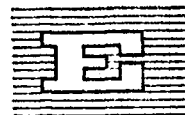


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COMMISSION ON HUMAN RIGHTS  
Thirty-second session

WORKING DOCUMENTS OF THE THIRTY-SECOND SESSION

The following documents, which were given limited distribution during the session, are reissued herewith in connexion with the report of the Commission on Human Rights on its thirty-second session: 1/

<u>Symbol</u>	<u>Date 2/</u>
E/CN.4/L.1313	26 January 1976
E/CN.4/L.1314	5 February 1976
E/CN.4/L.1314/Rev.1	9 February 1976
E/CN.4/L.1315	10 February 1976
E/CN.4/L.1316	17 February 1976
E/CN.4/L.1317	18 February 1976
E/CN.4/L.1318	19 February 1976
E/CN.4/L.1319	19 February 1976
E/CN.4/L.1322	19 February 1976
E/CN.4/L.1323	20 February 1976
E/CN.4/L.1324	20 February 1976
E/CN.4/L.1325	20 February 1976
E/CN.4/L.1326	23 February 1976
E/CN.4/L.1327 and Corr.1	24 February 1976
E/CN.4/L.1328	26 February 1976
E/CN.4/L.1329	26 February 1976
E/CN.4/L.1330	27 February 1976
E/CN.4/L.1330/Rev.1	2 March 1976
E/CN.4/L.1331	27 February 1976
E/CN.4/L.1332	27 February 1976
E/CN.4/L.1333	1 March 1976
E/CN.4/L.1333/Rev.1	3 March 1976
E/CN.4/L.1334	1 March 1976
E/CN.4/L.1335	1 March 1976
E/CN.4/L.1335/Rev.1	1 March 1976
E/CN.4/L.1336	1 March 1976
E/CN.4/L.1337	2 March 1976
E/CN.4/L.1338	2 March 1976
E/CN.4/L.1339	3 March 1976
E/CN.4/L.1340	3 March 1976

1/ Changes in the sponsors of draft resolutions or amendments contained in these documents are indicated in the main body of the report (E/CN.4/1213-E/5768) Official Records of the Economic and Social Council, Sixtieth Session, Supplement No. 3)

2/ Certain of these documents for technical reasons were issued in preliminary form before regular distribution. The dates given here are those of the original issue.

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Item 71 of the provisional agenda

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Note by the Secretary-General on the programme of work

1. 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 replies of Governments which were invited by paragraph 2 of the resolution <sup>1</sup>/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.
2. In connexion with the Commission's consideration of the agenda item on human rights and scientific and technological developments at its thirty-first session, the Secretary-General circulated document E/CN.4/L.1287, in which he recapitulated the documents that had been issued in connexion with the study of human rights and scientific and technological developments and the work that was in progress or that remained to be undertaken under existing resolutions.
3. In paragraph 1 of its resolution 11 (XXXI) of 5 March 1975, the Commission, among other actions, requested the Secretary-General to make available to it at its thirty-second session an updated version of document E/CN.4/L.1287, and decided to draw up a programme of work in pursuance of Assembly resolution 3268 (XXIX). The present document has been prepared in accordance with the Commission's request.

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<sup>1</sup>/ See para. 22 below.

General Assembly resolution 2450 (XXIII)

4. In paragraph 1 of resolution 2450 (XXIII) of 19 December 1968, the General Assembly invited the Secretary-General to undertake, with the assistance of the Advisory Committee on the Application of Science and Technology to Development and in co-operation with the executive heads of the competent specialized agencies, a study of the problems in connexion with human rights arising from developments in science and technology, in particular from the following standpoints:

- (a) Respect for the privacy of individuals and the integrity and sovereignty of nations in the light of advances in recording and other techniques;
- (b) Protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry;
- (c) Uses of electronics which might affect the rights of the person and the limits that should be placed on such uses in a democratic society;
- (d) More generally, the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity.

5. In paragraph 2 of the same resolution, the Assembly requested the Secretary-General to prepare, on a preliminary basis, a report comprising a summary account of studies already made or in progress on the aforementioned subjects, emanating in particular from governmental and intergovernmental sources, the specialized agencies and the competent non-governmental organizations, and a draft programme of work which might be undertaken in fields in which subsequent surveys would be necessary for the attainment of the objectives of the resolution.

6. The preliminary report requested in paragraph 2 of resolution 2450 (XXIII) appeared as documents E/CN.4/1028 and Add.1-3, Add.3/Corr.1 and 2 and Add.4-6.

7. A report on respect for the privacy of individuals and the integrity and sovereignty of nations in the light of advances in recording and other techniques, as requested in paragraph 1 (a) of Assembly resolution 2450 (XXIII), appeared as documents E/CN.4/1116 and Add.3/Corr.1 and Add.4.

8. A report on uses of electronics which may affect the rights of the person and the limits that should be placed on such uses in a democratic society, as requested in paragraph 1 (c) of General Assembly resolution 2450 (XXIII), appeared as documents E/CN.4/1142 and Corr. 1 and Add.1 and 2.

9. 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), is appearing as documents E/CN.4/1172 and Corr.1 and Add. 1-3.

10. 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), will be before the Commission at its thirty-second sessions as document E/CN.4/1199.

General Assembly resolutions 2450 (XXIII) and 3026 A and B (XXVII) and  
Commission resolution 10 (XXVII)

11. Assembly resolution 2450 (XXIII) called for a study of the problems in connexion with human rights arising from developments in science and technology, and no right covered by the Universal Declaration of Human Rights may be regarded as being excluded from its scope. In its resolution 10 (XXVII) of 18 March 1971, however, the Commission specifically referred to economic, social and cultural rights among the rights to be included within the scope of the Secretary-General's study, and also made certain requests of specialized agencies in this connexion.
12. By paragraph 3 of its resolution 3026 B (XXVII) of 18 December 1972, the General Assembly requested the Secretary-General, in collaboration with the specialized agencies concerned, particularly the ILO, UNESCO, WHO and FAO, to accelerate and complete preparation of relevant reports on human rights and scientific and technological developments, to be submitted at the earliest possible date, paying more attention to the problems of an equitable and just distribution of incomes, the protection of the right to work and to health, the preparation and retraining of personnel, the raising of standards of living and the educational and cultural level of people in the light of scientific and technological developments.
13. Preliminary reports have been produced by the Secretary-General on the impact of scientific and technological developments on the following economic and social rights:
- (i) The right to a standard of living adequate for health and well-being, including the right to food (E/CN.4/1084, paras. 12-57), the right to clothing (E/CN.4/1084, paras. 58-89) and the right to housing (E/CN.4/115, paras. 103-124);
  - (ii) The right to work, to just and favourable conditions of work, to just and favourable remuneration and to equal pay for equal work, and on the right to form and join trade unions (E/CN.4/1115, paras. 12-102);
  - (iii) The right to rest and leisure and the right to social security (E/CN.4/1141, paras. 10-28).
14. Communications were sent on 28 May 1974 to ILO, UNESCO, FAO and WHO with a view to revising and completing these reports. As of 21 November 1975 substantive replies had been received to these communications from ILO and FAO. The Secretary-General is preparing an appropriate document.
15. Substantive replies received from ILO, IBRD, UNESCO, UPU and IAEA, in response to inquiries sent pursuant to Commission resolution 10 (XXVII), appeared in the annex to document E/CN.4/1083 and in documents E/CN.4/1083/Add.1 and Add.2.
16. A report by UNESCO on the problem of the preservation and further development of cultural values, prepared in accordance with Assembly resolution 3026 A (XXVII) of 18 December 1972, was circulated as document A/9227.

17. 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, appeared as document E/CN.4/1144. A further report on these topics has been circulated to the Commission at its thirty-second session as document E/CN.4/1196.

18. A preliminary memorandum by WHO on health aspects of human rights and scientific and technological developments was circulated as document A/8055/Add.1. A report by WHO on health aspects of human rights in the light of scientific and technological developments was submitted to the Commission as document E/CN.4/1173. In accordance with resolution EB55.R65 of the Executive Board of WHO, the Director-General of WHO, when transmitting the report to the Secretary-General, drew attention "to the fact that it is of an informative character since the subjects treated therein are under continuing study by the Organization".

19. Reference may be made at this point to the seminar on human rights and scientific and technological developments which was organized by the United Nations Division of Human Rights, in co-operation with the Government of Austria, and held in Vienna from 19 June to 1 July 1972. The report of the Seminar was issued as document ST/TAO/HR/45.

#### General Assembly resolution 3150 (XXVIII)

20. In paragraph 5 of resolution 3150 (XXVIII) of 14 December 1973, the General Assembly invited the Secretary-General, the ILO, UNESCO, WHO and other specialized agencies concerned to pay particular attention to the problem of the protection of broad sectors of the population against social and material inequalities, as well as other harmful effects which might arise from the use of scientific and technological developments, and requested the Secretary-General, in co-operation with the above-mentioned agencies, to submit a report on this subject to the General Assembly at its thirtieth session. The report was submitted to the Assembly at that session as document A/10146.

#### Commission resolution 2 (XXX)

21. The Commission, in paragraph 2 of resolution 2 (XXX) of 12 February 1974, requested the Secretary-General to bring to the attention of Governments, for preliminary study and possible comments, the studies already prepared in accordance with General Assembly resolution 2450 (XXIII) and Commission resolution 10 (XXVII) and those studies to be completed. In its paragraph 3, the resolution requested the Secretary-General to seek the views and observations of Governments and the specialized agencies concerned on the use to which science and technology could be put: (a) to strengthen international peace and security and the fundamental rights of peoples; (b) to promote and ensure general respect for the human rights proclaimed in the Universal Declaration of Human Rights and in the International Covenants on Human Rights; (c) through raising their standard of living, to facilitate and protect the enjoyment by all peoples of their right to employment, education, food, health and economic, social and cultural well-being. Paragraph 4 of the resolution requested the Secretary-General to submit to the Commission an analysis of the views and observations received under paragraphs 2 and 3 of the resolution, in order to enable it to consider possible guidelines on standards which could be included in appropriate international instruments. Due to the small number of replies received to the requests made for the above-mentioned views and observations, the Secretary-General did not furnish an analysis to the Commission at its thirty-first session. The analysis is being submitted to the Commission at its thirty-second session as document E/CN.4/1194.

Assembly resolution 3268 (XXIX) and Commission resolution 11 (XXXI)

22. The General Assembly, in paragraph 2 of resolution 3268 (XXIX) of 10 December 1974 drew the attention of States to the advantages which might be derived from the elaboration and adoption, by the competent national authorities, of measures designed to adapt national legislation and practices, where appropriate, not only to take account of new technology but also to safeguard the fundamental rights of the individual and of groups or organizations in all sectors of social life, and invited Governments which already had experience in this field to transmit to the Secretary-General the information available to them. As has been stated in paragraph 1 above, in paragraph 5 of the same resolution, the Assembly requested the Commission to draw up a programme of work taking into account the reports of the Secretary-General, the replies of Governments 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 previous relevant Assembly and Commission resolutions, and to transmit that programme to the Economic and Social Council at its sixtieth session.

23. The Commission, in paragraph 2 (b) of its resolution 11 (XXXI) of 5 March 1975, decided to draw up at its next session a programme of work, in pursuance of paragraph 5 of the Assembly resolution, taking into account, inter alia, the replies of Governments received in accordance with the invitation contained in paragraph 2 of the Assembly resolution. The Commission at its thirty-second session will have before it a compilation of the replies of Governments, as document E/CN.4/L.1195.

24. 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 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. In accordance with paragraph 1 of Commission resolution 11 (XXXI) of 5 March 1975, the Secretary-General will make available to the Commission at its thirty-second session the deliberations of the Advisory Committee on the Application of Science and Technology to Development, as referred to in paragraph 3 of Assembly resolution 3268 (XXIX).

The formulation of international standards

25. As is stated in paragraph 1 above, Assembly resolution 3268 (XXIX) requested the Commission to draw up a programme of work, with a view to undertaking in particular the formulation of standards in the areas which would appear to be sufficiently analysed.

26. Similarly: the preamble to Assembly resolution 2450 (XXIII) stated that the envisaged studies of human rights and scientific and technological developments "may serve as a basis for drawing up appropriate standards to protect human rights and fundamental freedoms"; Commission resolution 10 (XXVII) requested the Secretary-General to submit to the Commission one or more reports, in fields where sufficient documentation and studies were available, "which could be used as a basis for exploring the possibility of preparing international instruments designed to strengthen the protection of the human rights proclaimed in the Universal Declaration of Human Rights", and Commission resolution 2 (XXX) requested the Secretary-General to submit to the Commission the analysis of observations and views referred to in paragraph 21 above, in order to enable the Commission "to consider possible guidelines on standards which could be included in appropriate international instruments".

27. In this connexion, it should be recalled that, by resolution 3384 (XXX) of 10 November 1975, the Assembly adopted a Declaration on the use of scientific and technological progress in the interests of peace and for the benefit of mankind.

28. It may be recalled that points for possible inclusion in draft international standards have been suggested in the following paragraphs of documents already produced:

- (i) On respect for the privacy of the individual in the light of modern recording and other devices and techniques: E/CN.4/1116, paragraphs 177 and 277;
- (ii) On the protection of the rights of the individual against threats arising from the use of computerized personal data systems: E/CN.4/1142, paragraph 320, and E/CN.4/1142/Corr.1;
- (iii) On the use of the computer in policy-making and management processes: E/CN.4/1142/Add.1, paragraph 92.

29. In addition, all of the Secretary-General's reports, except the preliminary report (E/CN.4/1028 and Add.1-3, Add.3/Corr.1 and 2 and Add.4-6), include accounts of measures, taken or suggested, to solve the problems created for human rights by modern scientific and technological developments. These accounts of measures, taken or suggested, were intended, in the words of Commission resolution 10 (XXVII), to "be used as a basis for exploring the possibility of preparing international instruments designed to strengthen the protection of the human rights proclaimed in the Universal Declaration of Human Rights".

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 8

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION  
OF HUMAN RIGHTS

Austria: revised draft resolution<sup>+</sup>

The Commission on Human Rights

Noting the report of the Ad Hoc Advisory Group on Youth on its first Meeting (E/CN.5/508) and the related comments and recommendations of the Secretary-General (E/5427) and the comments made thereon in different United Nations bodies, in particular regarding human rights questions,

Noting also the report on the question of conscientious objection to military service prepared by the Secretary-General pursuant to resolution 11 B (XXVII) of the Commission (E/CN.4/1118 and Add.1-3),

Aware of the increasing interest of many members of the younger generation in the fundamental objectives of the United Nations, in particular the furtherance of peace and economic and social justice and the promotion and encouragement of respect for human rights and fundamental freedoms,

Endorsing the principles and motivating goals set out by the Advisory Group on Youth, which include the desire of young people to participate constructively in the establishment of social justice, to implement human rights on the local, national and international levels, to overcome discrimination and exploitation wherever it exists, to attain the right to self-determination, national independence and social progress, and to struggle against colonial and foreign occupation,

1. Requests, on the basis of the report of the Advisory Group on Youth and the Secretary-General's comments and recommendations thereon, that the appropriate United Nations organs, specialized agencies and non-governmental organizations, as well as Governments, promote within their respective spheres of competence, the following measures of particular concern for youth involvement in human rights:

(a) Active participation of young people in the implementation of the Programme of Action to Combat Racism and Racial Discrimination, including the organization of youth meetings on the regional and national levels and youth workshops in order to examine racial prejudice and ethnic relations in their societies and to identify and to evaluate manifestations or symptoms of racial prejudice also contained in textbooks and other publications;

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<sup>+</sup> The draft resolution originally submitted to the thirty-first session was issued as document E/CN.4/L.1310.



(b) Active promotion of the participation of young people, in particular young women and girls, in the development process of the society, in particular by ensuring to them equal rights and opportunities in education at all levels and in the field of economic and social life, notably in employment;

(c) Development of a special curriculum on human rights for use in the various educational systems, particularly at the primary, secondary, technical and university level and through the United Nations University, in accordance with Commission resolution 17 (XXIX);

(d) The use of mass media and in particular television to propagate among children racial, social and political tolerance and respect for fundamental human rights;

(e) Development of youth projects with the purpose of identifying and examining situations where the human rights of young people, particularly of those who propagate social justice in their societies, are being seriously violated or restricted;

(f) Adequate consideration to the recognition of objection to military service on the grounds of conscience or profound moral, philosophical or religious conviction and the provision of possibilities of rendering alternative or civilian development service for the welfare and advancement of the well-being of society, taking into account the requirements of international peace and justice and respect for human rights and fundamental freedoms, and the particular circumstances in each country bearing in mind the struggle of peoples under colonial and alien rule to attain their inalienable rights in accordance with the United Nations Charter;

(g) Appointment by youth organizations in each country of a youth correspondent with the United Nations for issues related to human rights;

2. Requests the Secretary-General to bring the present resolution to the notice of all Member States, appropriate United Nations organs, specialized agencies and non-governmental organizations in consultative status concerned, asking them to submit information on steps taken in pursuance of paragraph 1 above;

3. Requests the Secretary-General to transmit the report of the second and third meetings of the Ad Hoc Advisory Group on Youth and all other relevant documents to the Commission for its further consideration;

4. Decides to consider at its thirty-fourth session the question of the role of youth in the promotion and protection of human rights on the basis of a report by the Secretary-General summarizing the information submitted under paragraph 2 above, as well as of the documents submitted by the Secretary-General under paragraph 3 above.

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Agenda item 8

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION  
OF HUMAN RIGHTS

Austria: revised draft resolution

A

The Commission on Human Rights,

Noting the report on the question of conscientious objection to military service prepared by the Secretary-General pursuant to its resolution 11 B (XXVII) (E/CN.4/1118 and Corr.1 and Add.1-3),

Aware of the increasing interest of members of the younger generation in the fundamental objectives of the United Nations, and in particular the furtherance of peace and the promotion of respect of human rights and fundamental freedoms,

Considering the deliberations in the Commission on the question of conscientious objection during its thirty-second session,

Decides that the Commission at its thirty-third session will give adequate consideration to the problem of recognition of objection to military service on the grounds of conscience or profound moral conviction, and the provision of possibilities of alternative or civilian service for the welfare and advancement of the well-being of society, taking into account the requirements of international peace and justice and respect for human rights and fundamental freedoms while bearing in mind particular circumstances in each country and the inalienable right to self-determination and its application under the Charter of the United Nations.

B

The Commission on Human Rights,

Noting the report of the Ad Hoc Advisory Group on Youth on its first meeting (E/CN.5/508) and the related comments and recommendations of the Secretary-General (E/5427) and the comments made thereon in different United Nations bodies, in particular regarding human rights questions,

GE.76-2202

Aware of the increasing interest of many members of the younger generation in the fundamental objectives of the United Nations, in particular the furtherance of peace and economic and social justice and the promotion and encouragement of respect for human rights and fundamental freedoms,

Taking note of the principles and motivating goals set out by the Advisory Group on Youth, which include the desire of young people to participate constructively in the establishment of social justice, to implement human rights on the local, national and international levels, to overcome discrimination and exploitation wherever they exist, to attain the right to self-determination, national independence and social progress, and to struggle against colonial and foreign occupation,

1. Requests, on the basis of the report of the Advisory Group on Youth and the Secretary-General's comments and recommendations thereon, that the appropriate United Nations organs, specialized agencies and non-governmental organizations, as well as Governments, promote within their respective spheres of competence, the following measures for the involvement of youth in human rights:

(a) Active participation of young people in the implementation of the Programme of Action to Combat Racism and Racial Discrimination, including the organization of youth meetings on the regional and national levels and youth workshops in order to examine racial prejudice and ethnic relations in their societies and to identify and to evaluate manifestations or symptoms of racial prejudice, in particular as contained in textbooks and other publications and the mass communications media;

(b) Active promotion of the participation of young people, in particular young women and girls, in the development of society, in particular by ensuring to them equal rights and opportunities in education, in employment and in the other areas of economic, social and cultural life;

(c) Development of a special curriculum on human rights for use in the various educational systems, whether at the primary, secondary, technical or university level and through the United Nations University, in accordance with Commission resolution 17 (XXIX);

(d) The use of mass media and in particular television to propagate among children tolerance and respect for human rights in accordance with the principles of the Universal Declaration of Human Rights;

(e) Development of youth projects with the purpose of identifying and examining situations where the human rights of young people are being seriously restricted or violated;

(f) Appointment by youth organizations in each country of a youth correspondent with the United Nations for issues related to human rights;

2. Requests the Secretary-General to bring the present resolution to the notice of all Member States, appropriate United Nations organs, specialized agencies and non-governmental organizations in consultative status concerned, asking them to submit information on steps taken in pursuance of paragraph 1 above;

3. Requests the Secretary-General to transmit the report of the second and third meetings of the Ad Hoc Advisory Group on Youth and all other relevant documents to the Commission for its further consideration;

4. Decides to consider at its thirty-fourth session the question of the role of youth in the promotion and protection of human rights on the basis of a report by the Secretary-General summarizing the information submitted under paragraph 2 above, as well as of the documents submitted by the Secretary-General under paragraph 3 above.

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## QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

Cuba, Cyprus, India, Pakistan, Senegal, Upper Volta and Yugoslavia:  
draft resolution

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling the pertinent United Nations resolutions on the situation in the occupied territories and the protection of the human rights and fundamental freedoms of the inhabitants of the occupied Arab territories,

Taking into account that the General Assembly has, in resolution 3376 (XXX) reaffirmed its resolution 3236 (XXIX) which confirmed the inalienable rights of the Palestinian people in Palestine and has expressed grave concern that no progress has been achieved towards

(a) The exercise by Palestinian people of their inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty,

(b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted,

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

Recalling also resolution IX adopted by the International Labour Conference at its fifty-ninth session, in 1974, which declares that any military occupation of territory constitutes in itself a permanent violation of basic human rights and fundamental freedoms and, in particular, of trade union and social rights,

Taking note of the reports of the United Nations and other international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants in particular the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272),

Greatly alarmed by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupation of these territories, and the measures aiming at annexation, as well as the continuing destruction of homes, expropriation of Arab properties and ill-treatment of prisoners,

Deplores Israel's continued persistence in establishing settlements in the occupied Arab territories, implementing massive programmes of immigration, continuing the deportation and transfer of the indigenous population and refusing their return,

Recalling the conclusion of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that the Israeli occupying forces were responsible for the deliberate total destruction of Quneitra and that this constituted a violation of article 53 of the fourth Geneva Convention of 12 August 1949 and fell within the scope of article 147 of that Convention,

Seriously concerned that the population of the occupied Arab territories are hindered in the exercise of their inalienable rights to national education and cultural life,

1. Deplores once again Israel's continued grave violations, in the occupied Arab territories, of the basic norms of international law and of the relevant international conventions, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which are considered by the Commission on Human Rights as war crimes and an affront to humanity, as well as its persistent defiance of the relevant resolutions of the United Nations and its continued policy of violating the basic human rights of the inhabitants of the occupied Arab territories;

2. Reaffirms that military occupation of territory constitutes a grave threat to international peace and security and is, in itself, a continuous violation of the Charter of the United Nations and of the Universal Declaration of Human Rights,

3. Reaffirms further the condemnation of Israel for the deliberate destruction and devastation of the town of Quneitra and considers these acts as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. Calls upon Israel to take immediate steps for the return of the Palestinians and the other displaced inhabitants of the occupied Arab territories to their homes;

5. Calls upon Israel to desist forthwith from establishing new settlements in the occupied Arab territories and to commence immediately with the removal of the existing settlements;

6. Deplores the measures taken by Israel to exploit the human, natural and all other resources and wealth of the occupied Arab territories and calls upon Israel immediately to rescind all such measures and to compensate and make full restitution for the exploitation and depletion of their human and natural resources;

7. Declares that all measures taken by Israel to change the physical character, the demographic structure and the status of occupied Arab territories are null and void, and considers these changes as an impediment to the achievement of a just and lasting peace;

8. Reaffirms its call upon Israel to ensure freedom of worship and accord the esteem, regard and protection due to the religious shrines and personalities in accordance with the established traditions in the region, particularly in Jerusalem, which have been fully respected by all authorities throughout the centuries;

9. Declares all measures taken by Israel with a view to changing the institutional structure and established religious practices in the sanctuary of Al-Ibrahimi mosque in the city of Al-Khalil null and void;

10. Calls upon all States not to recognize any such changes and measures carried out by Israel in the occupied Arab Territories and invites them to do their utmost to ensure that Israel respects the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

11. Censures in the strongest terms all measures taken by Israel to change the status of Jerusalem;

12. Condemns in particular, the following Israeli policies and practices:

- (a) Measures aiming at annexation of parts of the occupied territories;
- (b) The intensification of action aiming at the establishment of Israeli settlements therein and the transfer of an alien population thereto;
- (c) The destruction and demolition of Arab houses;
- (d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals, on the one hand, and the inhabitants and institutions of the occupied territories, on the other;
- (e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and the denial of their right to return;
- (f) Mass arrests, administrative detention and ill-treatment of the Arab population;
- (g) The pillaging of archaeological and cultural property;
- (h) The interference with religious freedoms and practices, as well as family rights and customs;
- (i) The hindrance of the exercise by the population of the occupied territories of their rights to national education and cultural life;

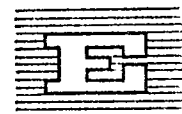
13. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity and to report to the Commission on Human Rights at its next session;

14. Decides to place on the provisional agenda of its thirty-third session, as a matter of high priority, the item entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East".

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UNITED NATIONS  
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AND  
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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 10

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

Bulgaria, Cuba, Cyprus, Egypt, India, Panama, Rwanda,  
Senegal, Sierra Leone, United Republic of Tanzania,  
Yugoslavia: draft resolution

The Commission on Human Rights,

Bearing in mind its resolution 3 (XXX),

Having noted the progress made in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study "to evaluate 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" (E/CN.4/1180),

Aware that the policies of racial discrimination and apartheid constitute flagrant violations of the Purposes and Principles of the United Nations Charter, and that their adoption is incompatible with the enjoyment of fundamental human rights,

Convinced that the political, military, economic and other forms of assistance given by certain States to the régimes of South Africa and Southern Rhodesia are one of the main causes of the perpetuation of the pernicious activities of those régimes,

Convinced also that such assistance is the main cause of the continuing illegal occupation of Namibia by the racist régime of South Africa, and of the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States,

1. Denounces with indignation the political, military, economic and other forms of assistance given by certain States to South Africa and to the illegal minority régime of Southern Rhodesia, directly or through national and multinational corporations which they control;

2. Considers that the sales of arms, the nuclear co-operation agreements and the economic activities of national and multinational corporations in South Africa, Namibia or Southern Rhodesia constitute blatant acts of complicity in the policy of apartheid - a crime against humanity - and in the policy of racial discrimination, and are an encouragement for the illegal occupation of Namibia by the racist régime of South Africa and for the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States and for intervening in their internal affairs;
3. Strongly condemns the attitude of any country which, by its political, military, economic and other forms of assistance, becomes an accomplice in apartheid and racial discrimination, and thus contributes to the perpetuation of those policies;
4. Calls upon States to:
  - (a) Scrupulously observe the sanctions decreed against the illegal minority régime of Southern Rhodesia;
  - (b) Prohibit the recruitment of mercenaries in their territories;
  - (c) Assist the liberation movements of southern Africa which are recognized by OAU and the United Nations;
  - (d) Take steps to bring about a total embargo by the Security Council on sales, gifts and transfers of arms and all other kinds of military supplies to South Africa;
  - (e) Give full effect to Decree No.1 of the United Nations Council for Namibia on the protection of the natural resources of Namibia;
5. Encourages the Special Rapporteur appointed to "evaluate 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" to continue his work so that the final report, accompanied by the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, can be considered by the Commission at its thirty-third session;
6. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable him to complete his work within the time specified.

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 5

STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE,  
WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Austria, Cuba, Cyprus, Senegal, United Kingdom of Great Britain and  
Northern Ireland, Upper Volta and Yugoslavia: draft resolution

The Commission on Human Rights,

Conscious of its responsibility to promote and encourage respect for human rights  
and fundamental freedoms for all,

Recalling that the Universal Declaration of Human Rights solemnly declares that  
everyone has the right to life, liberty and security of person and the right not to be  
subjected to arbitrary arrest, detention or exile, or to torture or cruel, inhuman or  
degrading treatment or punishment,

Recalling General Assembly resolution 3452 (XXX) by which the Declaration on the  
Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment, which was adopted unanimously,

Recalling further the concern of the General Assembly in its  
resolution 3219 (XXIX) of 6 November 1974 in which the Assembly expressed its  
deepest concern about reported constant and flagrant violations of basic human  
rights and fundamental freedoms in Chile and urged the authorities in that country  
to take all necessary steps to restore and safeguard them,

Recalling in this connexion its resolution 8 (XXXI) of 27 February 1975, in which  
it expressed its serious concern about the continuing reports of violations of human  
rights in Chile, and in which it decided to establish an Ad Hoc Working Group to  
enquire into the present situation of human rights in the said country on the basis  
of all available evidence, including a visit to Chile, and appealed to the  
authorities of Chile to extend its full co-operation to the Group,

Noting General Assembly resolution 3448 (XXX) entitled "Protection of human rights in Chile", by which, inter alia, it deplored the refusal of the Chilean authorities to allow the Ad Hoc Working Group of the Commission on Human Rights to visit the country, notwithstanding previous solemn assurances given by them in this regard and urged them to honour those assurances,

Noting also, inter alia, recent Supreme Decree 187 of 20 January 1976, related to the need for the protection of persons detained as a result of the state of siege, the effects of which have yet to be ascertained,

Having considered the report of the Ad Hoc Working Group (E/CN.4/1188 and A/10285) established under Commission resolution 8 (XXXI),

1. Expresses its appreciation to the Chairman and members of the Ad Hoc Working Group for the report, which has been prepared in a painstaking and objective manner, notwithstanding the refusal of the Chilean authorities to permit the Group to visit the country,

2. Expresses its profound distress at the constant, flagrant violations of human rights, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention and exile, of which the present report brings further evidence, which have taken place and, according to existing evidence, continue to take place in Chile, soon after the adoption of General Assembly resolution 3448 (XXX),

3. Reaffirms its condemnation of all forms of torture and cruel, inhuman or degrading treatment or punishment,

4. Appeals to the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms, and fully to respect the provisions of the international instruments to which Chile is a party, and to this end to ensure that:

(a) The state of siege or emergency is not used for the purpose of violating human rights and fundamental freedoms, contrary to article 4 of the International Covenant on Civil and Political Rights;

(b) Adequate measures are taken to end the institutionalized practice of torture and other forms of cruel, inhuman or degrading treatment or punishment in full respect of article 7 of the International Covenant on Civil and Political Rights;

(c) The rights of all persons to liberty and security of person, in particular those who have been detained without charge or put in prison solely for political reasons, are fully guaranteed, as provided for in article 9 of the International Covenant on Civil and Political Rights, and steps are taken to clarify the status of those individuals who are not accounted for;

(d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed, contrary to article 15 of the International Covenant on Civil and Political Rights;

(e) No one, in accordance with article 15 (2) of the Universal Declaration on Human Rights, shall be arbitrarily deprived of Chilean nationality;

(f) The right to freedom of association, including the right to form and join trade unions, shall be respected in accordance with article 22 of the International Covenant on Civil and Political Rights;

(g) The right to intellectual freedoms as provided for in article 19 of the International Covenant on Civil and Political Rights shall be guaranteed.

(h) The request of the Commission communicated by its Chairman in 1974 to the Government of Chile be implemented, that persons still in detention be released and that no steps be taken and no trials be held against them on a retroactive basis;

5. Concludes that the practice of torture has been systematically employed by some State agencies, particularly by the DINA, and calls upon the Chilean authorities to undertake effective measures to investigate and put an end to such activities of these agencies and of individuals in relation to acts of torture,

6. Extends the mandate of the present Ad Hoc Working Group, made up as follows, to work as experts in their personal capacity: Mr. Ghulam Ali Allana (Pakistan, Chairman/Rapporteur), Mr. Leopoldo Benites (Ecuador), Mr. Felix Ermacora (Austria), Mr. Abdoulaye Diéye (Senegal), Mrs. M.J.T. Kamara (Sierra Leone), and requests it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular any developments, legislative or otherwise, which may occur to re-establish respect for human rights and fundamental freedoms in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of United Nations bodies; thereafter the Group shall cease to exist,

7. Requests the Secretary-General to render to the Ad Hoc Working Group all the assistance which it might require in its work;

8. Recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

9. Decides to consider at its thirty-third session as a matter of high priority the question of the violation of human rights in Chile.

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COMMISSION ON HUMAN RIGHTS

Thirty-second session  
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STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN  
CHILE, WITH PARTICULAR REFERENCE TO TORTURE AND  
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT  
OR PUNISHMENT

Costa Rica: amendment to draft resolution E/CN.4/L.1317

Add the following text to the seventh preambular paragraph:

"and certain minor, insufficient and incomplete progress mentioned in paragraph 201 of the report of the Working Group, and relating in particular to opportunities for accused persons to leave the country."

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 7

FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR HUMAN  
RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION  
OF A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

People's Republic of Bulgaria, Byelorussian Soviet  
Socialist Republic, Union of Soviet Socialist  
Republics: revised draft resolution 1/

The Commission on Human Rights,

Recalling the determination of the peoples of the United Nations, proclaimed in the Charter of the United Nations, to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights,

Bearing in mind that in accordance with the International Covenant on Civil and Political Rights, "every human being has the inherent right to life",

Considering that mass and gross violations of human rights, resulting from aggression or armed conflicts with their tragic consequences, are causing unbearable human suffering and may engulf the world in increasingly serious military conflicts and hostilities, in view of which it is the obligation of the international community to co-operate in averting and eradicating such scourges,

Taking into consideration the Final Act of the Conference on Security and Co-operation in Europe, in which the participants in the Conference declared that they are conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples, and, in particular, recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among States,

1/ Revised version of draft resolution E/CN.4/L.1285, which was submitted at the thirtieth and thirty-first sessions of the Commission.

Recognizing that war of aggression is the worst kind of violation of all fundamental human rights and freedoms, which are indivisible, and above all of the right to life itself,

Recalling also the appeals of the General Assembly for new initiatives designed to promote peace, security, disarmament and economic and social progress for all mankind, as well as respect for human rights and fundamental freedoms,

1. Welcomes all efforts by States to strengthen universal peace and international détente, as an important contribution to the promotion and development of respect for fundamental human rights and freedoms, including economic, social and cultural rights;

2. Expresses the firm conviction that every person has the right to live in conditions of international peace and security, since only in such conditions can all problems of the economic and social development of States be resolved and the full enjoyment of all fundamental human rights and freedoms be ensured;

3. Emphasizes the legitimacy of the struggle against policies of aggression, colonialism and neo-colonialism, practices of genocide and mass extermination of people, racism and apartheid and other flagrant and mass violations of human rights;

4. Appeals to all States to give urgent attention to the adoption of measures designed to strengthen international peace and security with a view to creating the most favourable conditions for social and economic progress and promoting respect for human rights and fundamental freedoms, including the right to life, liberty and security of person;

5. Decides to include in the agenda of the thirty-third session of the Commission the question: "The right of every person to live in conditions of international peace and security".



# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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Agenda item 5

## STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE, WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Administrative and financial implication of the draft  
resolution contained in document E/CN.4/L.1317

Statement submitted by the Secretary-General in accordance with  
rule 28 of the rules of procedure of the functional commissions  
of the Economic and Social Council

1. In operative paragraph 6 of draft resolution E/CN.4/L.1317, the Commission on Human Rights would decide to extend the mandate of the present Ad Hoc Working Group of five members of the Commission, acting in their personal capacity as experts, and request it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular any developments, legislative or otherwise, which may occur to re-establish respect for human rights and fundamental freedoms in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of United Nations bodies; thereafter, the Group would cease to exist. Under operative paragraph 7 of the draft resolution, the Secretary-General is requested to render to the Ad Hoc Working Group all the assistance which it might require in its work. In operative paragraph 8, it is recommended to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution.

2. For the purpose of determining the financial implications of the draft resolution, the following assumptions have been made:

(a) The Working Group would visit Chile during the summer of 1976 for a period of three weeks, accompanied by one principal secretary, three substantive officers, two secretaries experienced in the work of the Division of Human Rights and information, administrative and technical staff. The visit to Chile would be preceded by one week of meetings in Geneva, at the end of May, in order to organize the Group's work and the field mission to Chile and consult as appropriate with the Government of Chile on modalities of the visit to Chile. A further week for hearing testimony and gathering oral and written information in a suitable country in South America is also envisaged.

(b) Should the mission to Chile not materialize in the available time, the Group would require one or two weeks of meetings in Geneva, and its meetings on the American continent would be held over a period of two weeks.

(c) The Working Group would meet for a further period of three weeks in Geneva in late summer 1976 for the purpose of gathering information and preparing and adopting its report to the General Assembly at its thirty-first session under General Assembly resolution 3448 (XXX). The Chairman/Rapporteur would be present in Geneva one week before the meeting of the Working Group in connexion with the preparation of the report.

(d) The Chairman/Rapporteur of the Working Group would spend three weeks at Headquarters, New York, at the time of the submission of the report of the Working Group to the General Assembly at its thirty-first session.

(e) The Working Group would meet for a period of three weeks in Geneva in January 1977 for the purpose of gathering information and preparing and adopting its report to the thirty-third session of the Commission on Human Rights, scheduled to begin on 7 February 1977.

(f) In case the Chairman/Rapporteur is not a member of the Commission on Human Rights, provision should be made for his presence during two weeks in Geneva, in February 1977, to present the report to the Commission.

I. Meeting in Geneva, May 1976 (one week)

1976 1977  
(US dollars)

Travel and subsistence of five members of the Group

(a) Travel (first class)	6,900
(b) Subsistence	2,200

Conference servicing costs

(a) Interpretation and sound technicians	(6,600) <sup>a/</sup>
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 150 pages, restricted distribution)	(7,000) <sup>a/</sup>
(c) Travel and subsistence of witnesses	3,000
(d) Temporary assistance for transcription of taped evidence	300
(e) Press clippings and other related services	200

II. Field mission to Chile (three weeks) plus one week in another Latin American country, summer 1976 (total four weeks)

Travel and subsistence of five members of the Group

(a) Travel (first class)	12,100
(b) Subsistence	7,700

Travel and subsistence of substantive, administrative and conference servicing staff (composition of staff listed below)

(a) Travel	13,200
(b) Subsistence	6,000
(c) Staff from Division of Human Rights	

Principal secretary	1
Substantive officers	3
Secretaries	2

1976      1977  
(US dollars)

- (d) Administrative and conference servicing staff which other United Nations offices in Latin America may provide without charge

Administrative officer 1

Information officer 1

Bilingual secretaries 2

Typists 2

- (e) Travel, subsistence and salaries of staff loaned by United Nations offices in Latin America and Headquarters and servicing staff recruited by ECLA in Latin America

40,000

Interpreters 7

Translators 3

Verbatim reporters 3

Sound engineer 1

Secretary 1

- (f) Travel and subsistence of witnesses (and experts from outside Chile)

9,000

- (g) Additional travel expenses and subsistence for team of interpreters plus supporting conference servicing staff required for meetings in another Latin American country for one week

5,000

- (h) General expenses

9,000

Rental of conference facilities and office space

Local transportation and communications

Air freight for equipment and documentation

Rental of equipment

Miscellaneous expenses

1976 1977  
(US dollars)

III. In the event that the mission to Chile does not materialize, meeting in Geneva, summer 1976 (one to two weeks) plus field mission to a Latin American country (two weeks) (total three to four weeks)

Meeting in Geneva, summer 1976

Travel and subsistence of five members of the Group

(a) Travel (first class)	6,900
(b) Subsistence	2,200

Conference servicing costs

(a) Interpretation and sound technicians	(6,600) <sup>a/</sup>
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 400 pages, restricted distribution)	(20,000) <sup>a/</sup>
(c) Travel and subsistence of witnesses	4,000
(d) Temporary assistance for transcription of taped evidence	300
(e) Press clippings and other related services	200

Field mission

Travel and subsistence of five members of the Group

(a) Travel (first class)	11,000
(b) Subsistence	3,500

Travel and subsistence of substantive, administrative and conference servicing staff (composition of staff listed below)

(a) Travel	9,000
(b) Subsistence	3,000
(c) Staff from Division of Human Rights	

Principal secretary 1

Substantive officers 2

Secretaries 2

1976 1977  
(US dollars)

- (d) Administrative and conference servicing staff which other United Nations offices in Latin America may provide without charge

Administrative officer	1
Information officer	1
Bilingual secretaries	2
Typists	2

- (e) Travel, subsistence and salaries of staff loaned by United Nations offices in Latin America and Headquarters and servicing staff recruited by ECLA in Latin America

20,000

Interpreters	7
Translators	3
Verbatim reporters	3
Sound engineer	1
Secretary	1

- (f) Travel and subsistence of witnesses (and experts from outside Chile)

5,000

- (g) General expenses

8,000

Rental of conference facilities and office space

Local transportation and communications

Air freight for equipment and documentation

Rental of equipment

Miscellaneous expenses

IV. Meeting in Geneva, late summer (three weeks)

Travel and subsistence of five members of the Group

- (a) Travel (first class)

6,900

- (b) Subsistence

7,100

1976 1977  
(US dollars)

Conference servicing costs

- |  |                        |
|--|------------------------|
| (a) Interpretation and sound technicians   | (19,800) <sup>a/</sup> |
| (b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution) | (35,000) <sup>a/</sup> |
| (c) Travel and subsistence of witnesses  | 12,000                 |
| (d) Temporary assistance for transcription of taped evidence   | 2,600                  |
| (e) Press clippings and other related services   | 700                    |

V. Travel and subsistence of Chairman/Rapporteur of Working Group for mission to Headquarters, New York, at thirty-first session of General Assembly (three weeks)

- |                 |       |
|-----------------|-------|
| (a) Travel      | 2,600 |
| (b) Subsistence | 1,400 |

VI. Meeting in Geneva, January 1977 (three weeks)

Travel and subsistence of five members of the Group (travel costs will be reduced by appropriate amounts for those members of the Group who will travel to Geneva under their normal entitlements as members of the Commission)

- |                          |       |
|--------------------------|-------|
| (a) Travel (first class) | 6,900 |
| (b) Subsistence          | 7,100 |

Conference servicing costs

- |  |                        |
|--|------------------------|
| (a) Interpretation and sound technicians   | (19,800) <sup>a/</sup> |
| (b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution) | (35,000) <sup>a/</sup> |

1976                      1977  
(US dollars)

(c) Travel and subsistence of witnesses	12,000
(d) Temporary assistance for transcription of taped evidence	2,600
(e) Press clippings and other related services	700

VII. Travel of Chairman/Rapporteur to Geneva at  
thirty-third session of the Commission on  
Human Rights (two weeks) (provisional)

(a) Travel	2,300
(b) Subsistence	1,100



Summary

1976 1977  
(US dollars)

I. Meeting in Geneva, May 1976 (one week)	26,200	
II. Field mission to Chile (three weeks) plus one week in another Latin American country (total four weeks)	102,000	
III. In the event that the mission to Chile does not materialize, meeting in Geneva, summer 1976 (one to two weeks), plus field mission to a Latin American country (two weeks) (total three to four weeks)	(99,700) <sup>b/</sup>	
IV. Meeting in Geneva, late summer 1976 (three weeks)	84,100	
V. Travel of Chairman/Rapporteur to Headquarters, thirty-first session of the General Assembly (three weeks)	4,000	
VI. Meeting in Geneva, January 1977 (three weeks)		84,100
VII. Travel of Chairman/Rapporteur to thirty-third session of the Commission on Human Rights (two weeks)		3,400
	<u>216,300</u>	<u>87,500</u>
TOTAL .....	303,800	

<sup>a/</sup> These costs may be met from existing resources, permanent and temporary, at the disposal of the United Nations Office at Geneva for its 1976/1977 Conference Programme, provided these meetings are included in that programme.

<sup>b/</sup> Not included in over-all total of costs.

# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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Agenda item 7

## FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Germany (Federal Republic of), Italy and United Kingdom  
of Great Britain and Northern Ireland: amendments to  
draft resolution E/CN.4/L.1319

### Preamble

1. Redraft the first paragraph to read as follows:

"Recalling the pledge of all Members as recorded in Articles 55 and 56 of the Charter of the United Nations to co-operate with the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion, and the determination of the peoples of the United Nations, proclaimed in the Charter, to save succeeding generations from the scourge of war,"

2. Replace the second paragraph by the following text:

"Recalling that the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights both recognize that everyone has the right to life, liberty and security of person,"

3. Redraft the third paragraph to read as follows:

"Considering that massive and gross violations of human rights, including those resulting from aggression or armed conflicts with their tragic consequences, cause unbearable human suffering and may engulf the world in military conflicts,"

4. Redraft the fourth paragraph to read as follows:

"Taking into consideration the Final Act of the Conference on Co-operation in Europe, in which the participants in the Conference declared that they will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development, and that they recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States,"

5. Delete the fifth paragraph.

6. Redraft the sixth paragraph to read as follows:

"Recalling also the appeals of the General Assembly for new initiatives designed to promote respect for human rights and fundamental freedoms, peace, security, justice, disarmament and economic and social progress for all mankind,"

Operative part

7. Redraft operative paragraph 1 to read as follows:

"1. Welcomes the promotion and development of respect for fundamental human rights and freedoms, including economic, social and cultural rights as an important contribution to the strengthening of universal peace and international détente;"

8. Redraft operative paragraph 2 to read as follows:

"2. Expresses the firm conviction that every person has the right to enjoy life, liberty and security of person, to exercise his or her civil, political, economic, social, cultural and other rights, and also to live in conditions of international peace and security;"

9. In operative paragraph 3:

- (a) After the words "legitimacy of the struggle", insert ", in conformity with the purposes and principles of the United Nations,"
- (b) After the words "and neo-colonialism," insert "all forms of oppression,"
- (c) For "people" read "peoples".

10. Redraft operative paragraph 4 to read as follows:

"4. Appeals to all States to create the most favourable conditions for social and economic progress and to promote the observance of human rights and fundamental freedoms, including the right to life, liberty and security of person, in order to promote the strengthening of international peace and security;"

11. Delete operative paragraph 5 and replace with the following text:

"5. Reaffirms the crucial role of the Commission on Human Rights in promoting respect for human rights and fundamental freedoms, recognizing that their effective exercise is an essential factor for the peace, justice and well-being necessary to ensure development of friendly relations and co-operation among nations."

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Thirty-second session  
Agenda item 7

FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR HUMAN RIGHTS  
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG TERM  
PROGRAMME OF WORK OF THE COMMISSION

Canada: draft resolution

The Commission on Human Rights

Recalling Articles 55 and 56 of the Charter of the United Nations regarding the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, and the pledge by all Members to take joint and separate action in co-operation with the United Nations to that effect,

Recalling also its resolutions 10 (XXX) and 10 (XXXI) concerning the further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission,

Taking into consideration the proposals and views of Member States as presented in the analysis made by the Secretary-General in documents E/CN.4/1168 and Add.1, 2 and 3,

Taking also into consideration the various reports submitted by the Secretary-General, in documents E/CN.4/1189, E/CN.4/1190, E/CN.4/1191, E/CN.4/1192 and E/CN.4/1193, in response to the request of the Commission in its resolution 10 (XXXI),

Reaffirming the important international instruments on human rights adopted by the General Assembly,

Taking note of the entry into force on 3 January 1976 of the International Covenant on Economic, Social and Cultural Rights,

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\* Reissued for technical reasons.

GE.76-3774

Convinced of the need to take, as a matter of priority, further steps to ensure the protection and promotion of human rights and fundamental freedoms, particularly in areas where no effective implementation machinery exists.

Recalling paragraph 5 of Economic and Social Council resolution 5 (I) which states: "The Commission may make recommendations to the Council concerning any sub-commission which it considers should be established",

1. Requests the Economic and Social Council to authorize the establishment of two new sub-commissions of the Commission on Human Rights, both composed of five (5) independent experts elected by the Commission from a list of names drawn up by the Secretary-General on the basis of representation from the various geographic regions from suggestions made by Member States of the United Nations, one of the new sub-commissions to be called the Sub-Commission for the Promotion of Human Rights and the other the Sub-Commission on the Protection of Human Rights; the Sub-Commission for the Promotion of Human Rights will deal with (a) preparatory work leading to the elaboration of new instruments at the request of the Commission, (b) the undertaking of studies, at the request of the Commission, concerning the promotion of human rights in particular, (c) co-operation with the Secretariat in the promotion and utilization of advisory services, (d) examination of periodic reports and other reports that the Commission may refer to it; the Sub-Commission on the Protection of Human Rights will deal with questions concerning violations of human rights of an urgent nature and will report to the Commission on them; the Sub-Commission on the Protection of Human Rights should be able to meet on an urgent basis and should be provided with adequate travel funds;

2. Recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

3. Decides to continue at its thirty-third session as a matter of priority the study of the question of "Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission".

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 7

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS  
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF  
A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

United States of America: draft resolution

The Commission on Human Rights,

Recalling the pledge of all Members as recorded in Articles 55 and 56 of the Charter of the United Nations to co-operate with the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling that the Universal Declaration of Human Rights affirms that everyone is entitled to enjoy all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Taking note of the conclusion of the Conference on Security and Co-operation in Europe, which was marked by the signature of the participants in that Conference of the Final Act, which recognized that the respect for human rights and fundamental freedoms, including freedom of thought, religion, or belief, is a principle of fundamental importance,

Noting especially that the Declaration on Principles Guiding Relations between Participating States included in the Final Act contains renewed pledges by the signatories of respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief,

Convinced that the unqualified mutual fulfilment of these pledges would enhance the development of normal and friendly international relations,

Drawing particular attention to that section of the Final Act relating to co-operation in humanitarian and other fields, which records the determination of the

signatories to implement a number of undertakings relating to human contacts, the solution of humanitarian problems, information, co-operation and exchanges in the field of culture, and co-operation and exchanges in the field of education,

Convinced that the achievements recorded in the Final Act of Helsinki constitute a significant effort to promote basic human rights and fundamental freedoms, and that their implementation will greatly assist this Commission and other United Nations organs to take effective further action to promote respect for human rights and fundamental freedoms,

Convinced as well that understandings such as that exemplified by the Helsinki Final Act reinforce world-wide efforts to promote and protect human rights and fundamental freedoms;

1. Welcomes the conclusion of the Helsinki Final Act and the human rights provisions included in the Declaration on Principles Guiding Relations between Participating States as well as those provisions relating to co-operation in humanitarian and other fields;

2. Emphasizes the importance of such understandings for the promotion of human rights and fundamental freedoms, in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights;

3. Expresses the hope that States members of the Commission will inform the next regular session of those international activities, regional or otherwise, in which they participate relating to the protection and promotion of human rights and fundamental freedoms;

4. Decides that the Commission should take this information into account when preparing its own programme of work to promote and encourage human rights and fundamental freedoms.

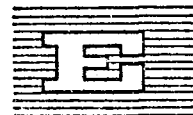
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# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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## COMMISSION ON HUMAN RIGHTS

Thirty-second session

Agenda item 13 (a)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

### REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Egypt, Jordan, Libyan Arab Republic, Sierra Leone and United Republic of Tanzania: draft resolution

#### The Commission on Human Rights:

Recalling its resolution 5 (XXXI), and particularly paragraphs 8 and 10 thereof,

Having examined the report of the Ad Hoc Working Group of Experts established by its resolution 2 (XXIII) (E/CN.4/1187),

Having taken note of the Declaration of Dakar and of the Programme of Action annexed thereto,

1. Expresses its satisfaction to the Ad Hoc Working Group of Experts for the interim report it has submitted;

2. Deplores that policies of apartheid and racial discrimination persist in southern Africa and that, in particular, South Africa is continuing its illegal occupation of the territory of Namibia;

3. Notes that the illegal, inhuman and degrading practice of public floggings in Namibia is nevertheless continuing;

4. Draws the attention of States, international organizations, non-governmental organizations and socio-professional and information groups to the provisions of the Declaration of Dakar and of the Programme of Action;

5. Decides that the Ad Hoc Working Group of Experts should evaluate all the aspects of the Declaration of Dakar and of the Programme of Action and should submit specific proposals to the Commission at its thirty-third session;

6. Requests the Secretary-General, in application of the provisions of paragraph 10 of Commission resolution 5 (XXXI), to continue his contacts with a view to the organization, in southern Africa, of a symposium on the matters referred to in paragraph 20 of the Conclusions and Recommendations of the report of the Ad Hoc Working Group of Experts (E/CN.4/1159);

7. Recommends that the Economic and Social Council adopt the following draft resolution:

"The Economic and Social Council,

Taking note of resolution ... (XXXII) of the Commission on Human Rights and of the report of the Ad Hoc Working Group of Experts (E/CN.4/1187),

Recalling the provisions of the Universal Declaration of Human Rights, of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights, as well as various international instruments relating to human rights,

Convinced of the urgent need for States to respect fundamental human rights and freedoms,

Aware of the fact that racial discrimination and the policy of apartheid are likely to constitute a threat to international peace and security,

1. Expresses its complete satisfaction to the Ad Hoc Working Group of Experts for the interim report it has submitted and invites it to continue its work;

2. Expresses its deep concern to the General Assembly regarding the situation in southern Africa as constituting a serious threat to international peace and security;

3. Appeals to all States to co-operate with the international organizations in the measures they are taking to combat racial discrimination and apartheid;

4. Invites Member States to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid;

5. Requests the Secretary-General to communicate the report of the Ad Hoc Working Group of Experts to all competent bodies in the United Nations system."

# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 7

## FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Cuba, Cyprus, Egypt, India, Lebanon, Senegal and  
Yugoslavia: draft resolution

The Commission on Human Rights,

Recalling the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to maintain international peace and security, to develop friendly relations among nations and to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recalling further the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, article 6 of which states that "Every human being has the inherent right to life",

Believing that gross and massive violations of human rights, and particularly those resulting from wars of aggression, military occupation, colonialism, neo-colonialism, and any other form of the denial of the right of peoples to self-determination, or from policies of apartheid and racial discrimination, cause unbearable human suffering and may engulf the world in military conflicts,

Convinced that the application of the Charter of Economic Rights and Duties of States and of the Declaration and Programme of Action on the Establishment of a New International Economic Order would help considerably to promote economic, social and cultural and civil and political rights and contribute to the strengthening of international peace and security,

Taking note of the Final Act of the Conference on Security and Co-operation in Europe, in which the parties to the Conference, in accordance with the purposes and principles of the United Nations and with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, reaffirm, inter alia, their commitment to peace, security and justice, and their determination to respect the equal rights of peoples and their right to self-determination, to promote human rights and fundamental freedoms, and to recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among States,

Recalling the General Assembly's appeals for new initiatives intended to contribute to the peace, security and economic and social progress of all mankind and to respect for human rights and fundamental freedoms,

1. Recalls that everyone has the right to live in conditions of international peace and security and fully to enjoy economic, social and cultural rights and civil and political rights;

2. Expresses its firm conviction that unqualified respect for, and the promotion of, human rights and fundamental freedoms require the existence of international peace and security;

3. Welcomes every effort made by States to strengthen world peace and to reduce international tension;

4. Affirms that flagrant and massive violations of human rights, including economic, social and cultural rights, may lead the world into armed conflicts;

5. Emphasizes (a) the legitimacy of the struggle against aggression, colonialism and neo-colonialism, against any form of foreign domination, and against the practice of genocide and the mass extermination of persons, apartheid and racial discrimination and all other forms of flagrant and massive violations of human rights,

(b) the need for all States to create, both by their own efforts and with international assistance and co-operation, the most favourable conditions for the maintenance of international peace and security through the establishment of a new international economic order based on justice and through respect for, and the promotion of, human rights and fundamental freedoms, including the right to life, liberty and security of person.

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COMMISSION ON HUMAN RIGHTS  
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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF  
A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Cuba, Cyprus, Egypt, India, Lebanon, Senegal and  
Yugoslavia: draft resolution

Corrigendum

1. Document E/CN.4/L.1237, dated 24 February 1976, should bear the symbol E/CN.4/L.1327.
2. In the mast-head, for RESTRICTED read Distr. LIMITED.

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 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

Cuba, India, Panama, Senegal and Yugoslavia:

Draft resolution

The Commission on Human Rights,

Guided by the purposes and principles of the United Nations,

Mindful of the Universal Declaration of Human Rights and the relevant international instruments, in particular the provisions of the Geneva Conventions of 12 August 1949,

Noting General Assembly resolution 3395 (XXX) and 3450 (XXX),

Reaffirming its resolution 4 (XXXI) and deeply concerned by the lack of progress in its implementation,

Recalling resolution 1 (XXVIII) of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Deeply concerned by the continuation of the Cyprus crisis and the continuing plight of the displaced persons in Cyprus,

Mindful of the need to solve the humanitarian problems and restore human rights in Cyprus without further delay,

Recommending to the two communities to do their utmost to find a just and lasting peaceful solution to the Cyprus problem based on respect of the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus, which solution will also guarantee the full enjoyment in mutual confidence by the whole population of Cyprus of all human rights and fundamental freedoms,

Noting the report of the Secretary-General under General Assembly resolution 3450 (XXX) and its own resolution 4 (XXXI) and expressing appreciation therefor,

Appreciating the fact that the time factor has not enabled the Secretary-General to complete his task under General Assembly resolution 3450 (XXX),

1. Renews its call upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees and displaced persons to their homes in safety and to settle all other aspects of the refugee problem;
  2. Urges all parties to refrain from unilateral actions in contravention of the relevant United Nations resolutions, including changes in the demographic structure of Cyprus;
  3. Requests the Secretary-General to continue and intensify his efforts under General Assembly resolution 3450 (XXX) in respect of missing persons in Cyprus and calls upon the parties concerned to co-operate with the Secretary-General in the fulfilment of his task;
  4. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-third session with information relevant to the implementation of the present resolution;
  5. Decides to consider the question of human rights in Cyprus at its thirty-third session.
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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 16

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT  
OR PUNISHMENT IN RELATION TO DETENTION AND IMPRISONMENT

Austria, Canada, Costa Rica, France, Germany (Federal Republic of),  
Italy, Turkey and United States of America: draft resolution

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

A

The Commission on Human Rights,

Mindful of article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of them providing that no one shall be subjected to torture or to cruel, inhuman or degrading treatment,

Welcoming the unanimous adoption of the Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX)) by the thirtieth session of the General Assembly,

Noting also General Assembly resolution 3453 (XXX) which in its operative paragraph 2(a) requested the Commission on Human Rights at its thirty-second session to study the question of torture and any necessary steps for insuring 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,

Recalling that under resolution 7 (XXVII) the Subcommittee on Prevention of Discrimination and Protection of Minorities decided to review annually developments relating to the human rights of persons subjected to any form of detention or imprisonment,

Noting resolution 4 (XXVIII) of the Subcommittee on Prevention of Discrimination and Protection of Minorities,



1. Invites the Subcommission in considering the question of the human rights of persons subjected to any form of detention or imprisonment under its resolutions 7 (XXVII) and 4 (XXVIII) to draw also upon the Declaration on the Protection of All Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the thirtieth session of the General Assembly (resolution 3452) as a guideline for its work;

2. Recommends that the Subcommission examine the relevant information submitted under its resolutions 7 (XXVII) and 4 (XXVIII) also in the light of the principles contained in the Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Invites the Subcommission to bring to the attention of those Governments concerned for their comments any reliably attested information submitted to it giving rise to concern in relation to the effective observance of the Declaration;

4. Requests the Subcommission to report annually to the Commission on the implementation of this resolution;

5. Calls on all Governments to co-operate fully in the implementation of this resolution;

6. Decides to consider the report annually and with priority under the item: Question of the Human Rights of all Persons subjected to any Form of Detention or Imprisonment.

B

The Commission on Human Rights

Noting General Assembly resolution 3453 (XXX) which in its operative paragraph 2(b) requested the Commission on Human Rights to study 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 on Freedom from Arbitrary Arrest and Detention attached to it,

Recalling resolution 4 (XXVIII) of the Subcommission on Prevention of Discrimination and Protection of Minorities, inviting the Commission on Human Rights 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,

Noting that by its resolution 23 (XXV) the Commission requested the Secretary-General to submit to Governments of States Members of the United Nations and Specialized Agencies for their comments the Study of the Right of Arrested Persons to Communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests and the suggested modifications/revisions of some of the Draft Principles on Freedom from Arbitrary Arrest and Detention,

1. Draws the attention of Governments, Specialized Agencies and Non-Governmental Organizations in consultative status with the Economic and Social Council to

- (i) the study of the Right of Everyone to be free from Arbitrary Arrest, Detention and Exile;

- (ii) the Draft Principles on Freedom from Arbitrary Arrest and Detention attached thereto;
- (iii) the Study of the Right of Arrested Persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests;
- (iv) other relevant material submitted to the General Assembly, to the Economic and Social Council and to this Commission at its thirty-second session;

2. Invites Governments, Specialized Agencies and Non-Governmental Organizations in consultative status with the Economic and Social Council to submit their comments, or their further comments on any or all of the above documents before the twenty-ninth session of the Subcommittee on Prevention of Discrimination and Protection of Minorities;

3. Requests the Secretary General, taking into account comments received under paragraph 2 above, to submit to the twenty-ninth session of the Subcommittee on Prevention of Discrimination and Protection of Minorities an up-dated report on

- (a) the Draft Principles on Freedom from Arbitrary Arrest and Detention,
- (b) the Study of the Right of Arrested Persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests;

4. Requests the Subcommittee on Prevention of Discrimination and Protection of Minorities to draw up at its twenty-ninth session on the basis of the Study, the Draft Principles on Freedom from Arbitrary Arrest and other material referred to above a body of principles for the protection of all persons under any form of detention or imprisonment and to transmit this body of principles to the Commission on Human Rights for its consideration at its thirty-third session;

5. Decides to consider with priority at its thirty-third session the question of human rights of persons subjected to any form of detention or imprisonment.

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 7

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS  
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF  
A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Costa Rica, Egypt, Lesotho and Sierra Leone:  
draft resolution

The Commission on Human Rights,

Recalling its resolutions 10 (XXX) and 10 (XXXI),

Mindful of its increasing responsibilities with regard to the wish of the international community to promote co-operation among States and co-ordination of activities undertaken under the auspices of the United Nations in order to encourage and further develop respect for human rights and fundamental freedoms,

Welcoming the entry into force of the International Covenants on Human Rights,

Mindful of the role which the Commission should play in ensuring the effective enjoyment of all the rights set out in these two Covenants,

Recognizing that it is essential to pay particular regard to the human rights aspect in all the programmes and activities of the United Nations system, and especially in activities bearing on economic and social development,

Recognizing moreover that the Commission on Human Rights has a special responsibility for watching over this, its specifically allotted sphere of action,

Noting that the present number, length and dates of the sessions of the Commission do not allow for the adequate discharge of all its functions,

Convinced, in the light of its experience, that the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X) constitutes an effective method of ensuring the exchange of expert opinion and the dissemination, implementation and improvement of the standards contained in international instruments adopted under the auspices of the United Nations,

Recognizing that the insufficient financial resources allocated for this programme in recent years could in the long term hamper its most efficient implementation,

Having taken note with appreciation of the reports submitted by the Secretary-General in accordance with its resolutions 10 (XXX) and 10 (XXXI),

1. Recommends to the Economic and Social Council that it authorize the officers of the thirty-second session of the Commission to hold preparatory meetings at least three days before the beginning of the thirty-third session;

2. Requests the Economic and Social Council and the Secretary-General to give consideration to the possibility of a regional seminar being organized each year at the headquarters of one of the regional economic commissions;

3. Recommends to the Economic and Social Council that it invite the General Assembly to provide adequate financial resources to permit the satisfactory execution, on the appropriate level, of the United Nations programme in the field of human rights, with due regard to the large scope of the programme, and in particular of the programme of advisory services in the field of human rights;

4. Requests the Secretary-General to give more publicity to the existence of and the possibilities offered by the programme of advisory services, with special reference to the availability of the services of experts;

5. Decides to examine at its thirty-third session the possibility of grouping the appropriate agenda items into two groups - (i) items related to civil and political rights, and (ii) items related to economic, social and cultural rights - to be considered in turn at alternate sessions, while items of an urgent nature, such as those relating to specific situations of alleged gross violations of human rights, would be considered at every session;

6. Charges its Chairman, Vice-Chairmen and Rapporteur, at the preparatory meeting proposed in paragraph 1 above, to give preliminary consideration in particular to the question stated in paragraph 5 above with a view to formulating a specific proposal for discussion at the immediately following session;

7. Requests the Secretary-General to provide all assistance in preparing the preparatory meeting;

8. Decides to examine further at its thirty-third session, as a matter of priority, its programme and methods of work.

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Agenda item 7

## FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Costa Rica, Egypt and Sierra Leone: revised draft  
resolution

The Commission on Human Rights,

Recalling its resolutions 10 (XXX) and 10 (XXXI),

Mindful of its increasing responsibilities with regard to the wish of the international community to promote co-operation among States and co-ordination of activities undertaken under the auspices of the United Nations in order to encourage and further develop respect for human rights and fundamental freedoms,

Welcoming the entry into force of the International Covenants on Human Rights,

Mindful of the role which the Commission should play in ensuring the effective enjoyment of all the rights set out in these two Covenants,

Recognizing that it is essential to pay particular regard to the human rights aspect in all the programmes and activities of the United Nations system, and especially in activities bearing on economic and social development,

Recognizing moreover that the Commission has a special responsibility for watching over this, its specifically allotted sphere of action,

Noting that the present number, length and dates of the sessions of the Commission do not seem to allow for the adequate discharge of all its functions,

Convinced, in the light of its experience, that the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X) constitutes an effective method of ensuring the exchange of expert opinion and the dissemination, implementation and improvement of the standards contained in international instruments adopted under the auspices of the United Nations.

GE.76-3680

Recognizing the need for an efficient programme and adequate resources in this field,

Having taken note with appreciation of the reports submitted by the Secretary-General in accordance with its resolutions 10 (XXX) and 10 (XXXI),

1. Recommends to the Economic and Social Council that it authorize the officers of the thirty-second session of the Commission to hold preparatory meetings at least three days before the beginning of the thirty-third session;

2. Requests the Economic and Social Council to enable the Secretary-General to continue to organize regional seminars on human rights;

3. Recommends to the Economic and Social Council to invite the Committee for Programme and Co-ordination to analyse the programme in the field of human rights as contained in the medium-term plan for 1976-1979 and the programme budget for 1976-1977 in order to ascertain to what degree the presentation of this programme and the resources allocated to it as described in these two documents can efficiently achieve the aims and objectives of United Nations activities in this field;

4. Requests the Secretary-General acting in particular through the information centres to give more publicity to United Nations activities in the field of human rights;

5. Decides to examine at its thirty-third session the possibility of grouping the appropriate agenda items into two groups - (i) items related to civil and political rights, and (ii) items related to economic, social and cultural rights - to be considered in turn at alternate sessions, while items of an urgent nature, such as those relating to specific situations of alleged gross violations of human rights, would be considered at every session;

6. Requests its Chairman, Vice-Chairmen and Rapporteur, at the preparatory meeting proposed in paragraph 1 above, to give preliminary consideration in particular to the question stated in paragraph 5 above with a view to formulating specific proposals for discussion at the immediately following session;

7. Requests the Secretary-General to provide all assistance in preparing the preparatory meeting;

8. Decides to examine further at its thirty-third session, as a matter of priority, its programme and methods of work.

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Thirty-second session  
Agenda item 12

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS  
OF INTOLERANCE AND OF DISCRIMINATION BASED ON  
RELIGION OR BELIEF

Austria: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 3069 (XXVIII) in which the Economic and Social Council was invited to request the Commission to submit, if possible, a single draft Declaration on the Elimination of All Forms of Religious Intolerance to the Assembly at its twenty-ninth session through the Economic and Social Council,

Recalling further General Assembly resolution 3267 (XXIX), in which the Commission was expressly requested to submit through the Economic and Social Council to the General 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,

Considering the fact that the Commission's working group on the preparation of a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which was set up at the thirtieth, thirty-first and thirty-second sessions of the Commission, has been unable to prepare more than the preamble of the draft Declaration and that all the substantive articles are still undiscussed,

Considering that if the work continues at the same pace, a draft of the said Declaration cannot be expected in the next few years and the Commission will not meet the clearly expressed wish of the General Assembly in the above-mentioned resolutions,

1. Decides to establish an open-ended working group of States members of the Commission, to meet during one week between the sessions, with the mandate to elaborate a draft of a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to submit this draft to the Commission at its thirty-third session;

2. Requests the Secretary-General to give the necessary assistance to the working group;

3. Decides to consider the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief at its thirty-third session as a matter of high priority.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 7

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG-TERM  
PROGRAMME OF WORK OF THE COMMISSION

Austria: amendment to draft resolution E/CN.4/L.1330

Insert a new operative paragraph between the existing paragraphs 2 and 3,  
to read as follows:

"3. Recommends to the Economic and Social Council to consider the  
possibility of organizing a world-wide human rights conference as  
close as possible to 1978, the thirtieth anniversary of the proclamation  
of the Universal Declaration of Human Rights, to consider further steps  
for the promotion and encouragement of human rights on a world-wide basis;"  
and renumber the remaining paragraphs accordingly.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 13 (b)

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

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

United States of America: draft resolution

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following  
draft resolution:

The Economic and Social Council,

Recognizing that it is desirable that the Commission on Human Rights, when  
examining a situation referred to it by the Sub-Commission on Prevention of  
Discrimination and Protection of Minorities under resolution 1503 (XLVIII) of the  
Council, should have at its disposal the most recent available information  
relating to that situation,

Requests the Secretary-General to furnish confidentially before each  
session to the members of the Commission and to the members of any working group  
of the Commission established to examine, in the first instance, particular  
situations referred to the Commission, copies of any communications he has  
received which contain additional information relating to a situation or  
situations which has or have been so referred.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 13 (b)

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

- 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

United States of America : revised draft resolution

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following  
draft resolution:

The Economic and Social Council,

Recognizing that it is desirable that the Commission on Human Rights,  
when examining a situation referred to it by the Sub-Commission on Prevention  
of Discrimination and Protection of Minorities under resolution 1503 (XLVIII)  
of the Council, should have at its disposal the most recent available  
information relating to that situation,

Requests the Secretary-General to furnish confidentially before each  
session to the members of the Commission and to the members of any working  
group of the Commission established to examine, in the first instance,  
particular situations referred to the Commission, copies of all communications  
he has received which relate to a situation or situations which has or have  
been so referred, provided that each such communication shall have been  
furnished to the government concerned for reply at least six weeks prior to  
the opening of the session of the Commission.

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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 15

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Outline of information, suggestions and comments  
on the implementation of the International Covenant  
on Economic, Social and Cultural Rights discussed  
during the Commission's consideration of item 6

INTRODUCTION

In accordance with a request made by members of the Commission at the 1340th meeting, on 5 February 1976, the Secretariat has prepared the following outline of the points raised during the discussion of item 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) which may have a bearing on the implementation of the International Covenant on Economic, Social and Cultural Rights.

A. General comments

Approach of the Commission on Human Rights

1. The representative of Bulgaria said that the entry into force of the Covenant was a development to be welcomed, but it raised practical problems. His delegation felt that the Commission should reflect at length on the proposals that had been made before taking a final decision on them. 1/

2. On the question of the entry into force of the Covenant on Economic, Social and Cultural Rights, the representative of the Byelorussian SSR said that the Commission must now give thought to its future contribution regarding the exercise of those rights. At the juridical level, the Commission might be guided by General Assembly resolution 3273 (XXIX) entitled "National experience in achieving far-reaching social and economic changes for the purpose of social progress" in directing its future activities. That resolution would make it possible to take positive action immediately, without the need to set up new bodies of working groups. The Secretariat could ask the States Members of the United Nations, not only for information on the exercise of economic, social and cultural rights as a whole, but also for their opinion on the social conditions favourable to the exercise of economic, social and cultural rights, requesting them to specify the role which the Commission should play in the study of that question. Such an inquiry was all the more essential in that only 32 Members of the United Nations were represented in the Commission and it was therefore incumbent upon them, before adopting a programme of work, to ascertain the views of all States. The replies from Member States could be summarized in a document which would be submitted to the Commission at its next session; in that way the Commission would be able to act realistically and take account of the wishes of all countries. 2/

3. The emphasis placed on the human rights aspects of economic, social and cultural problems, as well as of civil and political issues, was felt by the representative of France to be still not quite adequate; he thought that the Commission would do well to continue bringing that element to the attention of policy-making international bodies. 3/ The representative of the Federal Republic of Germany stated that the Commission's desire to work for the realization of economic, social and cultural rights imposed on it the duty to stress the need for international co-operation... All political decisions should be based on the criteria of their contribution to the full realization of all human rights for every individual. 4/

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1/ E/CN.4/SR.1339, para.35.

2/ E/CN.4/SR.1339, para.45.

3/ E/CN.4/SR.1340, para.4.

4/ E/CN.4/SR.1338, para.9.

4. The representative of Iran said that a dual responsibility now devolved upon the Commission on Human Rights, which should unequivocally express its belief that economic, social and cultural rights were basic human rights for whose realization the international community as a whole must acknowledge its joint responsibility. The world community would have to agree to make common cause if it was to avert a catastrophe which would have repercussions primarily on human rights. Equitable and realistic co-operation would therefore have to be established between all States. The Commission should also be the forum which transcended the technical aspects of development in order to draw attention at all times to its goal, which was respect for human rights. 5/

B. The programme of reports under the International Covenant  
on Economic, Social, and Cultural Rights

Information supplied by the Director of the Division of Human Rights

5. The Director of the Division of Human Rights said that, at its organizational session, which had been held during the first two weeks of January, the Economic and Social Council had placed the question of the implementation of the Covenant on the agenda for its spring session. It had instructed the Secretary-General to undertake, on its behalf, the consultations provided for in article 17 with the States Parties and the specialized agencies concerned, and to submit to it a note containing the recommendations relating to procedures for implementing the Covenant. The representatives of the Secretary-General and those of the ILO, UNESCO, WHO, FAO and the United Nations High Commissioner for Refugees had already met and had agreed to suggest to the Council that the States Parties and the specialized agencies should spread out the submission of their reports on the substantive provisions of the Covenant over a cycle of six years; in the first year of the submission of reports, the States Parties and specialized agencies would report on the rights recognized by articles 6 and 7 (the right to work), in the second year on the rights recognized by article 11 (the right to an adequate standard of living), in the third year on the rights recognized by articles 13 and 14 (the right to education), in the fourth year on the rights recognized by article 12 (the right to health), in the fifth year on the rights recognized by articles 9 and 10 (the right to social security) and in the sixth year on the rights recognized by articles 8 and 15 (trade union rights and the right to culture). In that connexion, the Director of the Division of Human Rights mentioned that the United Nations Secretariat, in collaboration with the secretariats of the specialized agencies, would be prepared to draw up, for consideration by the Economic and Social Council, guidelines for States Parties regarding the content of the reports. The Secretary-General had communicated with the States Parties requesting their views on the proposed programme for spreading out the submission of reports.

6. The delegation of the Byelorussian SSR stated that it would study the programme outlined by the Director of the Division of Human Rights but that it would like the Commission to consider that programme in the light of its own suggestion. The programme might err on the side of selectivity, inasmuch as only certain provisions of the Covenant would be studied, whereas a single integrated programme should be envisaged. 6/

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5/ E/CN.4/SR.1341, para.6.

6/ E/CN.4/SR.1339, para.46.

7. The representative of Senegal, referring to the proposals which had been made on the subject, recalled Mr. Ganji's suggestion for periodical reporting on the realization of economic, social and cultural rights throughout the world. Such reports should perhaps be issued every four years, in the year preceding the UNCTAD session. The specialized agencies should also co-operate in the preparation of those four-yearly reports. Lastly, the Commission should participate in the working out a programme for the reports required under the Covenant, even if that was an obligation which really devolved upon the Economic and Social Council. 7/

### C. Organizational aspects

#### 1. Proposals for a working group to consider reports on economic, social and cultural rights

8. The representative of Austria stated that in order to live up to its responsibilities under article 19 of the Covenant, the Commission would first of all have to take certain steps of an organizational nature. The situation at present was that, in accordance with Economic and Social Council resolution 1074 C (XXXIX), an Ad Hoc Committee had been set up to consider reports on economic, social and cultural rights, while the Commission was required to study similar reports under articles 16, 17 and 18 of the Covenant. A concentration of efforts was clearly called for if duplication was to be avoided. A possible solution might be for the Commission to appoint a working group of experts, consisting of five of its members, to deal both with reports received from States Parties to the Covenant under articles 16, 17 and 18 and with reports received under Economic and Social Council resolution 1074 C (XXXIX) from States not yet parties to the Covenant. In carrying out its task, the proposed working group would take into account the revised observations, conclusions and recommendations in the Special Rapporteur's study. That suggestion was only tentative, and the Commission might feel that the States Parties to the Covenant should be consulted before such action was taken. If, however, the Commission's reactions were favourable, the Austrian delegation would be prepared to submit the proposal formally as a draft resolution. 8/

9. The suggestion made by the representative of Austria was felt by the representative of Egypt to be of considerable interest 9/ and was supported by the representative of Tanzania. 10/ However, the representative of Ecuador expressed certain doubts about the creation of a new working group, though he felt that the Commission should find ways of studying regularly the question of the realization of economic, social and cultural rights. 11/ The representative of the USSR said that it would be useful, first of all, to consult States for their views. 12/

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7/ E/CN.4/SR.1339, para.4.

8/ E/CN.4/SR.1338, paras.10-11.

9/ E/CN.4/SR.1338, para.16.

10/ E/CN.4/SR.1339, para.32.

11/ E/CN.4/SR.1339, para.18.

12/ E/CN.4/SR.1339, para.25.

2. Proposal for two sessions of the Commission each year

10. The representative of Yugoslavia felt that instead of the establishment of a working group or the extension of the Commission's session, provision for discussion at two sessions of the Commission each year would be preferable. At one of these sessions, the Commission could devote itself mainly to the question of the realization of economic, social and cultural rights. 13/

3. Proposal for a working group or committee to assist as regards the implementation of the Covenant on Economic, Social and Cultural Rights

11. The representative of Austria suggested that if the Commission did not establish a working group to deal with reports on economic, social and cultural rights as he had proposed, 14/ it might appoint a working group to assist the Economic and Social Council in considering the implementation of articles 16, 17, 18 and 19 of the Covenant. 15/ The representative of France suggested that the Commission might set up an independent committee of experts, or request the Secretariat with the assistance of experts, to study ways and means in which it could assist the Council in working out a programme of selective control over the implementation of the Covenant. 16/

D. Co-ordination

12. The view was expressed by the representative of Egypt that ... in order to avoid duplication of effort the Commission should establish close co-ordination with all competent United Nations bodies, such as FAO, the ILO, UNESCO, the Social Development Division, the Commission on the Status of Women, the Committee on Natural Resources, the Committee for Development Planning and the political organs of the United Nations. 17/

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13/ E/CN.4/SR.1340, para.8.

14/ See para. 8 above.

15/ E/CN.4/SR.1340, para.7.

16/ Ibid., para.5.

17/ E/CN.4/SR.1338, para.15.



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Agenda item 15

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS  
Byelorussian Soviet Socialist Republic: draft resolution

The Commission on Human Rights,

Having regard to the entry into force of the International Covenant on Economic, Social and Cultural Rights and the forthcoming entry into force of the International Covenant on Civil and Political Rights,

Referring to General Assembly resolution 2200 (XXI) of 16 December 1966 and to resolutions 3142 (XXVIII) of 14 December 1973 and 3270 (XXIX) of 10 December 1974 containing inter alia recommendations to Member States to accelerate as far as possible the procedures that will lead to the ratification of the International Covenants on Human Rights,

Being also guided by the desire to make its contribution to international co-operation in the implementation of the principles set forth in the International Covenants on Human Rights,

1. Expresses deep satisfaction that the International Covenant on Economic, Social and Cultural Rights entered into force in January 1976 and that the International Covenant on Civil and Political Rights has been ratified by the required number of States and enters into force in March 1976;

2. Calls on all Member States to become parties to the International Covenants on Human Rights;

3. Decides to include the item "Status of the International Covenants on Human Rights" in the provisional agenda of its thirty-third session.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 15

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Byelorussian Soviet Socialist Republic;  
revised draft resolution

The Commission on Human Rights,

Having regard to the entry into force of the International Covenant on Economic, Social and Cultural Rights and the forthcoming entry into force of the International Covenant on Civil and Political Rights,

Referring to General Assembly resolution 2200 A (XXI) of 16 December 1966 and to resolutions 3142 (XXVIII) of 14 December 1973 and 3270 (XXIX) of 10 December 1974 containing inter alia recommendations to Member States to accelerate as far as possible the procedures that will lead to the ratification of the International Covenants on Human Rights,

Being also guided by the desire to make its contribution to international co-operation in the implementation of the principles set forth in the International Covenants on Human Rights,

1. Expresses deep satisfaction that the International Covenant on Economic, Social and Cultural Rights entered into force in January 1976 and that the International Covenant on Civil and Political Rights has been ratified by the required number of States and enters into force in March 1976;

2. Invites all Member States to consider the question of the ratification of the International Covenants on Human Rights in the near future;

3. Requests the Secretary-General to inform the Commission on Human Rights at each session of any new developments with regard to ratification and implementation of the International Covenants on Human Rights.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 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

United States of America: draft resolution

The Commission on Human Rights,

Concerned that the Commission on Human Rights lacks the resources with which  
to deal with all the problems of human rights violations that require its attention,

Disturbed that the conditions of detention of political prisoners are frequently  
more harsh than those of other prisoners or detainees,

Recognizing the urgency of the plight of persons detained because of disagreement  
with prevailing government practices,

Convinced that many Governments are now in a position to show greater leniency  
in such situations, and that some are in fact doing so,

Appeals on humanitarian grounds to all Governments to give serious and  
continuing consideration to the grant of amnesty to political prisoners.

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Agenda item 23

## DRAFT PROVISIONAL AGENDA FOR THE THIRTY-THIRD SESSION

### Note by the Secretary-General

In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the following draft provisional agenda has been prepared for the Commission's thirty-third session, in 1977. The documents to be submitted under each agenda item and the legislative authority for their preparation are indicated, as required by the resolution. The provisional agenda and the documentation for the thirty-third session of the Commission may be affected by decisions of the General Assembly and the Economic and Social Council.

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

Relevant resolutions and decisions of the General Assembly, the Economic and Social Council, and the Commission, will be brought to the attention of the Commission.

4. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East

By resolution 2 (XXXII), the Commission decided to place this item on the provisional agenda of its thirty-third session as a matter of high priority.

In accordance with paragraph 13 of resolution 2 (XXXII), the Secretary-General will report to the Commission 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 widest publicity.

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

By resolution 3 (XXXII), the Commission decided to place this item on the provisional agenda of its thirty-third session as a matter of high priority.

Report of the Working Group. \*/

Legislative authority: General Assembly resolution 3448 (XXX) and Commission resolution 3 (XXXII) subject to the concurrence of the Economic and Social Council.

6. Situation of human rights in southern Africa

(a) Report of the Ad Hoc Working Group of Experts

Report of the Ad Hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission. \*/

Legislative authority: Commission resolution 5 (XXXI).

(b) 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

The final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, \*/ Mr. A.M. Khalifa, along with the recommendations of the Sub-Commission.

Legislative authority: Commission resolutions 3 (XXX) and 6 (XXXII).

7. 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

By resolution 2 (XXXI), the Commission decided to keep this item on its agenda as a standing item with high priority.

8. Human rights and scientific and technological developments \*\*/

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\*/ The asterisk indicates that the document is likely to exceed the 32-page limit referred to in Economic and Social Council resolution 1894 (LVII).

\*\*/ Documentation before the Commission at its thirty-second session will be supplemented in accordance with any decisions that might be taken by the Commission after the issuance of this document.

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission

The Commission at its 1366th meeting decided to defer consideration of draft resolution E/CN.4/L.1324 to its thirty-third session. By its resolution 7 (XXXII) the Commission decided to examine at its thirty-third session, as a matter of high priority, its programme and methods of work.

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

This question has been placed on the provisional agenda of the Commission every year with priority, in accordance with Commission resolution 3 (XXXI).

11. The role of youth in the promotion and protection of human rights, including:

- (a) Channels of communication with youth and international youth organizations
- (b) The question of conscientious objection to military service

Report by the Secretary-General summarizing information submitted under paragraph 2 of resolution 1 (XXXII) of the Commission, and reports of the Ad Hoc Advisory Group on Youth on its second and third meetings.

Legislative authority: Commission resolution 1 (XXXII).

12. 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;

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-second session

Annual supplement to document E/4226 (E/CN.4/923/Add.10), listing decisions taken by the United Nations bodies during 1976 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, with particular reference to colonial and other dependent countries and territories.

Legislative authority: Economic and Social Council resolution 1102 (XL) of 6 March 1966.

Information which may be submitted by the International Labour Organisation (ILO) and the United Nations Scientific, Educational, Social and Cultural Organization (UNESCO).

Legislative authority: General Assembly resolution 2785 (XXVI) of 6 December 1971.

Report of the Secretary-General requested in paragraph 4 of Commission resolution 4 (XXXII) of 27 February 1976.

Confidential documents, including those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group and the report of the Working Group established by the Commission at its thirty-second session.

Legislative authority: Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII).

13. 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))
14. 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))
15. Periodic Reports on freedom of information

Reports on freedom of information for the period 1 July 1970 to 30 June 1975.\*/

An analytical summary of the reports on freedom of information.

A subject and country index to the aforementioned reports on freedom of information.

An up-to-date memorandum on the status of multilateral international agreements in the field of human rights concluded under the auspices of the United Nations.

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\*\*/ Documentation before the Commission at its thirty-second session will be supplemented in accordance with any decisions that might be taken by the Commission after the issuance of this document.

\*/ The asterisk indicates that the document is likely to exceed the 32-page limit referred to in Economic and Social Council resolution 1894 (LVII).

Report of the Ad Hoc Committee on Periodic Reports on the work of its 1977 session.

Legislative authority: Economic and Social Council resolutions 1074 C (XXXIX) and 1596 (L) and Commission resolution 16 B (XXIII).

16. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination \*\*/
- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3377 (XXX)) \*\*/
17. Status of the International Covenants on Human Rights \*\*/
18. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth and twenty-ninth sessions

Report of the Sub-Commission on the work of its twenty-eighth and twenty-ninth sessions.

19. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live \*\*/
20. Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons \*\*/
21. 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 \*\*/
22. Advisory services in the field of human rights

Report of the Secretary-General on the programme of advisory services in the field of human rights.

Legislative authority: General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXVIII).

23. Communications concerning human rights

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

Legislative authority: Economic and Social Council resolution 728 F (XXVIII) and Commission resolutions 14 (XV) and 15 (XV).

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\*\*/ Documentation before the Commission at its thirty-second session will be supplemented in accordance with any decisions that might be taken by the Commission after the issuance of this document.



24. Draft provisional agenda for the thirty-fourth session of the Commission

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

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

25. Report to the Economic and Social Council on the thirty-third session of the Commission

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

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Agenda item 12

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF  
INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF

Report of the informal Working Group to the Commission

Chairman-Rapporteur: Mr. Pierre Juvigny (France)

1. At its 1338th meeting, the Commission decided to establish an informal Working Group, open to all its members, to continue the consideration of a draft declaration on the elimination of all forms of intolerance and discrimination based on religion or belief.
2. The informal Working Group held seven meetings, on 10, 13, 17, 20, 24, 27 February and 2 March 1976. At its meeting on 10 February 1976, the informal Working Group unanimously elected M. Pierre Juvigny (France) as its Chairman/Rapporteur.
3. It should be recalled that the informal Working Group established by the Commission on Human Rights at its thirtieth and thirty-first sessions had adopted provisionally the title of a draft declaration and seven paragraphs of the preamble.

Consideration of the fifth paragraph of the preamble

4. It is noted that at the thirty-first session of the Commission on Human Rights, two texts were submitted, respectively by the representative of the Byelorussian SSR and the representative of the Netherlands.<sup>1/</sup> The text submitted by the Byelorussian SSR, as revised, read as follows:

"Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that their abuse for political or other ends inconsistent with the purposes and principles of the present Declaration is inadmissible".

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<sup>1/</sup> E/CN.4/L.1311, paras. 6 and 15

The text submitted by the Netherlands read as follows:

"Considering it essential that Governments, organizations and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief, and that they should not engage in any activities or perform any acts aimed at the destruction of any of the purposes and principles set forth in the present Declaration".

5. After some discussion, concerning in particular the term "abuse", had taken place the representative of the Byelorussian SSR submitted a revised text which took into account several proposals and suggestions. This text, which was adopted by the Group, reads as follows:

"Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations, and the purposes and principles of the present Declaration is inadmissible".

6. The representative of Bulgaria did not press a proposal to state in the fifth paragraph of the preamble that religion or belief should not be used for ends inconsistent with "national legislation". However, he reserved his right to request that due consideration should be given to "national legislation" in the operative part of the declaration.

Consideration of the ninth paragraph of the preamble

7. At the thirty-first session of the Commission on Human Rights, two texts had been submitted respectively by the representative of the Byelorussian SSR and the representative of the Netherlands.<sup>2/</sup> The text submitted by the Byelorussian SSR read as follows:

"Convinced that the right to freedom of religion or belief should not be abused so as to impede any measures aimed at the elimination of colonialism and racialism".

The text submitted by the Netherlands read as follows:

"Convinced that the right to freedom of religion or belief should not be abused as a means to pursue or to continue any ideologies or practices of colonialism and racism".

8. The representative of the Soviet Union suggested the addition of the following phrase at the end of the text submitted by the Byelorussian SSR: "or to endanger international peace, friendship and co-operation among States and peoples".

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<sup>2/</sup> E/CN.4/L.1311, paras. 5 and 6.

9. The representative of the Byelorussian SSR submitted the following revised text:

"Convinced that the right to religious freedom or freedom of convictions should not be abused in order to set back or raise obstacles to any measures directed towards the liquidation of colonialism and racism, or to use it as a means to carry out and continue any ideology and practice of colonialism and racism, as well as to set back or minimize the interests or destroy the interests of the strengthening of general peace and security, friendship and co-operation between peoples and States".

10. The representative of the United States of America made the following proposal:

"Convinced that the prevailing sentiment of adherents of religion and of religious organizations is to support efforts to achieve the goals of world peace, social equity and the elimination of all forms and practices of racial and ethnic intolerance, and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals".

11. A suggestion was made by the representative of the Federal Republic of Germany to replace the words "prevailing sentiment" in the first part of the text submitted by the United States by the word "efforts".

12. The representative of Austria suggested that the first part of the proposal of the United States up to the word "efforts" should be replaced by the following text:

"Convinced that religious organizations contribute to the efforts....."

and that the word "ideological" should be inserted before the word "practice" in the last sentence of the United States proposal.

13. The representative of Canada proposed that the first part of the text submitted by the United States, from the words "the prevailing" to the words "religious organizations is", should be replaced by the words: "it is essential". Hence the proposal as amended would read: "Convinced that it is essential to support efforts to achieve the goals...".

14. The representative of the Byelorussian SSR proposed the addition of the following words at the end of the United States proposal as amended by the representative of Canada: "in particular the ideology and practice of colonialism and racism".

15. It was pointed out that organized religion and beliefs had played a role in the fight against colonialism and racism. It was also stated, however, that they had also been used as instruments of colonialism and racism. It was considered that the practice of religion should not, in any case, justify the ideology and practice of colonialism and racism.

16. It was suggested by various representatives that efforts to include the paragraph under discussion in the preamble be discontinued, on the grounds, inter alia, that its substance was already embodied in the fifth paragraph of the preamble. It was suggested, as an alternative, that the Working Group should consider the possibility of including in the operative part the concepts embodied in the original proposals for a ninth preambular paragraph. However, other representatives maintained that it was essential to include those concepts in a distinct paragraph of the preamble.

17. The representative of the United Kingdom made the following proposal:

"Convinced of the important contribution motivated by religions and belief that has been and is being made towards the struggle against colonialism and racial discrimination and convinced that the right to freedom of religion or belief should not be abused so as to impede measures aimed at the elimination of colonialism and racial discrimination".

18. The representative of the Byelorussian SSR presented the following revised proposal:

"Convinced that it is essential to support efforts to achieve the goals of world peace, social justice, friendship between peoples and States and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals and in particular ideology and practice of colonialism and racism".

19. Owing to a lack of time, the informal Working Group was unable to adopt a text for the ninth paragraph of the preamble.

Text of title and preambular paragraphs adopted

20. The text of the title and the paragraphs of the preamble of the draft declaration that were adopted by the informal Working Group at the thirtieth, thirty-first and thirty-second sessions of the Commission are as follows:

"Draft Declaration on the Elimination of All Forms of  
Intolerance and Discrimination Based on Religion  
or Belief"

"(1) Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"(2) Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

"(3) Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

"(4) Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

"(5) Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

"(6) Noting with satisfaction the adoption of several, and the coming into force of some conventions under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

"(7) Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

"(8) Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief."

# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



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COMMISSION ON HUMAN RIGHTS  
Thirty-second session  
Agenda item 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.

IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

Cuba, Egypt, India, Jordan, Pakistan, Senegal, United Republic of Tanzania, Yugoslavia: draft resolution

The Commission on Human Rights,

Recalling its resolution I (XXIX) by which it submitted the draft programme for a decade for action to combat racism and racial discrimination to the Economic and Social Council for submission to the General Assembly,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that it militates against human progress, peace and justice,

Believing in the urgent need for continuous and vigorous national action and collective international measures against racism and racial discrimination affecting millions of people all over the world in order to ensure them the dignity and equality inherent in all human beings,

Mindful of General Assembly resolution 3377 (XXX) of 10 November 1975, calling 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,

Taking into consideration all proceedings and resolutions of the General Assembly and the Economic and Social Council on the question of the Decade for Action to combat racism and racial discrimination since the adoption by the General Assembly of resolution 3057 (XXVIII) designating the decade,

Welcoming the decision of the Sub-Commission to include in its agenda for the 29th session an item entitled "Review on the contribution by the Sub-Commission to the implementation of the Decade for Action to Combat Racism and Racial Discrimination".

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session to study and prepare suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations decisions and Resolutions on racism, racial discrimination, apartheid, decolonization and self determination and related matters and to submit its suggestions and proposals to the Commission at its thirty-third session.
2. Draws the attention of the Sub-Commission to the deliberations and decisions of the General Assembly at its 30th session and of the Commission at its 32nd session on this question.
3. Recommends to the Economic and Social Council to take into account the participation of the Commission in the preparatory arrangements for holding the World Conference to Combat Racism and Racial Discrimination.



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## HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

### France: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolutions 2450 (XXIII), 3026 (XXVII), 3150 (XXVIII), 3268 (XXIX) and 3384 (XXX) and Commission resolutions 10 (XXVII) and 2 (XXX),

Taking note of General Assembly resolution 3268 (XXIX) which draws attention to the desirability of collecting relevant information and the opinions of qualified persons with regard to science and technology and their relationship to human rights, particularly with a view to the possible formulation of codes of ethics,

Regretting that the circumstances in which the Commission's thirty-second session was held did not allow it to make a thorough examination of this agenda item,

1. Requests the Secretary-General to continue collecting documentation on the development of new technology as it pertains to human rights, where necessary with the assistance of qualified experts;

2. Requests the Secretary-General to continue and, if necessary, strengthen co-operation and adequate co-ordination between United Nations organs and the specialized agencies with regard to the consequences of science and technology for human rights, and in particular with a view to the proposed conference on science, technology and development;

3. Decides to give this agenda item priority at its thirty-third session.