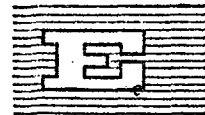


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COMMISSION ON HUMAN RIGHTS

Thirty-second session

2 February - 5 March 1976

ANNOTATIONS TO THE PROVISIONAL AGENDA

prepared by the Secretary-General

1. Election of officers

Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that each year, at the commencement of its first meeting, the Commission shall elect a chairman and one or more vice-chairmen, and other officers, from among its members.

2. Adoption of the agenda

Rule 9 of the rules of procedure provides that, except for the election of the officers, the first item on the provisional agenda of any session shall be the adoption of the agenda. The Commission will have before it the provisional agenda prepared by the Secretary-General (E/CN.4/1182) in accordance with rule 5 of the rules of procedure on the basis of the draft provisional agenda as examined by the Commission at its thirty-first session in accordance with Economic and Social Council resolution 1894 (LVII). The Commission will also have before it the present annotations relating to the items included in the provisional agenda (E/CN.4/1182/Add.1).

The Commission will recall that in response to decision 65 (ORG-75) adopted by the Economic and Social Council on 15 January 1975, authorizing certain subsidiary bodies, including the Commission on Human Rights, to provide summary records for particular discussions when needed and requesting them, when adopting their agenda, to limit the provision of such records to those items in relation to which summary records are deemed essential, the Commission, by decision 3 (XXXIII) of 5 February 1975 decided that, beginning with its thirty-second session, it would dispense with summary records for procedural matters. The Commission may wish to give further consideration to this question.

3. Organization of the work of the session

In organizing the work of the session, the Commission may bear in mind certain decisions of the Economic and Social Council relating to the Council's procedures and methods of work, and those of its subsidiary bodies, which were compiled in

document E/INF/134/Rev.1. Reference may be made in particular to Council resolution 1694 (LII) of 2 June 1972 in which the Commission was requested to pay due attention in the organization of its work to the limitations of time and its heavy agenda, and, if necessary, to resort to means such as grouping of items, postponement of certain items at the beginning of its sessions, informal consultations on draft resolutions and establishment of working groups. The Council also urged the Commission to allocate sufficient time for adequate consideration of the reports of its Sub-Commission and its working groups and to avoid, where possible, repetitious consideration of matters dealt with in detail by the Sub-Commission.

It may be noted that the Council decided on 18 May 1973 that its subsidiary organs, with the exception of the regional economic commissions, may not create either standing or ad hoc intersessional subsidiary bodies without prior approval by the Council.

It may also be noted that in accordance with Council resolution 1623 (LI) of 30 July 1971, all resolutions adopted by the Commission should normally be in the form of drafts for approval by the Council and that according to a decision by the Council on 28 July 1972, preambular paragraphs of resolutions should be concise and should not be too numerous, and action should be taken by decision rather than by the adoption of a resolution, whenever that procedure may expedite the work.

In its decision 65 (ORG-75) the Council requested all its subsidiary bodies to exercise the utmost restraint in making requests to the Secretary-General for new reports and studies.

4. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East  
(Commission resolution 6 A (XXXI))

By resolution 6A(XXXI), the Commission decided to place this item on the provisional agenda of its thirty-second session as a matter of high priority.

In accordance with paragraph 12 of resolution 6A(XXXI), the Commission will have before it a report of the Secretary-General on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations, and to give it publicity (E/CN.4/1184).

Documents requested by Member States to be brought to the attention of the Commission in connexion with this item, which are listed in E/CN.4/1183, will be available to the Commission.

5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment (Commission resolution 8 (XXXI))

By resolution 8 (XXXI) the Commission decided to consider at its thirty-second session, as a matter of high priority, the question of the violations of human rights in Chile.

In the same resolution, the Commission decided that an Ad Hoc Working Group of five members of the Commission to be appointed in their personal capacity by the Chairman of the Commission and to operate under his chairmanship, would inquire into the present situation of human rights in Chile. The Group was requested to report the results of its inquiries to the Commission on Human Rights at its thirty-second session and to submit a progress report on its findings to the Secretary-General for inclusion in his report to the General Assembly at its thirtieth session under Assembly resolution 3219 (XXX).

The progress report of the Ad Hoc Working Group was submitted to the General Assembly in document A/10285.

The report of the Ad Hoc Working Group on the results of its inquiries will be before the Commission in document E/CN.4/1188.

In addition, documents issued in connexion with the consideration by the General Assembly of the item entitled "Protection of human rights in Chile" (A/10295, A/10303, A/C.3/639, A/C.3/640, A/C.3/642, A/C.3/SR.2143-2154) will be available to the Commission.

By resolution 3448 (XXX) of 9 December 1975, the General Assembly invited the Commission to extend the mandate of the Ad Hoc Working Group, as presently constituted, to enable it to report to the Assembly at its thirty-first session and to the Commission at its thirty-third session on the situation of human rights in Chile and in particular any developments which occur to re-establish respect for human rights and fundamental freedoms.

Attention is also drawn to resolution 2 (XXVIII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of the violation of human rights and fundamental freedoms.

6. Question of the realization 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 relating to human rights in developing countries (Commission resolution 2 (XXXI))

By resolution 2 (XXXI), adopted on 10 February 1975, the Commission, considering the importance for the international community of the realization of all economic, social and cultural rights, decided to keep this item on its agenda as a standing item with high priority.

It may be recalled that in resolution 1867 (LVI) of 17 May 1974 the Economic and Social Council, inter alia, drew the attention of all States and organizations of the United Nations system and other intergovernmental organizations to the report of the Commission's Special Rapporteur Mr. Ganji (E/CN.4/1108 and Add.1-10 and E/CN.4/1131 and Corr.1; United Nations publication, Sales No. 75.XIV.2) presented to the Commission at its thirtieth session, and in particular to the revised observations, conclusions and recommendations of the Special Rapporteur, with a view to more intensive efforts being undertaken at the national, regional and international levels on the formulation of standards, norms and indicators as instruments of developmental policy and planning, and on ways of measuring the realization of economic,

social and cultural rights. In the same resolution the Council requested the Commission to review this matter and to keep the Council periodically informed of the implementation of the resolution.

Reference may be made in connexion with this item to the reports of the Secretary-General (E/CN.4/1191 and E/CN.4/1193) submitted in accordance with paragraphs 3 (c) and (e) of Commission resolution 10 (XXXI) (see annotations to item 7 below).

Periodic reports on economic, social and cultural rights for the period 1 July 1969 to 30 June 1973 that were received after the thirty-first session of the Commission (E/CN.4/1155/Add.29-32) will be available to the Commission. The periodic reports received before the thirty-first session were issued in documents E/CN.4/1155 and Add.1-28 and the analytical summary of these reports prepared by the Secretary-General was circulated in documents E/CN.4/1164 and Add.1. The report of the Ad Hoc Committee on Periodic Reports dealing with these reports may be found in document E/CN.4/1167. The Commission adopted the recommendations of its Ad Hoc Committee in resolution 12 (XXXI).

7. Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission (Commission resolution 10 (XXXI) and decision 8 (XXXI))

In resolution 10 (XXXI) of 5 March 1975 the Commission decided to consider thoroughly and comprehensively and with priority, at its thirty-second session, the question of its long-term programme of work. Furthermore, by its decision 8 (XXXI) of 5 March 1975 the Commission decided to postpone consideration of draft resolution E/CN.4/L.1285 on further promotion and encouragement of human rights and fundamental freedoms and the amendments thereto (E/CN.4/L.1307) to its thirty-second session and to give it high priority.

It may be recalled that by resolution 10 (XXX) of 5 March 1974 the Commission had decided to request the Secretary-General to invite proposals and views of States Members concerning the Commission's programme of work and to submit an analysis of the replies of Governments to the Commission at its thirty-first session. The analysis of such replies was circulated in documents E/CN.4/1168 and Add.1.

In its resolution 10 (XXXI) the Commission requested the Secretary-General to invite Member States which had not yet done so to send their views or suggestions concerning the long-term programme of work of the Commission. The analysis of the further replies received from Governments will be circulated as document E/CN.4/1169/Add.2.

In the same resolution the Commission requested the Secretary-General, taking into account the need for establishing a unified long-term programme of work in the field of human rights, to submit to it at its thirty-second session a number of reports on specific matters. Accordingly, the Commission will have before it:

- (a) A report (E/CN.4/1182) on the deliberations and decisions of the General Assembly concerning "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights

and fundamental freedoms" pursuant to General Assembly resolutions 3136 (XXVIII) and 3221 (XXIX). The relevant report submitted by the Secretary-General to the General Assembly at its thirtieth session (A/10235) will also be available to the Commission;

(b) A report (E/CN.4/1190) on the discussions and recommendations of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relating to the various human rights aspects, with particular reference to General Assembly resolution 3218 (XXIX), as well as the decisions of the General Assembly on the matter;

(c) A report (E/CN.4/1191) on the discussions and recommendations of the World Food Conference, the World Population Conference and the United Nations Conference on the Human Environment relating to the various aspects of implementations of human rights;

(d) A report (E/CN.4/1192) describing the use made of the advisory services programme in all its components (for example, experts, seminars, training courses, fellowships) since the adoption of General Assembly resolution 926 (X), with a view to a more effective utilization of the advisory services programme in the field of human rights in relation to the over-all work of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(e) A report (E/CN.4/1193) on ways and means of achieving, within the framework of the Committee on Programme and Co-ordination, intensified co-operation and co-ordination between various organs and secretariat units of the United Nations and of the specialized agencies whose work bears on the enjoyment of various aspects of human rights, with a view to developing the Commission's over-all approach and concern on the question of the realization of economic, social and cultural rights, including the procedures adopted and the results achieved towards further promotion of human rights and fundamental freedoms under the system of periodic reports.

8. The role of youth in the promotion and protection of human rights  
(Commission resolution 11 A (XXVII) and Commission decision 9 (XXXI)),  
including:

(a) The question of conscientious objection to military service:  
(Commission resolution 11 B (XXVII))

(b) Channels of communication with youth and international youth  
organizations: report of the Ad Hoc Advisory Group on Youth  
(Economic and Social Council resolution 1842 (LVI))

By decision 9 (XXXI) of 5 March 1975 the Commission decided to defer this item and the consideration of draft resolution E/CN.4/L.1310 on the role of youth in the promotion and protection of human rights to its thirty-second session and to give the item high priority.

Regarding sub-item (a), it may be recalled that by resolution 11 B (XXVII) the Commission requested the Secretary-General to make available to it the information on conscientious objection to military service included in the country monographs which has been prepared in connexion with the study on discrimination in the matter of religious rights and practices (Sales No. 60.XIV.2); to seek from Member States up-to-date information on national legislation and other measures and practices relating to conscientious objection to military service and alternative services; and to submit a report on this matter to the Commission as soon as possible.

The report of the Secretary-General (E/CN.4/1118 and Corr.1 and Add.1-3) prepared in accordance with resolution 11 B (XXVII), which was before the Commission at previous sessions, will be available.

Sub-item (b) arises out of Economic and Social Council resolution 1842 (LVI). The Council requested the Secretary-General to communicate the report of the first meeting of the Ad Hoc Advisory Group on Youth, with his own comments and recommendations, to the Commission for Social Development, the Commission on Human Rights, the Commission on the Status of Women, and the Population Commission, for their consideration, taking into account the discussions in the Council at its fifty-sixth session. The Council also recommended to the Commission on Human Rights, the Commission for Social Development and the Commission on the Status of Women that international and regional meetings on specific issues and action programmes related to youth, especially on the participation of youth in the life of society, should be organized by the United Nations, and that youth participation in such meetings, should be assured. The report of the Ad Hoc Advisory Group on Youth on its first meeting is contained in document E/CN.5/508. The comments and recommendations of the Secretary-General on the report are set forth in document E/5427, paragraphs 10(c) and 12(a). The summary records of the discussion in the Council are contained in documents E/AC.7/SR.732 to 737 and 739 and E/SR.1896.

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

By resolution 3 (XXXI), adopted on 11 February 1975, the Commission, considering the particular importance for the realization of human rights of the application of the principle of the right of peoples to self-determination, decided to place this item on its agenda every year with priority.

The attention of the Commission is drawn to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180) which deals, in chapters VI and VII respectively, with the consideration by the Sub-Commission of the preliminary reports submitted to it by two of its Special Rapporteurs: Mr. A. Cristescu on the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms (E/CN.4/Sub.2/L.626), and Mr. Hector Gros Espiell on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/L.626).

The Commission may also wish to refer to the report submitted by the Secretary-General to the General Assembly at its thirtieth session in connexion with the consideration by the Assembly of the item "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/10156 and Add.1) and to resolution 3382 (XXX) adopted by the General Assembly on 10 November 1975.

10. 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 (Commission resolution 3 (XXX))

By resolution 3 (XXX), adopted on 14 February 1974, the Commission authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to evaluate urgently the importance and the sources of political, military, economic and other assistance given by certain States to the racist and colonial régimes in southern Africa, as well as the direct or indirect effects of such assistance on the perpetuation of colonialism, racial discrimination and apartheid. The Commission also decided to consider this topic as a matter of priority at its thirty-second session.

Attention is drawn to chapter II of the report of the Sub-Commission on its twenty-eighth session (E/CN.4/1180) regarding the consideration by the Sub-Commission of the preliminary report (E/CN.4/Sub.2/L.604) submitted by its Special Rapporteur on the question, Mr. A.M. Khalifa.

The question was also on the agenda of the General Assembly at its thirtieth session. The Assembly had before it a note by the Secretary-General (A/10262) reporting on the consideration of the question by the Sub-Commission and the Commission. By resolution 3383 (XXX), the Assembly decided to consider this question at its thirty-first session as a matter of High priority and, in this regard, requested the Secretary-General to submit the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Prevention of Minorities, Mr. A.M. Khalifa, along with the recommendations of the Sub-Commission, to the General Assembly at its thirty-first session.

11. Human rights and scientific and technological developments (General Assembly resolutions 2450 (XXIII), 2721 (XXV), 3026 B (XXVII) and 3268 (XXIX): Commission resolutions 10 (XXVII), 2 (XXX) and 11 (XXXI))

In its resolution 10 (XXVII), the Commission decided to retain the item on human rights and scientific and technological developments as a standing item on its agenda and in its resolution 11 (XXXI) of 5 March 1975 it decided to give priority at its thirty-second session to the consideration of the question of scientific and technological developments insofar as they concern human rights, with a view to examining all the relevant documents, including the most recent ones.

It may be recalled that the General Assembly, in paragraph 5 of its resolution 3268 (XXIX) of 10 December 1974, requested the Commission to draw up a programme of work in connexion with human rights and scientific and technological developments, taking into account the reports of the

Secretary-General on that topic, the information transmitted by Governments pursuant to paragraph 2 of the resolution and other relevant sources, with a view to undertaking in particular the formulation of standards in the areas which would appear to be sufficiently analysed, without prejudice to other activities carried out pursuant to earlier relevant resolutions specified in the resolution, and to transmit that programme to the Economic and Social Council at its sixtieth session.

In paragraph 1 of its resolution 11 (XXXI) the Commission requested the Secretary-General to achieve, as soon as possible, the full implementation of the resolutions adopted on this subject by the General Assembly and the Commission on Human Rights, as listed in document E/CN.4/L.1287 containing a note by the Secretary-General on the programme of work in those matters. The Commission also requested the Secretary-General to make available to the Commission at its thirty-second session an updated version of that document as well as the deliberations of the Committee on Science and Technology for Development and the Advisory Committee on the Application of Science and Technology to Development, as referred to in paragraph 3 of General Assembly resolution 3268 (XXIX). In paragraph 2 of the resolution, the Commission decided, without prejudice to the continuation of the study of the other questions referred to in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, to draw up a programme of work, in pursuance of paragraph 5 of General Assembly resolution 3268 (XXIX), taking into account the reports of the Secretary-General, the replies of governments and other relevant sources and relating in particular to the definition of standards in areas which might appear to have been sufficiently analysed. The Commission further decided to transmit this work programme to the Economic and Social Council at its sixtieth session.

Under this agenda item, the Commission will therefore have before it:

- (i) A report on the protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry, as requested in paragraph 1 (b) of Assembly resolution 2450 (XXIII) (E/CN.4/1172 and Corr.1 and Add. 1-3);
- (ii) A report on the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity, as requested in paragraph 1 (d) of Assembly resolution 2450 (XXIII) (E/CN.4/1199);
- (iii) A compilation of the replies of Governments received in answer to enquiries made in accordance with paragraph 2 of Assembly resolution 3268 (XXIX) (E/CN.4/1195);
- (iv) An analysis of views and observations of Governments and specialized agencies prepared in accordance with paragraph 4 of Commission resolution 2 (XXX); (E/CN.4/1194);
- (v) An up-dated version of the note by the Secretary-General on the programme of work, prepared in accordance with paragraph 1 of Commission resolution 11 (XXXI) (E/CN.4/1313);



- (vi) A report by UNESCO dealing with the impact of scientific and technological developments on the rights laid down in article 26, paragraphs 1 and 2, and article 27 of the Universal Declaration of Human Rights, concerning the right to education, the right to culture and authors' rights (E/CN.4/1196).

Further details concerning these documents may be found in document E/CN.4/1313, mentioned in subparagraph (v) above.

General Assembly resolution 3268 (XXIX) of 10 December 1974, in its paragraph 3, drew the attention of the Council and the Commission to the importance of collecting qualified opinions in the study of problems of human rights and scientific and technological developments, particularly with regard to a code of ethics, and requested them to take the necessary measures for the implementation of the resolution in liaison, in particular, with the Committee on Science and Technology for Development (ACAST) and the Advisory Committee on the Application of Science and Technology to Development, which were invited to follow these problems as a whole at regular intervals. According to paragraph 1 of Commission resolution 11 (XXXI), the Secretary-General was to make available to the Commission at its thirty-second session the deliberations of the above-mentioned two committees. The matter was drawn to the attention of ACAST at its twenty-first session, 17-28 November 1975. It took no action on this specific matter. The Committee on Science and Technology for Development is not scheduled to meet until February 1976.

By resolution 3384 (XXX) of 10 November 1975, the General Assembly adopted a "Declaration on the use of scientific and technological progress in the interests of peace and for the benefit of mankind". The text of the Declaration will be available to the members of the Commission. Taking note of the work begun by the Commission on Human Rights in the field of human rights and scientific and technological developments, the Assembly also decided to include the item in the provisional agenda of its thirty-first session as a priority item.

12. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (General Assembly resolutions 3069 (XXVIII) and 3267 (XXIX) and Commission decision 11 (XXXI))

By resolution 3267 (XXIX) of 10 December 1974 the General Assembly requested the Secretary-General to transmit to the Commission all the opinions expressed and suggestions put forward in the course of the discussion of this question in the Assembly which are set out in document A/C.3/SR.2091-2096, A/PV/2311 and A/9893. The Assembly requested the Commission to submit, through the Council, to the Assembly at its thirtieth session a single draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. The Assembly also decided to include the item in the provisional agenda of its thirtieth session with a view to assessing progress on the elaboration of a declaration and to considering, completing and adopting, if possible, the declaration, provided that a single draft was completed by the Commission.

In decision 11 (XXXI) of 5 March 1975, the Commission decided to inform the General Assembly, through the Economic and Social Council, that, although the

Commission had made some progress in implementing General Assembly resolution 3267 (XXIX), it had not completed its work on the draft declaration and that it intended to accord priority to the drafting of the declaration at its thirty-second session.

The draft of a declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and a number of articles of a draft declaration prepared by a working group of the Commission on Human Rights, together with other relevant texts and references to documents, are set out in a note by the Secretary-General (E/CN.4/1145). Comments and suggestions of Governments received under General Assembly resolution 3069 (XXVIII) are contained in documents E/CN.4/1146 and Add.1-3 and A/C.3/SR.2006, 2009-2014, 2091-2096 and A/PV.2311. The results of the work of the informal working group established by the Commission at its thirty-first session are set out in para. 173 of the report of the Commission on its session (E/5635).

13. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories, including:

- (a) Report of the Ad Hoc Working Group of Experts (Commission resolution 5 (XXXI))
- (b) Study of situations which 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-first session (Commission decision 7 (XXXI): Economic and Social Council decision 79 (LVIII))

With regard to the item as a whole, the Commission will have before it the tenth annual supplement to document E/4226 (E/CN.4/923/Add.9), listing decisions taken by United Nations bodies during 1975 relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries and territories.

The Commission will also have before it the report of the Secretary-General (E/CN.4/1186) requested by Commission resolution 4 (XXXI) of 13 February 1975 on certain questions relating to human rights in Cyprus, containing information relevant to the implementation of that resolution. In this connexion, the attention of the Commission is drawn to Sub-Commission resolution 1 (XXVIII) of 10 September 1975 requesting the Commission on Human Rights to review the implementation of that resolution at its thirty-second session. As requested in General Assembly resolution 3450 (XXX) of 9 December 1975 on "Missing persons in Cyprus" the Commission will be provided with information relevant to the implementation of that resolution.

Chapter IX of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180) is relevant to the item. Attention is drawn to resolution 3 (XXVIII) adopted by the Sub-Commission on 10 September 1975.

Information submitted by the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in accordance with General Assembly resolution 2785 (XXVI) of 6 December 1971, in which the Assembly asked them to provide annually to the Commission reports on the nature and effect of any racial discrimination of whose existence they had knowledge in their sphere of competence, will be submitted to the Commission in a note by the Secretary-General (E/CN.4/1200 and Add.1) and may be relevant to this item.

In accordance with Economic and Social Council resolution 1591 (L) and General Assembly resolution 2785 (XXVI), any information received from non-governmental organizations in consultative status relating to their endeavours and progress in the struggle against racism, apartheid and racial discrimination in all its forms will be made available to the Commission.

As regards sub-item (a), the Commission by resolution 5 (XXXI) extended the mandate of the Ad Hoc Working Group of Experts, and requested the Group to present an interim report to the Commission at its thirty-second session. The report of the Group will be circulated in document E/CN.4/1187.

The Commission will also have before it the report of the Working Group (E/5622) which was submitted to the Council at its fifty-eighth session in accordance with Council resolution 1796 (LIV) and decisions 18 (LVI) and 25 (LVII). By decision 83 (LVIII) adopted on 6 May 1975, the Council decided to invite the Commission to consider the report appropriately at its thirty-second session and to submit its observations to the Council at its sixtieth session.

As regards sub-item (b), the Commission will recall that by decision 7 (XXXI) of 24 February 1975, it decided to request the Secretary-General to address a communication on its behalf to Governments, appealing to them to continue to co-operate with the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities by sending their observations as soon as possible on any copies of communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII) or by complying with any request made to them for their observations on communications under Council resolution 1503 (XLVIII); recommended that the Economic and Social Council request the Secretary-General to furnish the monthly list of communications forwarded to members of the Sub-Commission under paragraph 4 (a) of Council resolution 1503 (XLVIII) also to the members of the Commission on Human Rights every month; and also decided to set up a working group composed of five members of the Commission to examine situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII), to meet a week before the thirty-second session of the Commission.

The Commission will have before it the relevant documents which, being of a confidential character in accordance with Council resolution 1503 (XLVIII), will be distributed to each member of the Commission personally. These include the confidential report of the twenty-eighth session of the Sub-Commission (E/CN.4/R.12 and addenda), observations received from the Governments concerned (E/CN.4/R.13 and addenda) and the report of the Commission's working group established by its decision 7 (XXXI) (E/CN.4/R.14), as well as the confidential records of the closed meetings of the thirty-first session of the Commission and the twenty-eighth session of the Sub-Commission. Attention is also drawn to chapter XI of the report of the Sub-Commission on its twenty-eighth session (E/CN.4/1180).

14. 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 (General Assembly resolution 3377 (XXX))

In paragraph 11 of resolution 3377 (XXX) of 10 November 1975, the General Assembly called upon the Commission on Human Rights, in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to study ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination with a view to facilitating the examination of this question by the General Assembly in accordance with paragraph 18 (i) of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. In paragraph 5 of the same resolution the General Assembly also urged United Nations organs, the specialized agencies and intergovernmental and non-governmental organizations to ensure the continuation of their activities related to the Decade with emphasis on, inter alia, (a) providing moral and material support to the national liberation movements and victims of apartheid and racial discrimination; (b) assisting and conducting vigorous educational and information campaigns to dispel racial discrimination, in particular to organize an international competition for selecting an appropriate emblem for the Decade and to print posters containing the emblem for wide distribution; (c) examining the socio-economic and colonial roots of racism, apartheid and racial discrimination with a view to eliminating them.

15. Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment

- (a) Necessary steps for ensuring the effective observance of the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3453 (XXX));
- (b) Reports of the Committee on Crime Prevention and Control (Economic and Social Council resolution 1584 (L) and Commission decision 12 (XXXI));
- (c) Study of the right of everyone to be free from arbitrary arrest, detention and exile, study of the right of arrested persons to communicate with those with whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and draft principles on freedom from arbitrary arrest and detention (Commission resolution 23 (XXV) and Commission decision 12 (XXXI));
- (d) Formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the study of the right of everyone to be free from arbitrary arrest, detention and exile and the draft principles attached to it (General Assembly resolution 3453 (XXX)).

Sub-item (a)

It will be recalled that the General Assembly in its resolution 3218 (XXIX) had requested Member States to furnish the Secretary-General, in time for submission to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (September 1975) information relating to the legislative, administrative and judicial measures, including remedies and sanctions, aimed at safeguarding persons within their jurisdiction from being subjected to torture and other cruel, inhuman or degrading treatment or punishment, and their observations and comments on articles 24 to 27 of the draft principles on freedom from arbitrary arrest and

detention prepared for the Commission. The Secretary-General was requested to prepare, for submission to the Congress, to the General Assembly at its thirtieth session, to the Commission on Human Rights and to its Sub-Commission, an analytical summary of the information received from Member States. The analytical summary will be before the Commission as document A/10158 and Corr.1 and Add.1.

The General Assembly had also requested the Fifth United Nations Congress to include, in the elaboration of the Standard Minimum Rules for the Treatment of Prisoners, rules for the protection of all persons subjected to any form of detention or imprisonment, against torture and other cruel, inhuman or degrading treatment, and to report thereon to the Assembly at its thirtieth session.

The Fifth United Nations Congress after considering various proposals and suggestions made in relation to General Assembly resolution 3218 (XXIX), adopted a declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment, to be brought to the attention of the General Assembly for its further consideration.

By resolution 3452 (XXX) of 9 December 1975, the General Assembly adopted the "Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

In paragraph 2 (a) of resolution 3453 (XXX), the General Assembly requested the Commission to study, at its thirty-second session, the question of torture and any necessary steps for ensuring the effective observance of the Declaration.

In this connexion, the attention of the Commission is drawn in particular to Chapter XII of the report of the Sub-Commission on its twenty-eighth session (E/CN.4/1180), dealing with the consideration by the Sub-Commission of the question of the human rights of persons subjected to any form of detention or imprisonment.

Sub-item (b)

By decision 12 (XXXI) of 6 March 1975, the Commission postponed this question to its thirty-second session.

It may be recalled that by resolution 1584 (L), the Economic and Social Council established the Committee on Crime Prevention and Control and decided that it should report to the Commission for Social Development and, as appropriate on particular aspects, to the Commission on Human Rights and the Commission on Narcotic Drugs. The report of the first session of the Committee, which was held from 8 to 16 May 1972, is contained in document E/5191. The report of the second session, which was held from 14 to 25 May 1973, is contained in document E/CN.5/494. The report of the third session is contained in document E/CN.5/516. The Commission's attention is drawn in particular to paragraphs 33-42 of the first report (E/5191), to paragraphs 37-40, 47-58, 62 and 65-66 of the second report (E/CN.5/494), and to relevant paragraphs of the third report (E/CN.5/516).

The Commission will recall that in accordance with Economic and Social Council resolution 1794 (LIV), the question of the preparation of an international code of police ethics which appeared on the agenda of the Commission up to its twenty-ninth session, was referred to the Committee on Crime Prevention and

Control. The Council requested the Commission to consider the question at an appropriate future session, on the basis of a recommendation of the Committee. In resolution 3218 (XXIX) of 16 November 1974 entitled "Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment", the Assembly requested the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, taking into account the consideration given to the question by the Committee on Crime Prevention and Control, to give urgent attention to the question of the development of an international code of ethics for police and related law enforcement agencies.

The Fifth United Nations Congress, held at Geneva from 1 to 12 September 1975, was presented with two draft codes of police ethics and at the conclusion of the discussions, decided that the General Assembly should be requested to establish a committee of experts to study the question of an international code of police ethics and, within one year, prepare a new document to be considered by the competent organs of the United Nations.

The General Assembly, in paragraph 3 of its resolution 3453 (XXX), requested the Committee on Crime Prevention and Control to elaborate, on the basis of, inter alia, the proposals presented to and the conclusions arrived at by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a code of conduct for law enforcement officials and to submit this draft code to the General Assembly at its thirty-second session through the Commission for Social Development and the Economic and Social Council.

A report on the discussions and recommendations of the Congress, relating to various human rights aspects, with particular reference to General Assembly resolution 3218 (XXIX), as well as the decisions of the Assembly on the matter, (referred to under item 7 above) will be before the Commission in document E/CN.4/1190.

Sub-item (c)

By decision 12 (XXXI) of 6 March 1975, the Commission postponed this item to its twenty-second session.

The Commission will recall that the Study on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile, as prepared by a Committee of the Commission, was submitted to the Commission in 1962 (United Nations publication, Sales No: 65.XIV.2). By its resolution 2 (XVIII), the Commission transmitted the draft principles on freedom from arbitrary arrest and detention, prepared by the Committee, to States Members of the United Nations and States Members of the specialized agencies for their comments. The comments received from Governments were circulated at various sessions of the Commission (E/CN.4/835 and Add. 1-6, Add.6/Corr.1 and Add.7-12).

The Committee was asked to undertake a separate study on the right of arrested persons to communicate with those whom it was necessary for them to consult in order to ensure their defence or to protect their essential interests. The report of the Committee on this study (E/CN.4/996) was submitted to the Commission at its twenty-fifth session, in 1969. This study contained suggestions

for the modification and revision of some of the draft principles contained in the Committee's original study. By resolution 23 (XXV), the Commission, desiring to obtain the views of as many Governments as possible on the new study and the proposed modifications and revisions of the draft principles, requested the Secretary-General to transmit them to Governments of States Members of the United Nations and States members of the specialized agencies, and to submit the comments of Governments to it at its twenty-seventh session. Accordingly the comments of Governments were distributed at the twenty-seventh and twenty-eighth sessions of the Commission (E/CN.4/1044 and Add.1-3).

The Commission postponed consideration of this item at its last five sessions.

The attention of the Commission is drawn to paragraph 4 of Sub-Commission resolution 4 (XXVIII) by which the Sub-Commission invited the Commission to give urgent consideration to the Study of the Right of Everyone to be free from Arbitrary Arrest, Detention and Exile and the draft principles annexed to it.

Sub-item (d)

In paragraph 2 (b) of resolution 3453 (XXX), the General Assembly requested the Commission to study, at its thirty-second session, the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the Study of the Right of Everyone to be free from Arbitrary Arrest, Detention and Exile and the draft principles attached to it.

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session

The report of the Sub-Commission on its twenty-eighth session will be before the Commission in document E/CN.4/1180. The confidential part of the report of the Sub-Commission (E/CN.4/R.12 and addenda) which is also before the Commission has been referred to under item 13 above.

The report of the Sub-Commission in document E/CN.4/1180 contains five resolutions and five decisions. The resolutions and decisions which call for action by the Commission are as follows:

(i) Resolution 1 (XXVIII) on the question of the violation of human rights and fundamental freedoms which is referred to under item 13 above.

(ii) Resolution 4 (XXVIII), on the question of the human rights of persons subjected to any form of detention or imprisonment, which is referred to under item 15 above.

(iii) Resolution 5 (XXVIII) on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. In paragraph (f) of this resolution the Sub-Commission recommended that the Commission on Human Rights and the Economic and Social Council broaden the terms of reference of the working group set up under resolution 11 (XXVII) of the Sub-Commission so that it could invite States, governmental and non-governmental organizations and individuals to attend its

meetings and assist it in its work, and enable it to benefit from a longer annual period of work, specifically up to five working days, and to have all possible assistance from the Secretariat.

(iv) Decision 1 of 10 September 1975, by which the Sub-Commission requested the Secretariat to consolidate in one single document the preliminary report, the final report, the introductory statements and the draft recommendations on the exploitation of labour through illicit and clandestine trafficking presented by Mrs. Halima Warzazi, the Sub-Commission's Rapporteur on this question, and send it to the Commission on Human Rights as reflecting the present status of the work on the subject in the Sub-Commission. The Sub-Commission decided to place the Item on its agenda for the twenty-ninth session and consider the draft recommendations at that session. The above-mentioned consolidated report will be before the Commission as document E/CN.4/Sub.2/L.640.

(v) Decision 2 of 10 September 1975, dealing with the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, which is referred to under item 18 below.

(vi) Decision 4 of 10 September 1975, by which the Sub-Commission requested the competent organs to examine the view expressed by some of its members that the work of the Sub-Commission would benefit from the restoration of the previous practice of alternating its sessions between United Nations Headquarters in New York and the United Nations Office at Geneva.

The attention of the Commission is also drawn to decision 5 of 10 September 1975, in which the Sub-Commission approved a five-year programme of work (E/CN.4/1180, annex II), in accordance with Commission resolution 10 (XXXI).

17. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live (Economic and Social Council resolutions 1790 (LIV) and 1871 (LVI) and Commission decision 4 (XXXI))

On the recommendation of the Commission, the Economic and Social Council, in resolution 1871 (LVI) of 17 May 1974, requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider as a matter of high priority at its twenty-seventh session the implementation of paragraph 1 of Council resolution 1790 (LIV) concerning the problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live, and to submit appropriate recommendations to the Commission on Human Rights at its thirty-first session. At its twenty-seventh session, in 1974, the Sub-Commission had before it a survey prepared by the Secretary-General of international instruments in the field of human rights concerning distinctions in the enjoyment of certain rights as between nationals and individuals who are not citizens of the States in which they live (E/CN.4/Sub.2/335). By resolution 10 (XXVII), the Sub-Commission entrusted Baroness Elles with the task of preparing a report supplementing the study contained in document E/CN.4/Sub.2/335. The Sub-Commission decided that the report should be submitted to it at its twenty-eighth session, in 1975, and should contain, inter alia, a critical enumeration of measures which might be desirable, including the possibility of a declaration on the subject matter.



At its thirty-first session, the Commission, by decision 4 (XXXI), noted the Sub-Commission's decision and decided to defer consideration of the item to its thirty-second session.

At its twenty-eighth session, in 1975, the Sub-Commission had before it parts of the report (E/CN.4/Sub.2/L.628 and Add.1-4) prepared by Baroness Elles. As explained in chapter XIV of the report of the Sub-Commission on its twenty-eighth session (E/CN.4/Sub.2/1180), the Special Rapporteur informed the Sub-Commission that because of the dimensions and complexity of the study and the limited number of replies to her questionnaire that had so far been received, she had not been in a position to complete her report but would make every effort to do so for the twenty-ninth session of the Sub-Commission. The Sub-Commission decided that the final report of Baroness Elles should be submitted to it at its twenty-ninth session in 1976.

18. Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons (Economic and Social Council resolution 1787 (LIV) and Commission resolution 1 (XXXI))

In accordance with Economic and Social Council resolution 1787 (LIV), the Commission considered this question at its thirty-first session. It had before it the comments received from Governments, specialized agencies, regional inter-governmental organizations and non-governmental organizations received under the above-mentioned Council resolution (E/CN.4/1157 and Add.1).

In resolution 1 (XXXI) of 7 February 1975, the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider further the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, in the light of the replies received from Governments, of the comments made by other United Nations bodies, the specialized agencies and non-governmental organizations and of the summary records of the discussion of this question by the Commission on Human Rights at its thirty-first session, and to submit the results of its work to the Commission on Human Rights at its thirty-second session in such form (recommendations, statements) as it considered appropriate.

The Sub-Commission considered this question at its twenty-eighth session. In decision 2 (XXVIII) of 10 September 1975, it decided that the report of the working group set up by it to consider this question should be submitted to the Commission on Human Rights, as a provisional account of the Sub-Commission's work, for any comments the Commission may wish to make thereon. The work accomplished by the working group is set out in para. 210 of the report of the Sub-Commission on its twenty-eighth session (E/CN.4/1180). The item was placed on the draft provisional agenda for the twenty-ninth session of the Sub-Commission to permit further consideration of the working group's report at that session, taking into account recent legislative developments on the subject in the various countries.

In accordance with Council resolution 1787 (LIV), the Commission on Social Development at its twenty-fourth session in January 1975 discussed the study of discrimination against persons born out of wedlock and the draft general principles relating thereto in the light of the comments received by the Secretary-General. The discussion is summarized in the report of the Commission (E/5617; E/CN.5/525, paras. 68-70).

19. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred (General Assembly resolution 2839 (XXVI) and Commission decision 12 (XXXI))

By decision 12 (XXXI) the Commission postponed consideration of this item to its thirty-second session.

The Commission will recall that by resolution 2839 (XXVI) of 18 December 1971, the General Assembly decided to place the question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred on its agenda and under continuing review, and urged other competent organs of the United Nations to do likewise, so that appropriate measures can be taken promptly as required. In compliance with this decision of the General Assembly, the item was included in the agenda of the twenty-eighth session of the Commission. Consideration of the item has been postponed by the Commission since its twenty-eighth session.

It may be further recalled that at its 2201st plenary meeting on 14 December 1973 the General Assembly decided that the consideration of this item by the Assembly should be deferred until such time as the discussion of the item had been concluded in the Commission on Human Rights.

20. Advisory services in the field of human rights (General Assembly resolution 926 (X) and Economic and Social Council resolution 1008 (XXXVII))

In accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVIII), the Commission will have before it a report by the Secretary-General on the programme of advisory services in the field of human rights (E/CN.4/1197).

The report prepared by the Secretary-General (E/CN.4/1192) in accordance with paragraph (d) of Commission resolution 10 (XXXI) which has been referred to under item 7 above, is relevant to this item.

21. Communications concerning human rights

The Commission will have before it confidential lists of communications and confidential documents containing the replies of Governments to communications furnished to them, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 728 F (XXVIII), 1235 (XLII) and 1503 (XLVIII). In accordance with Economic and Social Council decision 79 (LVIII) of 6 May 1975, these lists and documents are furnished to the members of the Commission every month. The Commission will also have before it a confidential document of a statistical nature prepared by the Secretary-General in accordance with Commission resolution 14 (XV). Further, the Commission will have before it a non-confidential list of communications (E/CN.4/CR/46), dealing with the principles involved in the promotion of universal respect for, and observance of, human rights.

22. Draft provisional agenda and information concerning documentation for the thirty-second session of the Commission (Economic and Social Council resolution 1894 (LVII))

In its resolution 1894 (LVII), the Economic and Social Council requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with information indicating in respect of each agenda item the documents to be submitted under that item, and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider its documentation from the point of view of its contribution to the work of the commission or body, and of its urgency and relevance in the light of the current situation.

The Secretary-General will submit towards the end of the thirty-second session of the Commission a note containing a draft provisional agenda for the thirty-third session, together with the information concerning the documentation relating thereto, called for by the Council.

23. Report to the Economic and Social Council on the thirty-second session of the Commission

In accordance with rule 38 of the rules of procedure, the Commission reports to the Council on the work of each session. The Commission will recall that the Council in its decision of 8 August 1969, requested its functional commissions to consider ways and means of reducing the volume of their reports to the Council and asked the Secretary-General to take this into account when preparing draft sections of reports for the consideration of subsidiary bodies. In accordance with the guidelines laid down by the Council in resolution 1623 (LI) the reports of its functional commissions should contain, in addition to a résumé of the discussions, a concise summary of recommendations and a statement of issues requiring action by the Council, and all resolutions adopted by its functional commissions should normally be in the form of drafts for approval by the Council.

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Information which may be received from regional inter-governmental bodies under Economic and Social Council resolution 1159 (XLI), will be made available to the Commission.