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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS  
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS

International conditions and human rights

Report of the Secretary-General

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## I. INTRODUCTION

1. In paragraph 12 of resolution 34/46 of 23 November 1979, the General Assembly requested the Secretary-General to prepare a study on present international conditions and human rights. At its thirty-sixth session, the Assembly, in its resolution 36/133 of 14 December 1981, having taken note with satisfaction of the study prepared by the Secretary-General on present international conditions and human rights, requested him to submit to the Assembly, from the thirty-eighth session, a biennial progress report bringing up to date the study. At its thirty-seventh session, the Assembly, in its resolution 37/200 of 18 December 1982, requested the Secretary-General to include in the updated study to be presented to the Assembly at its thirty-eighth session, an overview of trends in the field of human rights with emphasis on the problems still being encountered. At the thirty-eighth session of the Assembly, the Secretary-General submitted his first biennial report (A/38/511) pursuant to resolutions 36/133 and 37/200. The present updated report is submitted pursuant to those resolutions.

2. In connection with the preparation of the present report, the Secretary-General solicited the views of Governments, specialized agencies and international organizations. As at 1 August 1985, the Secretariat had received substantive replies from the Governments of Cuba, Nigeria, Panama and Qatar. Replies were also reviewed from the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat, the Economic and Social Commission for Asia and the Pacific, the United Nations Fund for Population Activities, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the International Bank for Reconstruction and Development, the World Health Organization and the Organization of American States. An analysis of the trends indicated in those replies is contained in section III of the present report. In the preparation of the report, account has been taken of the views and observations received, as well as of relevant information available within the United Nations system.

## II. OVERVIEW

3. In presenting the present report, reference is made to the two earlier reports prepared by the Secretary-General, as they form the basis for the present report. In his first report (A/36/462), the Secretary-General submitted an overview of the nature and extent to which the realization of human rights was affected by prevailing international conditions and also discussed various specific aspects in detail, including the impact on human rights of patterns of inequality, patterns of alien subjugation, domination and exploitation, the use or threat of use of force, the unjust system of international economic relations, obstacles to the establishment of the new international economic order, and the arms race. The Secretary-General also pointed out that the Charter of the United Nations and subsequent pronouncements by the General Assembly placed human beings at the heart of the international order envisaged by the Charter. Hence, the promotion and protection of economic, social, cultural, civil and political rights, and of the inalienable rights of peoples, represent fundamental elements upon which all human

societies and social organizations should be based. The report recalled the commitment of the United Nations to search for solutions to mass and flagrant violations of human rights that had been frequently emphasized by the General Assembly as well as by other organs and it reviewed various approaches and procedures utilized within the United Nations in searching for such solutions.

4. In his updated report (A/38/511), the Secretary-General noted that developments that had occurred since the preparation of the original study had confirmed the views expressed in the previous report. The report emphasized the concern of Member States and of the Secretary-General over violations of the imperative norm of the right to life and noted that in the face of many grievous threats to that right, the international community and the United Nations should do their utmost to ensure that the right to life was guaranteed and respected for every human being. In that regard, reference was made to the importance of the maintenance of international peace and security and of efforts to achieve disarmament. It was also stated that arbitrary and summary killings should be brought to an end and that both long-term and short-term measures were required to ensure the satisfaction of basic material needs for all human beings.

5. Despite a number of positive developments, the present review of current international conditions with respect to the experience of the past two years reveals a picture which is far from encouraging. The overall situation has been characterized by continuing large-scale breaches of civil and political rights, as well as economic, social and cultural rights.

6. In paragraph 12 of its resolution 39/145 of 14 December 1984, the General Assembly expressed concern at the disparity existing between the established norms and principles and the actual situation of all human rights and fundamental freedoms in the world.

7. The Secretary-General noted in his address of 8 March 1985 to the International Colloquium on Rights of Minorities, held at Laval University, Quebec, Canada, his

"disappointment that the vision that inspired the Universal Declaration [of Human Rights] has yet to be given full substance in all societies. Ours is a world in which nuclear weapons can put an end to human life on the entire planet. It is a world where almost a billion people lead lives of economic and social deprivation which seriously impair their rights as human beings. Ours is a world where, through imprisonment without due process of law, torture, arbitrary and summary executions, enforced and involuntary disappearances and through armed conflict, atrocities are being committed on human beings. Ours is a world in which, to our deep regret, racial discrimination and apartheid continue to exist."

8. It is, however, necessary to emphasize in this connection one important point, namely, that in spite of the problems and obstacles encountered the international community as represented by and through the United Nations is actively engaged in a continuing process of considering those problems, attempting to react and responding to them as best it can. One example is the aid and assistance provided

by the world community, through the United Nations, as well as through other agencies, to those suffering from famine or drought. Furthermore, the search for peace is a constant endeavour of the United Nations and the further development and promotion of human rights remains one of the Organization's foremost goals. Finally, it must be borne in mind that the world community has developed mechanisms and procedures to address most if not all of the situations described in the present report, violating as they do in many instances basic human rights, and that in addressing the problems at the level of the United Nations an irreversible process of international co-operation, which started decades ago, is constantly intensifying.

9. International conditions depend on and are directly influenced by national conditions. Therefore, the efforts of the international community cannot succeed unless they are matched by commensurate efforts at the national level. The quest for peace, justice and respect for human rights at the international level requires corresponding efforts at the national level. The quest for the establishment of democratic international relations and conditions must be complemented by adequate measures taken at the national level. The quest for equity and justice in international economic relations will not bear fruit unless justice and equity in the allocation and distribution of resources prevail at the national level. International conditions, while in turn having unavoidable repercussions on national conditions, are basically the outgrowth and result of those very national conditions. The common effort of the world community must therefore be geared to improving national conditions everywhere, and in every domain. This is particularly true as seen from the vantage point of the United Nations, the primary aim of which is the maintenance of peace and security, for it has been repeatedly demonstrated that a deterioration of conditions at the national level can have disastrous consequences for international peace.

### III. TRENDS INDICATED IN REPLIES RECEIVED

10. The replies received by the Secretary-General provide cause for cautious optimism. Perhaps the most significant theme is a heightening awareness of human rights issues and a consciousness on the part of Governments, as well as international organizations, of the need to approach all issues and treat them from the perspective of their human rights dimension. This development is particularly welcome as one of the essential thrusts of the 1981 report of the Secretary-General on this topic (A/36/462) was that human rights be made the central factor in the consideration of national as well as international issues. In that report, the Secretary-General pointed out that the Charter of the United Nations and subsequent pronouncements by the General Assembly, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex), placed human beings at the heart of the international order envisaged by the Charter. Hence, the promotion and protection of economic, social, cultural, civil and political rights, and of the inalienable rights of peoples, represent fundamental elements upon which all human societies and social organizations should be based. Moreover, human rights represent the highest embodiment of the human factor: the respect for the welfare of human beings as subjects and not objects of human endeavours. The report submitted that there was great need, at the international as well as at the national, regional and local

levels, to integrate the human rights dimension into political, economic, social and cultural policies and programmes so as to make the basic rights of all individuals the central objectives of such policies (see A/36/462, paras. 7-12).

11. In some of the replies received, reference was made to the recent enactment of constitutional provisions incorporating human rights and fundamental freedoms. The further ratification of international conventions on human rights was reported.

12. Those specialized agencies and United Nations bodies that replied indicated that they were aware of the universal scope of all issues of human rights and, accordingly, of the need to view all issues in their respective domains also from the perspective of human rights. The World Health Organization (WHO), for example, stated that its fundamental objective was the promotion and protection of one dimension of human rights, namely, the right to health. The Constitution of WHO and numerous resolutions of the World Health Assembly have reaffirmed that health is a basic right. The Declaration of Alma Ata and various doctrines that have been built up by member States through WHO and other international development agencies embody a number of fundamental principles for health development as a basic human right. They include, inter alia, the responsibility of Governments for the health of their people, the right and duty of people individually and collectively to participate in the development of their health, and more equitable distribution of health resources within and among countries, including their preferential allocation to those in greatest social need so that the health system adequately covers all the population.

13. The International Bank for Reconstruction and Development, for its part, considered its contribution fully consonant with the development of the rights and freedoms that can best be enjoyed with economic growth and security.

14. As indicated in the reply of the International Labour Organisation (ILO), a large part of the activities of that organization are concerned with the promotion and protection of human rights, including the right to work, non-discrimination in employment, freedom of association and other trade union rights. The United Nations Educational, Scientific and Cultural Organization (UNESCO) drew attention to the fact that it was engaged in a series of studies on issues related to the implementation of human rights and that at the same time it was pursuing the development of human rights teaching.

15. The United Nations Fund for Population Activities (UNFPA) referred to the growing recognition of the fundamental interrelationship that existed between population, development and human rights standards. According to UNFPA, human rights considerations are basic to population and development programmes in that policies concerning population, its size, growth and distribution should respect the inherent rights of the population concerned. Currently, in many instances, questions of population and human rights were being approached as related elements of the overall process of development.

16. The Economic and Social Commission for Asia and the Pacific (ESCAP) reported that it had decided that a focal point within its secretariat should assist as necessary in dealing with communications and activities that might arise in the field of human rights.

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17. A second theme in the replies related to issues which, it was felt, should be further examined from their human rights perspective. The safeguarding of peace and the promotion of development were mentioned in this connection. The right to life and the right to development were particularly stressed; the need to curb the arms race was mentioned; attention was also drawn to massive and flagrant violations of human rights resulting from aggression, occupation, exploitation and foreign intervention and interference. The existing international economic order was said to be unjust as it exercised adverse consequences on the realization of human rights. The existence of racial discrimination was also mentioned and particular attention was drawn to the situation under apartheid. Discrimination against women was cited as one further issue that should retain the attention of the community of nations.

#### IV. REVIEW OF DEVELOPMENTS

##### A. Right to self-determination

18. Both the General Assembly and the Commission on Human Rights have on many occasions reiterated that the universal realization of self-determination by all peoples including those under colonial, alien and foreign domination, is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights. Nevertheless, during the period under review, both the Assembly and the Commission continued to be seized of a wide variety of situations in which the free and effective exercise of the right to self-determination was being impeded or denied.

19. Consequently, the General Assembly, in its resolution 39/18 of 23 November 1984, expressed its deep concern at the continuation of acts or threats of foreign military intervention and occupation that were likely to suppress, or had already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations. The Assembly noted that as a consequence of such actions, millions of people had been and were being uprooted from their homes as refugees and displaced persons and it recalled various resolutions adopted by the Commission on Human Rights during the period under review relating to the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation.

##### B. Economic, social and cultural rights

20. The essential interdependence and indivisibility of the two sets of human rights - economic, social and cultural, on the one hand, and civil and political, on the other - have long been recognized by the United Nations.

21. The General Assembly has on a number of occasions acknowledged the impact of international as well as national economic policies on the full enjoyment of human rights. Thus, for example, in its resolution 39/145, it expressed concern at the present situation with regard to the achievement of the objectives and goals for establishing the new international economic order and its adverse effects on the full realization of human rights and, in particular, the right to development.

22. While the period under review has seen a gradual improvement in the international economy, which for the years 1980 to 1983 was affected by "the worst international recession of the post-war era", 1/ the situation nevertheless continues to give cause for considerable concern. In conditions of economic hardship the poorest and most vulnerable countries and groups are invariably the hardest hit.

23. In this regard, the General Assembly in its resolution 39/174 of 17 December 1984, expressed serious concern at the continued deterioration of the economic and social situation of the least developed countries and emphasized that those countries needed the urgent and special attention of the international community. Similarly, at the national level, it is often the economic and social rights of the poorest individuals and communities that are the most seriously affected in such circumstances. A recent report by the United Nations Children's Fund pointed out that "the poorer a family is, the higher the percentage of its income spent on necessities - food, water, fuel and health care. Any fall in that income therefore means a fall in the capability to sustain life itself". 2/

24. The impact of present international conditions on the effective enjoyment of economic, social and cultural rights can perhaps best be illustrated by reviewing the situation during the period under review with respect to two of the rights 3/ recognized in the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex): the right to food and the right to work.

25. In its most recent report, the World Food Council characterized the present situation with respect to hunger and malnutrition as deplorable. The Council referred specifically to "the millions of people in Africa threatened by famine today, the 15 million young-child deaths annually world-wide from malnutrition and disease, and the growing numbers of chronically undernourished". 4/ At the conclusion of its report the Council reaffirmed "that access to adequate food is a fundamental human right". 5/

26. The widespread non-realization of the right to work has been emphasized in a recent report (E/1985/63) submitted to the Economic and Social Council by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation on progress in achieving observance of the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee noted that serious problems of unemployment and underemployment in many parts of the world had continued to increase. Such problems tended to be particularly acute in rural areas and less developed regions, and among certain groups of the population, such as young persons, women, older workers or handicapped persons. The Committee recalled that the relevant problems were not only dependent upon national policies and programmes but were substantially influenced by international economic relations.

27. In so far as the full enjoyment of human rights is affected by international economic relations, recent trends present a disturbing picture. Thus, for example, in 1983, the last year for which complete information is available, financial flows to developing countries from all sources totalled \$110.3 billion, which represented

a fall of \$28.1 billion since 1981. 6/ In this connection, official development assistance (comprising both bilateral and multilateral assistance), the major form of external assistance to the low-income countries, declined significantly in the period under review.

28. At the same time, the demands placed on many developing countries by onerous debt repayment requirements have exacerbated economic and social conditions, added to the burden already borne by the most vulnerable elements, and have made it even more difficult for many Governments to adopt policies to ensure the full realization of economic, social and cultural rights.

### C. Civil and political rights

29. In reviewing international conditions as they have developed over the past two years and as they have influenced respect for the right to life, the most striking and disturbing features are perhaps the enormous toll extracted by intensified armed conflicts in many parts of the world and the threat posed by the existence and proliferation of nuclear weapons. The Secretary-General has repeatedly drawn attention to the magnitude and seriousness of these problems.

30. The Human Rights Committee recently commented that war and other acts of mass violence continued to be a scourge of humanity and took the lives of thousands of innocent human beings every year. The Committee went on to note that

"during successive sessions of the General Assembly, representatives from all geographical regions have expressed their growing concern at the development and proliferation of increasingly awesome weapons of mass destruction, which not only threaten human life but also absorb resources that could otherwise be used for vital economic and social purposes, particularly for the benefit of developing countries, and thereby for promoting and securing the enjoyment of human rights for all.

The Committee associates itself with this concern. It is evident that the designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront mankind today. This threat is compounded by the danger that the actual use of such weapons may be brought about, not only in the event of war, but even through human or mechanical error or failure.

Furthermore, the very existence and gravity of this threat generate a climate of suspicion and fear between States, which is in itself antagonistic to the promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and the International Covenants on Human Rights." 7/

31. Other practices that involve widespread denial of the right to life include summary and arbitrary executions and disappearances. On the former question, the Special Rapporteur reported to the Commission on Human Rights at its forty-first session that he had received information which indicated that the practice of summary or arbitrary executions still continued to be a widespread phenomenon in



various parts of the world and that the practice was not confined to killings by Governments or quasi-governmental agencies (see E/CN.4/1985/17). The General Assembly, in its resolution 39/110 of 14 December 1984, deplored these practices and called for appropriate action to combat and eventually eliminate them.

32. A practice in some ways related is that of enforced or involuntary disappearances, which has been termed by the Working Group on Enforced or Involuntary Disappearances "the most comprehensive denial of human rights in our time, bringing boundless agony to the victims, ruinous consequences to the families, both socially and psychologically, and moral havoc to the societies in which they occur" (E/CN.4/1985/15, para. 291). In its report to the Commission on Human Rights at its forty-first session, the Working Group concluded that, although the phenomenon had ceased in some countries, it had appeared in others and still remained a constant feature of the overall human rights situation in many areas of the world.

33. In the period under review there has also been, according to the Commission on Human Rights, in its resolution 1985/33 of 13 March 1985, §/ an "alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world". In addition, there have been allegations, in respect of many countries, of grave and persistent violations of the rights of detained persons. Recent reports submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities indicate that these violations include practices such as arrests and detentions on vague grounds or no grounds at all, including the imprisonment of individuals on account of the non-violent exercise of their fundamental human rights, detention without trial, extra-territorial abduction and forced repatriation, detention incommunicado, unfair trial procedures, abuse of executive and preventive detention and death during detention (see E/CN.4/Sub.2/1985/13).

34. Other major human rights problems, such as violations of trade union rights and related civil liberties and the persistence of different forms of forced labour, have also been consistently referred to in reports prepared by the International Labour Organisation.

35. While the problems referred to above provide serious cause for concern, the overall picture of the past two years in terms of respect for civil and political rights also reflects a number of major, positive developments that may be considered to be highly encouraging. Most notable among these is the return to democratic forms of Government in a number of countries and the continuation of efforts in other States to achieve a more democratic order and to reconcile in a creative and constructive manner the sometimes conflicting interests of differing population groups within national borders. In many instances the return to democracy has been accompanied by a spirit of national renewal and a major effort to secure justice both for the victims and for the perpetrators of human rights violations.

36. At the international level, the establishment of various procedures for monitoring human rights problems is a tribute to the increasing recognition by States, individually and collectively, of the importance of identifying, exposing and seeking to remedy major violations at the earliest possible moment. In

addition, the increasing extent to which States have been prepared to co-operate constructively in the application of those procedures is also a cause for satisfaction. It may be expected that as such procedures evolve further, they will provide an even clearer demonstration of the advantages of co-operation in this field.

#### D. Problems of discrimination

37. As the General Assembly has frequently declared, racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world. Nevertheless, the Assembly noted in its resolution 39/16 of 23 November 1984 that despite the efforts of the international community, the first Decade for Action to Combat Racism and Racial Discrimination had not attained its principal objectives and that millions of human beings continued to be the victims of varied forms of racism, racial discrimination and apartheid.

38. The Ad Hoc Working Group of Experts on southern Africa observed in its report to the Commission on Human Rights at its forty-first session (E/CN.4/1985/8) that the preceding year had witnessed, inter alia, persistent massive repression of protests and demonstrations, a growing number of arrests and detentions without trial of various political prisoners, as well as allegations of torture both in South Africa and in Namibia, continuation of the policy of forced removals of populations, and harassment practised against activists. Since that time, the declaration of a state of emergency had further exacerbated the situation.

39. Nevertheless, that deterioration has been accompanied by increasing compliance with the resolutions of the various United Nations organs calling for the cessation and withdrawal of all foreign investment in South Africa and Namibia. In the period under review, the campaign to encourage investors to divest themselves of shares in corporations trading in South Africa has gained considerable momentum. 9/

40. In other parts of the world, discrimination based on other factors in violation of the relevant provisions of human rights instruments has continued to be reported. The Secretary-General has reported on the present situation with respect to many of these problems in his report on the new international humanitarian order (A/40/348 and Add.1).

#### E. Other situations involving gross violations of human rights

41. Since the previous report on international conditions and human rights was submitted to the General Assembly at its thirty-eighth session, the Assembly, the Commission on Human Rights and the Economic and Social Council have continued to be informed of a wide range of situations involving gross violations of human rights and fundamental freedoms. A review of the position with respect to such situations is contained in the above-mentioned report of the Secretary-General, which also deals with issues such as genocide, armed conflicts, refugees, mass exoduses and displacements and related issues.

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## V. CONCLUSIONS

42. The foregoing survey of present international conditions and human rights reveals a situation of continuing human rights breaches of one kind or another in many parts of the world. One can nevertheless observe certain encouraging developments towards increased and more effective international co-operation for the promotion and protection of human rights.
43. At the national level, encouraging recent developments, possibly influenced by international action, have included the restoration of democratic rule in a number of countries, the cessation of states of emergency in some countries, the conduct of investigations into major human rights abuses and the bringing to trial of those responsible, a growing consciousness of the importance of human rights issues, the creation or strengthening of institutions such as the offices of ombudsmen, human rights commissions and race relations bodies, 10/ and the renewed commitment on the part of many groups, such as humanitarian non-governmental organizations, trade unions and churches, to strive for the protection of human rights.
44. At the international level, reference may be made to a number of positive developments in the human rights field. With respect to standard-setting, the General Assembly, at its thirty-ninth session, adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46 of 10 December 1984), which constitutes a major breakthrough in the international community's endeavour to abolish torture. In addition, progress is continuing to be made in the drafting of conventions on the rights of the child and on the rights of migrant workers and in the elaboration of other instruments dealing, inter alia, with the human rights of individuals who are not citizens of the country in which they live, the right to development, abolition of the death penalty, and the protection of all persons under any form of detention or imprisonment. Moreover, the level of ratifications of key international human rights instruments has continued to increase.
45. Overall, as the Secretary-General has noted, human rights are today, if not sufficiently respected, at least better defined, better known and better defended than in previous decades and the violations of which they are the object are denounced and condemned beyond the frontiers of the countries where they are committed, for the stake in this fight for human dignity is widely perceived as universal. The increasing number of situations under consideration by the Commission on Human Rights in recent years attests not only to the severity of the violations of human rights that have occurred around the world, but also to an increased willingness on the part of States Members of the Organization to focus on specific situations with a view to contributing to a termination of violations. There has also been a growing emphasis on the provision of technical assistance, provided within the framework of the Advisory Services Programme, to help Governments to strengthen their laws and institutions with a view to restoring and strengthening respect for human rights.
46. As the Secretary-General noted earlier this year in his address to the International Colloquium on the Rights of Minorities, held at Laval University, Quebec, Canada, on 8 March 1985, "we should not, however, be paralysed by this gap

between our aspirations and the reality of world affairs. There is no alternative but to rededicate ourselves continuously to promoting universal respect for rights universally recognized. We all know too well the price to be paid if we falter."

Notes

1/ World Economic Survey 1985 (United Nations publication, Sales No. E.85.II.C.1), p. 3.

2/ The State of the World's Children (New York, UNICEF, 1985), p. 16.

3/ The situation with respect to a number of other rights contained in the Covenant is dealt with in the report of the Secretary-General on the new international humanitarian order (A/40/348 and Add.1). See also the report of the Secretary-General on social aspects of development (A/39/171-E/1984/54) and the report of the Secretary-General on the review and appraisal of the International Development Strategy for the Third United Nations Development Decade (A/39/115-E/1984/49 and Corr.1 and 2).

4/ Official Records of the General Assembly, Fortieth session, Supplement No. 19 (A/40/19), part one, para. 33.

5/ Ibid., para. 50.

6/ See Official Records of the Economic and Social Council, 1985, Supplement No. 9 (E/1985/29).

7/ Official Records of the General Assembly, Fortieth Session, Supplement No. 40 (A/40/40), annex VI, paras. 3-5.

8/ See Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

9/ See Adverse Consequences for the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance Given to the Racist and Colonialist Régime of South Africa (United Nations publication, Sales No. E.85.XIV.4).

10/ In this regard, the replies received from Nigeria and Panama refer to the recent adoption of constitutional or legislative provisions underlining the importance of respect for human rights.

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