

1983/32. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session

The Economic and Social Council,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and in particular Commission on Human Rights resolutions 17 (XXXVII) of 10 March 1981⁶⁴ and 1982/23 of 10 March 1982,⁶⁵

Recalling in particular that members of the Sub-Commission are elected by the Commission on Human Rights as experts in their individual capacity,

Considering that the same criteria and qualifications should apply to alternates as to members,

Decides that, notwithstanding paragraph 2 of article 13 of the rules of procedure of the functional commissions of the Economic and Social Council,⁶⁶ the following rules shall henceforth apply to the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) A nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, who shall be elected simultaneously with the candidate for membership, and who may serve temporarily as an alternate if the member is unable to attend;

(b) The qualifications for alternates shall be the same as for members;

(c) No person may serve as alternate for a member except the expert elected as alternate, pursuant to subparagraph (a) above.

*15th plenary meeting
27 May 1983*

1983/33. Updating of the study on the question of the prevention and punishment of the crime of genocide

The Economic and Social Council,

Mindful of resolution 1982/2 of 7 September 1982, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities⁶⁷ and Commission on Human Rights resolution 1983/24 of 4 March 1983,⁶⁸ related to the revision and updating of the study on the question of the prevention and punishment of the crime of genocide,⁶⁹

1. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole, and update the study on the question of the prevention and punishment of the crime of genocide, taking into consideration the views expressed by the members of the Sub-Commission and the Commission on Human Rights, as well as replies of Governments, specialized agencies and other organizations of the United Nations system, regional organizations and

⁶⁴ See *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25)*, chap. XXVII.

⁶⁵ *Ibid.*, 1982, *Supplement No. 2 (E/1982/12)*, chap. XXVI.

⁶⁶ See E/5975/Rev.1 (United Nations publication, Sales No. E.83.I.10).

⁶⁷ See E/CN.4/1983/4 and Corr.2, chap. XXI, sect. A.

⁶⁸ See *Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13)*, chap. XXVII.

⁶⁹ E/CN.4/Sub.2/416.

non-governmental organizations to a questionnaire to be prepared by the Special Rapporteur;

2. *Further requests* the Sub-Commission to consider and to submit to the Commission on Human Rights at its fortieth session the aforementioned revised and updated study.

*15th plenary meeting
27 May 1983*

1983/34. Status of the individual and contemporary international law

The Economic and Social Council,

Mindful of resolution 1982/35 of 10 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities⁷⁰ and Commission on Human Rights resolution 1983/26 of 4 March 1983,⁶⁸

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the work she has thus far accomplished in connection with the important study in progress on 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, if possible, her final report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session;

2. *Requests* the Secretary-General to transmit a reminder with the relevant questionnaire to Governments, specialized agencies, regional organizations, intergovernmental organizations and non-governmental organizations that have not yet replied, to submit if they so wish their comments on and replies to the questionnaire of the Special Rapporteur;

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

*15th plenary meeting
27 May 1983*

1983/35. Situation of human rights in Equatorial Guinea

The Economic and Social Council,

Recalling its resolution 1982/36 of 7 May 1982,

Bearing in mind Commission on Human Rights resolution 1983/32 of 8 March 1983,⁶⁸

Mindful of the role that the United Nations could play in the promotion, protection and 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 meetings held between the Permanent Representative of Equatorial Guinea to the United Nations and officials of the United Nations Development Programme;

⁷⁰ See E/CN.4/1983/4 and Corr.1, chap. XXI, sect. A.

2. *Takes note* of the report of the Secretary-General⁷¹ and of the report submitted by two constitutional experts, Mr. Rubén Hernández-Valle and Mr. Jorge Mario Laguardia, who were recruited by the Secretary-General, at the request of the Government of Equatorial Guinea, to assist the Equatorial Guinea National Commission to draft a constitution for that country;

3. *Encourages* the Government of Equatorial Guinea to continue to display the same spirit of co-operation in implementing the plan of action prepared by the Secretary-General at the request of the Government of Equatorial Guinea;

4. *Requests* the Secretary-General, in conjunction with the Government of Equatorial Guinea, to consider what further measures could be taken by the United Nations to assist that Government in the continued implementation of the plan of action and to report to the Commission on Human Rights at its fortieth session;

5. *Requests* the Commission on Human Rights, in the light of the Secretary-General's report, to reconsider this question at its fortieth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

*15th plenary meeting
27 May 1983*

1983/36. Summary or arbitrary executions

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights,⁷² 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,⁷³ 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 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 and 37/182 of 17 December 1982, in which the Assembly condemned the practice of summary and arbitrary executions,

Bearing in mind resolution 5 of 5 September 1980 on extra-legal executions adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁷⁴

Taking note of resolutions 1982/10 and 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,⁷⁵ in

⁷¹ E/CN.4/1983/17.

⁷² General Assembly resolution 217 A (III).

⁷³ General Assembly resolution 2200 A (XXI), annex.

⁷⁴ See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

⁷⁵ See E/CN.4/1983/4 and Corr. 1, chap. XXI, sect. A.

which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary and arbitrary executions, including extra-legal executions,

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

Convinced of the need to continue to deal urgently with the question of summary or arbitrary executions, including extra-legal executions,

1. *Strongly deplores*, once again, the increasing 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 and humanitarian organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

3. *Takes note* of the report of the Special Rapporteur, Mr. S. A. Wako,⁷⁶ submitted in accordance with Council resolution 1982/35 of 7 May 1982;

4. *Decides* to continue the mandate of the Special Rapporteur, Mr. S. A. Wako, for another year;

5. *Requests* the Special Rapporteur to review his report in the light of the information received, taking particularly into account any new information, including relevant internal legislation, provided by concerned Governments as well as views expressed in the Commission on Human Rights at its thirty-ninth session and to submit a report to the Commission at its fortieth session;

6. *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;

7. *Expresses its appreciation* to those Governments that have extended invitations to the Special Rapporteur to visit their respective countries and urges the Special Rapporteur to respond positively to such invitations;

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

9. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur;

10. *Decides* that the Commission on Human Rights should consider the question of summary or arbitrary executions as a matter of high priority at its fortieth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

*15th plenary meeting
27 May 1983*

1983/37. Human rights and scientific and technological development

The Economic and Social Council,

Mindful of resolution 1982/34 of 10 September 1982 of the Sub-Commission on Prevention of Discrimination

⁷⁶ E/CN.4/1983/16 and Add.1.