneva of person designated by the Secretary-General in February/March 1983 to present his report to the thirty-ninth session of the Commission on Human Rights at its thirty-ninth session (5 working days)		
Travel and subsistence		2 500
V. Staffing resources:		
One staff member at P-3 level for a period of 4 months	19 200	
TOTAL	<u>29 900</u>	<u>2 500</u>

Resolution 1982/28. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in El Salvador

27. By paragraph 9 of resolution 1982/28, the Commission on Human Rights decided to extend the mandate of the Special Representative for another year and requested him to present his report on further developments on the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to Commission on Human Rights at its thirty-ninth session.

28. For the purpose of determining the programme budget implications of the resolution, the following assumptions have been made:

(a) In May/June 1982, for a period of 5 working days, the Special Representative would undertake a trip to Geneva for the purpose of holding consultations with the Division of Human Rights and to organize and plan his work in relation to his mandate;

(b) In July/August 1982, for a period of 10 working days, the Special Representative, accompanied by 2 staff members from the Division of Human Rights, would carry out a mission to El Salvador for the purpose of collecting information on the spot;

(c) In September/October 1982, for a period of 5 working days, the Special Representative would travel to Geneva in order to finalize his report;

(d) In November/December 1982, for a period of 5 working days, the Special Representative would travel to New York to present his report to the General Assembly at its thirty-seventh session;

(e) In February/March 1983, for a period of 5 working days, the Special Representative would travel to Geneva to present his report to the Commission on Human Rights at its thirty-ninth session.

29. On the above assumptions, the relevant costs under section 23 (Human Rights) are estimated at \$45,000 for 1982 and \$1,200 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u> (US dollars)	<u>1983</u>
I. One round-trip to Geneva of Special Representative in May/June 1982 for consultations with Division of Human Rights (5 working days)		
Travel and subsistence	1 200	
II. Field mission to El Salvador of Special Representative in July/August 1982 (10 working days)		
(a) Travel and subsistence of Special Representative	3 800	

	<u>1982</u>	<u>1983</u>
	(US dollars)	
II. (continued)		
(b) Travel and subsistence of 2 staff members from Division of Human Rights	6 100	
(c) General expenses: local transportation, communications and rental of office facilities	2 000	
III. One round-trip to Geneva of Special Representative in September/October 1982 to finalize his report (5 working days)		
Travel and subsistence	1 200	
IV. One round-trip to Headquarters, New York, of Special Representative in November/December 1982 to present his report to the General Assembly at its thirty-seventh session (5 working days)		
Travel and subsistence	1 800	
V. One round trip to Geneva of Special Representative in February/March 1983 to present his report to the thirty-ninth session of the Commission on Human Rights (5 working days)		
Travel and subsistence		1 200
VI. Six months of temporary assistance at the P.3 level	28 900	
	<u>45 000</u>	<u>1 200</u>
	TOTAL	

Resolution 1982/29. 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:
question of summary or arbitrary executions

30. By resolution 1982/29, the Commission on Human Rights recommended that the Economic and Social Council should request the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as Special Rapporteur. The Commission also recommended that the Council should request the Special Rapporteur to submit a comprehensive report to the Commission at its thirty-ninth session on the occurrence and extent of the practice of such executions, together with his conclusions and recommendations.

31. For the purpose of determining the programme budget implications of the resolution, the following assumptions have been made:

(a) In May/June 1982, for a period of 5 working days, the Special Rapporteur would undertake a trip to Geneva for the purpose of holding consultations with the Division of Human Rights and to organize and plan his work in relation to his mandate;

(b) In October/November 1982, for a period of 10 working days, the Special Rapporteur would travel to Geneva in order to finalize his report;

(c) In February/March 1983, for a period of 5 working days, the Special Rapporteur would travel to Geneva to present his report to the Commission on Human Rights at its thirty-ninth session;

(d) Additional staffing to assist the Special Rapporteur with the preparation of his report would be required for a period of 4 months.

32. On the above assumptions, the relevant costs under section 23 (Human Rights) are estimated at \$24,700 for 1982 and \$2,500 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u> (US dollars)	<u>1983</u>
I. One round-trip to Geneva in May/June 1982 of Special Rapporteur for consultations with the Division of Human Rights (5 working days)		
Travel and subsistence	2 500	
II. One round-trip to Geneva in October/November 1982 of Special Rapporteur to prepare his report (10 working days)		
Travel and subsistence	3 000	
III. One round-trip to Geneva in February/March 1983 of Special Rapporteur to present his report to the Commission on Human Rights at its thirty-ninth session (5 working days)		
Travel and subsistence		2 500
IV. Staffing resources: 1 staff member at the P-3 level for a period of 4 months	19 200	
	<u>24 700</u>	<u>2 500</u>
	TOTAL	

Resolution 1982/31. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Guatemala

33. By paragraph 2 of resolution 1982/31, the Commission on Human Rights requested the Chairman to appoint, after consultation within the Bureau, a Special Rapporteur of the Commission whose mandate would be to make a thorough study of the human rights situation in Guatemala, based on all information that he might deem relevant, including any comments and information that the Government of Guatemala might wish to submit, to be presented to the Commission at its thirty-ninth session. By paragraph 4, the Commission requested the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission.

34. For the purpose of determining the programme budget implications of the resolution, the following assumptions have been made:

(a) In May/June 1982, for a period of 5 working days, the Special Rapporteur would undertake a trip to Geneva for the purpose of holding consultations with the Division of Human Rights and to organize and plan his work in relation to his mandate;

(b) In July/August 1982, for a period of 10 working days, the Special Rapporteur, accompanied by two staff members from the Division of Human Rights, would carry out a mission in Guatemala for the purpose of collecting information on the spot;

(c) In September/October 1982, for a period of 5 working days, the Special Rapporteur would travel to Geneva in order to finalize his report to the Commission on Human Rights at its thirty-ninth session;

(d) In February/March 1983, for a period of 5 working days, the Special Rapporteur would travel to Geneva to present his report to the Commission on Human Rights at its thirty-ninth session;

(e) Additional staffing resources to assist the Special Rapporteur with the preparation of his report would be required for a period of 4 months in 1982.

35. On the above assumptions, the relevant costs under section 23 (Human Rights) are estimated at \$44,500 for 1982 and \$2,500 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u>	<u>1983</u>
	(US dollars)	
I. One round-trip to Geneva of Special Rapporteur in May/June 1982 for consultations with Division of Human Rights (5 working days)		
Travel and subsistence	2 500	d/
II. Field mission to Guatemala of Special Rapporteur in July/August 1982 (10 working days)		
(a) Travel and subsistence of Special Rapporteur	3 000	d/
(b) Travel and subsistence of 2 staff members from Division of Human Rights (10 working days)	5 600	
(c) General expenses: local transportation, communications and rental of office facilities	2 000	

d/ Calculated on a notional basis.

1982 1983
(US dollars)

III. One round-trip to Geneva of Special Rapporteur in September/October 1982 to finalize his report (5 working days)

Travel and subsistence 2 500 d/

IV. One round-trip to Geneva of Special Rapporteur in February/March 1983 to present his report to the Commission on Human Rights at its thirty-ninth session (5 working days)

Travel and subsistence 2 500 d/

V. Staffing resources:

One staff member at P-3 level for a period of 6 months

28 900

TOTAL

44 500

2 500

Resolution 1982/32. 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: human rights and mass exoduses

36. By paragraph 5 of resolution 1982/32, the Commission on Human Rights requested the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study, to explore further, with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations, the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study (E/CN.4/1503) and to remain available for consultations with the Group of Governmental Experts as required.

37. On the basis of the foregoing, the relevant costs under section 23 (Human Rights) are estimated at \$1,800 for 1982.

Human Rights
(Section 23)

1982
(US dollars)

One round-trip of Special Rapporteur to Headquarters, New York, at thirty-seventh session of General Assembly (5 working days)

Travel and subsistence

1 800

Resolution 1982/33. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in Bolivia

38. By paragraph 5 of resolution 1982/33, the Commission on Human Rights decided to extend the mandate of the Special Envoy for another year and requested him to report to the Commission at its thirty-ninth session. By paragraph 7, the Commission requested the Secretary-General to give all necessary assistance to the Special Envoy.

39. For the purpose of determining the programme budget implications of the resolution, the following assumptions have been made:

(a) In May/June 1982, for a period of 5 working days, the Special Envoy would undertake a trip to Geneva for the purpose of holding consultations with the Division of Human Rights and to organize and plan his work in relation to his mandate;

(b) In July/August 1982, for a period of 10 working days, the Special Envoy, accompanied by 2 staff members from the Division of Human Rights, would carry out a mission to Bolivia for the purpose of collecting information on the spot;

(c) In September/October 1982, for a period of 5 working days, the Special Envoy would travel to Geneva in order to finalize his report to the Commission on Human Rights at its thirty-ninth session;

(d) In February/March 1983, for a period of 5 working days, the Special Envoy would travel to Geneva to present his report to the Commission on Human Rights at its thirty-ninth session;

(e) Additional staffing resources to assist the Special Envoy with the preparation of his report would be required for a period of 4 months in 1982.

40. On the above assumptions, the relevant costs under section 23 (Human Rights) are estimated at \$32,800 for 1982 and \$3,400 for 1983.

<u>Human Rights</u> (Section 23)	<u>1982</u> (US dollars)	<u>1983</u>
I. One round-trip to Geneva of Special Envoy in May/June 1982 for consultations with Division of Human Rights (5 working days)		
Travel and subsistence	3 400	
II. Field mission to Bolivia of Special Envoy in July/August 1982 (10 working days)		
(a) Travel and subsistence of Special Envoy	1 600	
(b) Travel and subsistence of 2 staff members from Division of Human Rights (10 working days)	3 200	

1982 1983
(US dollars)

II.	(continued)		
	(c) General expenses: local transportation, communications and rental of office facilities	2 000	
III.	One round-trip to Geneva of Special Envoy in September/October 1982 to finalize his report (5 working days)		
	Travel and subsistence	3 400	
IV.	One round-trip to Geneva of Special Envoy in February/March 1983 to present his report to thirty-ninth session of the Commission on Human Rights		
	Travel and subsistence		3 400
V.	Staffing resources:		
	One staff member at P-3 level for a period of 4 months	19 200	
	TOTAL	<u>32 800</u>	<u>3 400</u>

Resolution 1982/39. Question of a convention on the rights
of the child

41. By paragraph 2 of resolution 1982/39, the Commission on Human Rights requested the Economic and Social Council to authorize a 1-week session of an open-ended working group prior to the thirty-ninth session of the Commission on Human Rights to facilitate completion of the work on a draft convention on the rights of the child.

42. On the basis of the foregoing, the relevant costs under section 29 B (Conference Services, Geneva) are estimated on a full-cost basis at \$77,500 for 1983.

Resolution 1982/41. Further promotion and encouragement of
human rights and fundamental freedoms, including the question
of the programme and methods of work of the Commission;
alternative approaches and ways and means within the
United Nations system for improving the effective enjoyment
of human rights and fundamental freedoms

43. By paragraph 1 of resolution 1982/41, the Commission on Human Rights requested the Secretary-General, within the world-wide programme for the dissemination of basic international instruments on human rights, to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. By paragraph 2, the Commission further requested the Secretary-General

to issue, as soon as possible, a pamphlet containing the text of the Declaration, together with the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights in the six official languages of the United Nations, and to give the widest dissemination to the pamphlet.

44. On the basis of the foregoing, the relevant costs under section 27 (Public Information) are estimated at \$72,000 for the biennium 1982-1983.

Resolution 1982/44. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: torture and other cruel, inhuman or degrading treatment or punishment

45. By resolution 1982/44, the Commission on Human Rights recommended that the Economic and Social Council should authorize a meeting of an open-ended working group for a period of 1 week prior to the thirty-ninth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment.

46. On the basis of the foregoing, the relevant costs under section 29 B (Conference Services, Geneva) are estimated on a full-cost basis at \$77,000 for 1983.

Decision 1982/103. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

47. The Commission on Human Rights decided, subject to the approval of the Economic and Social Council, to set up a working group composed of 5 of its members to meet for 1 week prior to its thirty-ninth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.

48. On the basis of the foregoing, the relevant costs under section 29 B (Conference Services, Geneva) are estimated on a full-cost basis at \$41,700 for 1983.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-EIGHTH SESSION
OF THE COMMISSION

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E/CN.4/1477	Letter dated 15 July 1981 from the Permanent Mission of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1477/Add.1	Letter dated 26 August 1981 from the Permanent Mission of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1478	Note verbale dated 10 August 1981 from the Permanent Mission of Australia to the United Nations Office at Geneva addressed to the Secretary-General	12
E/CN.4/1479	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities under resolution 8 (XXIII) of the Commission on Human Rights - Note by the Secretary-General	6
E/CN.4/1480	Provisional agenda: Note by the Secretary-General	2
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E/CN.4/1482	Report of the Secretary-General	4
E/CN.4/1483 and Add.1	Note by the Secretary-General	4
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E/CN.4/1485	Progress report prepared by the <u>Ad Hoc</u> Working Group of Experts in accordance with resolution 5 (XXXVII) of the Commission on Human Rights and resolution 1981/41 of the Economic and Social Council	6
E/CN.4/1486	Report of the <u>Ad Hoc</u> Working Group of Experts of the Commission on Human Rights, prepared in accordance with Economic and Social Council decision 1981/155	6
E/CN.4/1487	Letter dated 14 December 1981 from the Chargé d'Affaires <u>ad interim</u> of the Permanent Mission of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1488	The regional and national dimensions of the right to development as a human right: study by the Secretary-General	8
E/CN.4/1489	Report of the Working Group of governmental experts on the right to development	8
E/CN.4/1490	Note by the Secretary-General	9
E/CN.4/1491	Note by the Secretariat	9
E/CN.4/1492 and Add.1	Report of the Working Group on Enforced or Involuntary Disappearances	10 (b)
E/CN.4/1493	Letter dated 22 December 1981 from the Ministry for Foreign Affairs of Sweden addressed to the Director of the Division of Human Rights	10 (a)
E/CN.4/1495	Provision of expert services in the field of human rights to Equatorial Guinea: report of the Secretary-General	12
E/CN.4/1496	Development of public information activities in the field of human rights: report of the Secretary-General	11
E/CN.4/1497	Study on the effects of the policy of <u>apartheid</u> on black women and children in South Africa: special report of the <u>Ad Hoc</u> Working Group of Experts prepared in accordance with resolution 5 (XXXVII) of the Commission on Human Rights and resolution 1981/41 of the Economic and Social Council	6

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E/CN.4/1498	Letter dated 31 December 1981 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1500 and Corr.1 and Add.1	Study by the Special Envoy of the Commission on Human Rights, Professor Héctor Gros Espiell, appointed pursuant to resolution 34 (XXXVII) of the Commission on Human Rights, on the human rights situation in Bolivia	12
E/CN.4/1501 and Add.1-2	The situation of human rights in Guatemala: Note by the Secretary-General	12
E/CN.4/1502	The situation of human rights in El Salvador: final report submitted by Professor José Antonio Pastor Ridruejo in accordance with resolution 32 (XXXVII) of the Commission on Human Rights	12
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*/ Reissued for technical reasons.

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E/CN.4/1515	Note verbale dated 4 September 1981 from the Permanent Mission of Israel to the United Nations Office at Geneva addressed to the Division of Human Rights	12
E/CN.4/1516	Note verbale dated 14 September 1981 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office and the other international organizations at Geneva addressed to the Secretary-General	12
E/CN.4/1517	Treatment of the Baha'is in Iran: note by the Secretary-General	12
E/CN.4/1982/1	Information submitted in accordance with resolution 1159 (XLI) of the Economic and Social Council regarding co-operation with regional intergovernmental bodies concerned with human rights - Note by the Secretary-General transmitting the communication of the Council of Europe on the activities of the Council of Europe in the field of human rights in 1981	11
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E/CN.4/1982/6	Letter dated 19 January 1982 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1982/7	Letter dated 27 January 1982 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	9
E/CN.4/1982/8	Report of the Secretary-General submitted pursuant to decision 5 (XXXVII) of the Commission on Human Rights	12 (a)
E/CN.4/1982/9	Letter dated 4 February 1982 from the delegations of Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Mongolia, Nicaragua, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Viet Nam addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session	
E/CN.4/1982/10	Letter dated 8 February 1982 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session	9
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E/CN.4/1982/16	Letter dated 12 February 1982 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session	9
E/CN.4/1982/17	Letter dated 15 February 1982 from the Permanent Representative of Morocco to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session	9
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E/CN.4/1982/26	Letter dated 8 March 1982 from the representative of the United States of America addressed to the Chairman of the Commission on Human Rights at its thirty-eighth session	12
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a/ The summary records of the 42nd to 51st meetings and of the first part of the 61st meeting, which were closed, were issued in restricted distribution. No summary records were prepared for the 4th and 62nd meetings.

b/ The countries listed as sponsors of the drafts in this series include those that became sponsors subsequently to the issue of the document.

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