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DEPARTMENT OF CHEMISTRY

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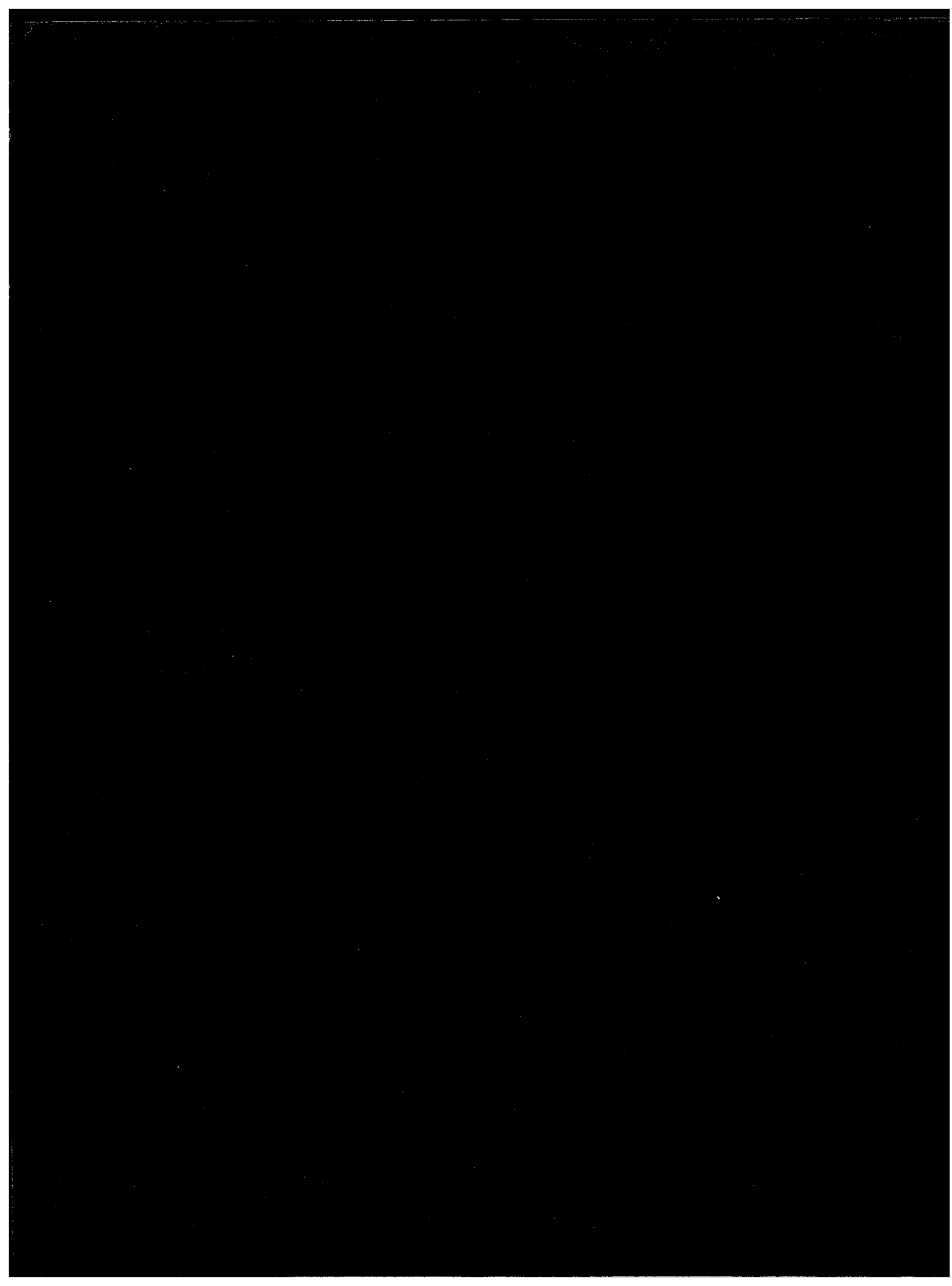
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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTIETH SESSION

(6 February-16 March 1984)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1984

SUPPLEMENT No. 4



UNITED NATIONS

New York, 1984

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.

**E/1984/14
E/CN.4/1984/77**

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ABBREVIATIONS

ILO	International Labour Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION
BY THE ECONOMIC AND SOCIAL COUNCIL */

A. Draft resolutions

I. Measures to combat racism and racial discrimination 1/

The Economic and Social Council,

Mindful of resolution 1983/10 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/9 of 28 February 1984 related to measures to combat racism and racial discrimination,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Asbjørn Eide with carrying out a study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress in this field, if any, between the first and second world conferences to combat racism and racial discrimination, taking into account also the resolutions the General Assembly might adopt on the report of the Second World Conference to Combat Racism and Racial Discrimination 2/ and the first-stage implementation of the Programme of Action for the Second Decade; 3/

2. Recommends that they study should propose new or additional measures in this field which can be taken up for examination by the Sub-Commission;

3. Requests the Secretary-General to give all necessary assistance to Mr. Asbjørn Eide in his work;

4. Requests that the study be presented to the Sub-Commission at its thirty-eighth session.

II. Question of a convention on the rights of the child 4/

The Economic and Social Council,

Recalling General Assembly resolution 38/114 of 16 December 1983, by which the General Assembly requested the Commission on Human Rights to give the highest priority at its fortieth session to the question of completing the draft convention

*/ See also chapter II, containing resolutions and decisions adopted by the Commission, some of which make reference to the Economic and Social Council.

1/ See chap. II, sect. A, resolution 1984/9, and chap. XVII.

2/ United Nations publication, Sales No. E.83.XIV.4.

3/ General Assembly resolution 38/14, annex.

4/ See chap. II, sect. A, resolution 1984/24, and chap. XIII.

on the rights of the child, and Economic and Social Council resolution 1983/39 of 27 May 1983, by which the Council authorized a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission to facilitate and speed up the completion of the work on a draft convention on the rights of the child,

Considering that it was not found possible to complete the work on the draft convention during the fortieth session of the Commission,

Taking note of Commission on Human Rights resolution 1984/24 of 8 March 1984,

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

2. Requests the Secretary-General to transmit documents relating to the draft convention on the rights of the child to the Commission on Human Rights at its forty-first session and to extend all facilities to the open-ended working group during its meeting prior to the forty-first session of the Commission.

III. Human rights violations and disabled persons 5/

The Economic and Social Council

Recalling its resolution 1983/19 of 26 May 1983,

Having regard to the Declaration on the Rights of Mentally Retarded Persons, the Declaration on the Rights of Disabled Persons and the Declaration on the Rights of Deaf-Blind Persons,

Welcoming the decision of the General Assembly, in its resolution 37/53 of 3 December 1982, to proclaim the period 1983-1992 United Nations Decade of Disabled Persons,

Deeply concerned that serious violations of human rights remain a significant cause of temporary and permanent disability,

1. Encourages the efforts of the Secretary-General to obtain the views of United Nations Bodies, specialized agencies, regional intergovernmental organizations, the International Committee of the Red Cross and other concerned non-governmental organizations on ways and means of preventing serious violations of human rights which may cause disabilities;

2. Requests Governments to pay particular attention to ways and means of strengthening procedures whereby disabled persons may seek redress for human rights violations in accordance with resolution 1982/1 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5/ See chap. II, sect. A, resolution 1984/31, and chap. XIX.

3. Invites Governments, in consultation with organizations of and for disabled persons, to inform the Secretary-General of their views and policies on these issues so that he can transmit them to the Sub-Commission, in accordance with its resolution 1982/1, for consideration at its thirty-seventh session;

4. Requests the Sub-Commission to appoint a special rapporteur to undertake a thorough study, in consultation with the Centre for Social Development and Humanitarian Affairs, of the causal connection between serious violations of human rights and fundamental freedoms and disability as well as of the progress made to alleviate problems, and to submit its views and recommendations, through the Commission on Human Rights and the Commission on Social Development, to the Economic and Social Council at its first regular session in 1986;

5. Decides exceptionally to inscribe on the agenda of its first regular session in 1986 a special item on disabled persons to coincide with the approach of the 1987 mid-term of the Decade of Disabled Persons (1983-1992), in order to allow for a full debate of the Special Rapporteur's report and the views and recommendations of the Sub-Commission, the Commission on Human Rights and the Commission on Social Development on these and related issues.

IV. Conscientious objection to military service 6/

The Economic and Social Council

1. Decides:

(a) That the report prepared by Mr. Eide and Mr. Mubanga-Chipoya on conscientious objection to military service 7/ should be printed and given the widest distribution;

(b) To transmit the report for comments and observations to Governments and to relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations;

2. Requests the Secretary-General to report to the Commission at its forty-first session on those comments and observations as well as on other significant developments regarding the human rights of conscientious objectors;

3. Requests the Commission on Human Rights to study the report on conscientious objection to military service, including the recommendations contained in that report, as well as the report of the Secretary-General containing the comments and observations, under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

V. Exploitation of child labour 8/

The Economic and Social Council

Requests the Secretary-General to organize, in close co-operation with the International Labour Office, a seminar on ways and means by which to achieve the elimination of the exploitation of child labour in all parts of the world, within the framework of the programme of advisory services in the field of human rights.

6/ See chap. II, sect. A, resolution 1984/33, and chap. XIX.

7/ E/CN.4/Sub.2/1983/30.

8/ See chap. II, sect. A, resolution 1984/35, and chap. XIX.

VI. Violations of human rights and fundamental freedoms -
Study of Discrimination in Respect of the Right of
Everyone to Leave Any Country, Including His Own,
and to Return to His Country 9/

The Economic and Social Council,

Recalling the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country, 10/ submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session, in 1963, by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session.

Also recalling Sub-Commission resolution 7 (XXXIV) of 9 September 1981, by which the Sub-Commission requested the Secretary-General to submit to it at its thirty-fifth session a concise note informing it of the consideration given by the Commission on Human Rights and the Economic and Social Council to the report on the aforementioned study,

Noting the report 11/ of the Secretary-General submitted pursuant to the above-mentioned resolution,

Noting also Sub-Commission resolutions 1982/23 of 8 September 1982 and 1983/5 of 31 August 1983 and Commission on Human Rights resolution 1984/37 of 12 March 1984,

1. Endorses the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Mubanga-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;
2. Requests the Rapporteur to present to the Sub-Commission at its thirty-seventh session for its consideration recommendations for promoting and encouraging respect for and observance of this right;
3. Requests the Secretary-General to provide all necessary assistance to Mr. Mubanga-Chipoya for the completion of this task.

9/ See chap. II, sect. A, resolution 1984/37, and chap. XIX.

10/ United Nations publication, Sales No. 64.XIV.2.

11/ E/CN.4/Sub.2/1982/27.

VII. Report on the exploitation of labour through illicit and clandestine trafficking 12/

The Economic and Social Council

1. Decides:

(a) That the report prepared by Mrs. Warzazi on the exploitation of labour through illicit and clandestine trafficking 13/ should be printed and given the widest distribution;

(b) To transmit the report for comments and observations to Governments and to relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations;

2. Requests that the Secretary-General report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session on those comments and views as well as on other significant developments regarding the human rights of migrant workers.

VIII. The status of the individual and contemporary international law 14/

The Economic and Social Council,

Mindful of resolution 1983/17 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/41 of 12 March 1984,

Recognizing the importance and usefulness of the study entitled "The status of the individual and contemporary international law", in particular in the field of the protection of the human rights of the individual at regional and international levels,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her preliminary report and the excellent work she has so far accomplished in connection with the important study in progress entitled "The status of the individual and contemporary international law",

1. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission at its thirty-seventh session;

12/ See chap. II, sect. A, resolution 1984/38, and chap. XIX.

13/ E/CN.4/Sub.2/L.640.

14/ See chap. II, sect. A, resolution 1984/41, and chap. XIX.

2. Requests the Secretary-General to transmit, as soon as possible, a reminder with the relevant questionnaire to Governments, specialized agencies, regional and other intergovernmental organizations and non-governmental organizations which have not yet replied to the above-mentioned questionnaire to submit, if they wish to do so, their comments, views and information to the Special Rapporteur;

3. Further requests the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work.

IX. Advisory services in the field of human rights -
Assistance to the Government of Bolivia 15/

The Economic and Social Council,

Bearing in mind Commission on Human Rights resolution 1984/43 of 13 March 1984,

Conscious of the role that the United Nations can play in promoting, protecting and strengthening human rights and fundamental freedoms throughout the world,

Bearing in mind the request by the Government of Bolivia for assistance in strengthening human rights and fundamental freedoms in that country,

1. Requests the Secretary-General, under the programme of advisory services in the field of human rights and in consultation with the Government of Bolivia, to examine ways and means and possible resources for rapid implementation of the projects suggested by the Special Envoy of the Commission on Human Rights in his report on assistance to Bolivia, considered by the Commission on Human Rights at its fortieth session; 16/

2. Invites all Member States, organizations of the United Nations and humanitarian and non-governmental organizations to provide support and assistance to the Government of Bolivia in its efforts to strengthen the enjoyment of human rights and fundamental freedoms in that country;

3. Specially invites the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to provide the Government of Bolivia with the assistance required, in keeping with the means available to them and their spheres of competence;

4. Requests the Commission on Human Rights to consider this subject at its forty-first session, in the light of the Secretary-General's report on the implementation of the present resolution.

15/ See chap. II, sect. A, resolution 1984/43, and chap. XXII.

16/ E/CN.4/1984/46.

X. Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 17/

The Economic and Social Council,

Mindful of resolution 1983/39 of 7 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Commission on Human Rights resolution 1984/47 of 13 March 1984 entitled "Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder",

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report; 18/
2. Requests the Sub-Commission to establish a sessional working group and to allocate to it appropriate time and facilities for a further examination, as a matter of high priority, of the draft body of principles, guidelines and guarantees annexed to the above-mentioned study 19/ and to submit the draft body of principles, guidelines and guarantees to the Commission on Human Rights at its forty-second session.

XI. Question of slavery and the slave trade in all their practices and manifestations 20/

The Economic and Social Council

1. Requests the Secretary-General to entrust a working group composed of experts designated by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization with the task of conducting a comprehensive study on the phenomenon of traditional practices affecting the health of women and children;
2. Requests the Secretary-General to provide the working group with all the assistance it needs to carry out the study;
3. Requests all interested non-governmental organizations to co-operate in the study;
4. Requests the working group to submit its report to the Commission at its forty-second session.

17/ See chap. II, sect. A, resolution 1984/47, and chap. XV.

18/ E/CN.4/Sub.2/1983/17 and Add.1.

19/ E/CN.4/Sub.2/1983/17, annex II.

20/ See chap. II, sect. A, resolution 1984/48, and chap. XIX.

XII. Summary or arbitrary executions 21/

The Economic and Social Council,

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

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

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

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, and 38/96 of 16 December 1983,

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

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

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

1. Strongly deplores, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;
2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
3. Takes note with appreciation of the report of Mr. S. Amos Wako, Special Rapporteur; 22/
4. Decides to continue the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;

21/ See chap. II, sect. A, resolution 1984/50, and chap. XII.

22/ E/CN.4/1984/29.

5. Requests the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions and to pay special attention to cases in which a summary or arbitrary execution is imminent or threatened;

6. Requests the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him;

7. Considers that the Special Rapporteur in carrying out his mandate should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

8. Requests The Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may carry out his mandate effectively;

9. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur;

10. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-first 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".

XIII. Situation in Equatorial Guinea 23/

The Economic and Social Council

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

Bearing in mind Commission on Human Rights resolution 1984/51 of 14 March 1984,

Considering that there has been no major change in the situation of human rights in Equatorial Guinea since the events of 3 August 1979,

Noting that it has not been possible to implement all the recommendations contained in its resolution 1983/35,

1. Urges the Government of Equatorial Guinea to co-operate with the Secretary-General in order to ensure the full enjoyment of human rights and fundamental freedoms in that country;

2. Requests the Secretary-General to appoint an expert to visit Equatorial Guinea in order to study, in conjunction with the Government of that country, the best way of implementing the plan of action proposed by the United Nations;

3. Requests the Commission on Human Rights to keep this matter under consideration at its forty-first session.

23/ See chap. II, sect. A, resolution 1984/51, and chap. XII.

XIV. Question of the violation of human rights and fundamental freedoms - Situation in Afghanistan 24/

The Economic and Social Council,

Mindful of resolution 1983/20 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/55 of 15 March 1984 related to the human rights situation in Afghanistan,

1. Requests the Chairman of the Commission on Human Rights to appoint an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Afghanistan, with a view to formulating proposals which could contribute to ensuring full protection of the human rights of all residents of the country, before, during and after the withdrawal of all foreign forces;

2. Authorizes the special rapporteur to seek relevant information from specialized agencies, intergovernmental organizations and non-governmental organizations;

3. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-first session.

XV. Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms 25/

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1983/31 of 8 March 1983 and resolution 1982/24 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission, inter alia, requested Mrs. Erica-Irene A. Daes to prepare draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Mindful of Sub-Commission resolution 1983/40 of 7 September 1983 and Commission on Human Rights resolution 1984/56 of 15 March 1984,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the work she has so far accomplished in connection with the important elaboration of a study on draft principles on the right responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

24/ See chap. II, sect. A, resolution 1984/55, and chap. XII.

25/ See chap. II, sect. A, resolution 1984/56, and chap. XII.