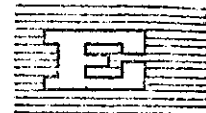


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COMMISSION ON HUMAN RIGHTS

Thirty-sixth session  
4 February-14 March 1980

ANNOTATIONS TO THE PROVISIONAL AGENDA

prepared by the Secretary-General

1. Election of officers

Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members a Chairman, one or more Vice-Chairmen and such other officers as may be required.

2. Adoption of the agenda

Rule 7 of the rules of procedure provides that the Commission shall at the beginning of each session, after the election of its officers, adopt the agenda for that session on the basis of the provisional agenda.

The Commission will have before it the provisional agenda (E/CN.4/1351) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure. The Commission will also have before it the present annotations relating to the items included in the provisional agenda (E/CN.4/1351/Add.1).

3. Organization of the work of the Commission

The attention of the Commission is drawn to ECOSOC resolution 1979/69 of 2 August 1979 entitled "Control and limitation of documentation" by which the Council decided to approve revised guidelines for the format and contents of the reports of the functional Commissions set out in a note by the Secretariat (E/1979/94, Annex) on the understanding that, in conformity with these revised guidelines, functional Commissions will be able to introduce specific adjustments in their reporting and recording procedures, in the light of their established functions and of the questions dealt with by them. By the same resolution the Council decided to discontinue, for an experimental period of two years, the provision of summary records for a number of its subsidiary bodies including the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. According to the guidelines approved by the Council, the Commission might decide that its report include, as an annex, the record of a discussion of a specific issue. The manner in which such a record would be prepared should be considered by the Commission, in consultation with the Secretariat, at the time when the inclusion of the record is decided upon.

On 10 May 1979 the Economic and Social Council adopted resolution 1979/36 on the recommendation of the Commission in its resolution 22 (XXXV) of 14 March 1979. By this resolution, the Council authorized an increase in the membership of the Commission to 43 members and regular meetings for six weeks each year with an additional week for meetings of working groups. The Council noted that in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business.

The attention of the Commission is drawn to certain decisions of the Economic and Social Council relating to the procedures and methods of work of the Council and its subsidiary bodies (E/INF/134/Rev.1).

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

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

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

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

By resolution 1 A (XXXV) of 21 February 1979 the Commission decided to place this item on the provisional agenda of its thirty-sixth session as a matter of high priority.

In accordance with paragraphs 9, 13 and 14 of resolution 1 A (XXXIV), the Commission will have before it:

- (i) A report of the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1352);
- (ii) A report of the Secretary-General on the measures taken to bring that resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (E/CN.4/1360);
- (iii) A note by the Secretary-General listing all United Nations reports issued since the thirty-third session of the Commission that deal with the situation of civilians in the occupied Arab territories, including Palestine (E/CN.4/1361).

In addition, the Commission will have before it any report which may have been received by the Secretary-General from the Government of Israel in accordance with paragraph 12 of resolution 1 A (XXXV) on the implementation of paragraphs 1, 6, 7 and 8 of the same resolution.

It may be noted that by resolution 1979/10 of 10 May 1979 the Economic and Social Council, having considered the report of the Commission on Human Rights on its thirty-fifth session and having taken note of the Commission's action concerning the question of the violation by Israel of human rights in the occupied Arab territories, commended the Commission for its action and requested it to pursue its efforts for the protection of human rights in the occupied Arab territories including Palestine and to continue to take appropriate measures in this respect.

The attention of the Commission is drawn to Sub-Commission resolution 4 A (XXXII) of 5 September 1979 by which the Sub-Commission, inter alia, requested the Secretary-General, drawing upon all documents and studies at his disposal, to submit to it at its thirty-third session a detailed report on the violation of human rights committed by the Israeli authorities in the occupied territories.

The Commission may also note that the General Assembly at its thirty-fourth session, adopted resolutions 34/90 A, B and C on 12 December 1979. By resolution 34/90 A, the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices, to consult, as appropriate, with the International Committee of the Red Cross and to report to the Secretary-General as soon as possible and whenever the need arose thereafter. By resolution 34/90 B, the Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to all Arab territories occupied by Israel since 1967, including Jerusalem and called upon Israel to acknowledge and to comply with its provisions in those territories. By resolution 34/90 C, the General Assembly strongly deplored the persistence of Israel in carrying out measures and actions taken by the Government of Israel as the occupying Power designed to change the legal status, geographical nature and demographic composition of these territories, in particular the establishment of settlements in the Palestinian and other occupied Arab territories. The Assembly called upon Israel to comply with its international obligations and to desist from taking such actions. It urged all States parties to the Geneva Convention to exert all efforts to ensure respect for a compliance with the provision of that Convention in those occupied territories.

In this connexion the Commission's attention is drawn to General Assembly resolution 34/29 of 16 November 1979 by which it noted the decision of the Israeli authorities to deport the Mayor of Nablus and called upon the Israeli authorities to rescind the deportation order.

##### 5. Question of human rights in Chile

This item has been considered by the Commission, as a matter of high priority, since its thirty-first session. The Commission, by resolution 8 (XXXI), established an Ad Hoc Working Group of five of its members to be appointed in their personal capacity to inquire into the situation of human rights in Chile. The Group was required to report the results of its inquiries to the Commission on Human Rights and to the General Assembly.

At its thirty-fifth session the Commission adopted resolution 11 (XXXV) of 6 March 1979 by which it decided to continue to give close attention to the situation in Chile and to consider at its thirty-sixth session, as a matter of high priority, the question of human rights in this country.

By the same resolution, the Commission expressed its appreciation to the Chairman and other members of the Ad Hoc Working Group for their work and, in accordance with resolution 33/175 of the General Assembly, appointed Mr. Abdoulaye Diéye as Special Rapporteur on the situation of human rights in Chile on the basis of the mandate in Commission resolution 8 (XXXI) of 27 February 1975 and requested the Rapporteur to report to the Commission on Human Rights at its thirty-sixth session and to the General Assembly at its thirty-fourth session. The Commission will have before it the report of the Special Rapporteur in documents A/34/583 and E/CN.4/1362.

The Commission also authorized its Chairman, in response to the request in General Assembly resolution 33/175, to appoint as experts in their individual capacity, Mr. Felix Ermacora and Mr. Waleed M. Sadi to study, in conformity with the modalities set forth in its resolution 8 (XXXI) of 27 February 1975, in co-operation with the Special Rapporteur and in contact with the Chilean authorities, the question of the fate of missing and disappeared persons in Chile and to report to the Commission on Human Rights at its thirty-sixth session and, through the Special Rapporteur, to the General Assembly at its thirty-fourth session. Mr. Waleed M. Sadi resigned by letter of 29 August 1979.

By decision 1979/32 the Economic and Social Council approved this resolution of the Commission and requested the Secretary-General to render to the Special Rapporteur and the experts appointed to study the question of the fate of missing and disappeared persons in Chile all the assistance which they might require for their work and to request the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution. The report of the expert on the question of disappeared persons in Chile will be before the Commission in documents A/34/583/Add.1, E/CN.4/1363 and E/CN.4/1381.

By resolution 11 (XXXV) the Commission also welcomed the decision of the General Assembly in its resolution 33/174 of 20 December 1978 to establish a United Nations Trust Fund for Chile and invited the Chairman of the Board of Trustees to submit, on behalf of the Board, a written report on the operation of the Fund. This report will be available in document E/CN.4/1364.

In this connexion, the General Assembly in its thirty-fourth session by resolution 34/176 of 17 December 1979 noted that some governments decided to contribute or make pledges of contributions to the United Nations Trust Fund for Chile and appealed to member States to respond favourably to the request for contributions to the Fund made by the Secretary-General in the letter of 28 September 1979.

The General Assembly, in its resolution 34/179 of 17 December 1979 expressed its regret that the Chilean authorities refused to co-operate with the Special Rapporteur and the Experts appointed by the Commission on Human Rights, noted that both reports in their conclusions clearly indicated that generally the situation of human rights had not improved, and even in a number of areas had deteriorated, compared with that described in the last report and noted that the Chilean authorities had failed to take urgent and effective measures as requested in its resolution 33/175 to investigate and clarify the fate of persons reported to have disappeared for political reasons. The General Assembly also called the attention of the Commission on Human Rights to the recommendations in the report of the Expert on missing and disappeared persons in Chile, when pursuing the question of disappeared persons as requested by General Assembly resolution 33/173 and when considering resolution 5 B (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The General Assembly in resolution 34/179 requested the Commission on Human Rights to study thoroughly, at its thirty-sixth session the report of the Special Rapporteur and the report of the Expert on missing and disappeared persons, and to continue to give close attention to the situation in Chile and to this end:

(a) to extend the mandate of the Special Rapporteur on the situation of human rights in Chile, in accordance with paragraph 6 of resolution 11 (XXXV) of the Commission on Human Rights;

(b) to consider further at its thirty-sixth session the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile, taking into account the contents of the report prepared by the Expert on missing and disappeared persons.

The Assembly in the same resolution urged the Chilean authorities to co-operate with the Special Rapporteur and the Expert on missing and disappeared persons and requested the Commission to report on the subject to the General Assembly at its thirty-fifth session through the Economic and Social Council.

In connexion with its consideration of protection of human rights in Chile and the report of the Special Rapporteur on the situation of human rights in Chile (A/34/583), the report of the Expert on missing and disappeared persons in Chile (A/34/583/Add.1) and the report of the Secretary-General on the United Nations Trust Fund for Chile (A/34/658 and Add.1), the General Assembly had before it a document entitled "Considerationsof the Government of Chile on the examination of the present situation of human rights in the country" (A/C.3/34/12) circulated at the request of the Permanent Representative of Chile to the United Nations.

6. Violations of human rights in Southern Africa: reports of the Ad Hoc Working Group of Experts

By resolution 12 (XXXV) of 6 March 1979, the Commission decided that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment, with a view to improving assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in Southern Africa. The Group was requested to submit a progress report on the matter to the Commission at its thirty-sixth session.

Accordingly, the Commission will have before it the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1365). In accordance with Economic and Social Council resolution 1979/39 of 10 May 1979, the report also deals with allegations regarding infringements of trade union rights in South Africa.

The Commission will also have before it the special report of the Group on the cases of torture and murder of detainees in South Africa contained in the report drawn up by the Special Committee against Apartheid (E/CN.4/1327/Add.2) and communicated to the Commission. This special report, in document E/CN.4/1366, was prepared in accordance with operative paragraph 17 of the Commission resolution 12 (XXXV).

The attention of the Commission is drawn to General Assembly resolution 34/24 of 15 November 1979 and in particular to para. 20 of the programme of activities annexed to the resolution, which states that a study should be undertaken in 1980 by the Ad Hoc Working Group of Experts on Southern Africa on ways and means of implementing international instruments, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention.

Concerning the Economic and Social Council decision 1979/33 of 10 May 1979 requesting the General Assembly:

(d) To arrange for a study to be made of the South African Government's legitimacy, in view of its policy of apartheid and in particular its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact,

the General Assembly did not act upon this recommendation at its thirty-fourth session.

[possible addition reflecting other General Assembly resolutions]

7. 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

In its resolution 1 (XXX) of 26 August 1977 the Sub-Commission on Protection of Discrimination and Protection of Minorities in implementation of Commission resolution 7 (XXXIII) of 4 March 1977, inter alia, invited Mr. Ahmed Khalifa, the Special Rapporteur on this item, to prepare the necessary material for a provisional general list identifying those individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constituted political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa, as requested by the Commission on Human Rights in resolution 7 (XXXIII).

By resolution 6 (XXXIV) of 22 February 1978 the Commission requested Mr. Khalifa to undertake a final revision of his report and to update it as necessary before its submission to the General Assembly at its thirty-third session, taking into account the comments and suggestions made in the Sub-Commission at its thirtieth session and in the Commission at its thirty-fourth session.

This question was subsequently dealt with by the Economic and Social Council, in decision 1978/22, of 5 May 1978, the Sub-Commission, in resolution 2 (XXXI) of 13 September 1978 and the General Assembly in resolution 33/23 of 29 November 1978.

The Commission on Human Rights, at its thirty-fifth session, in resolution 9 (XXXV) of 5 March 1979, expressed once again its appreciation to the Special Rapporteur for his report (E/CN.4/Sub.2/415), invited the Special Rapporteur, in preparing the necessary material for a provisional general list referred to in resolution 7 (XXXIII), to bear in mind those governments and transnational corporations, as well as individuals, whose military, economic, financial and other forms of assistance, including nuclear aid, to the colonial and racist régimes in southern Africa constitute a denial of the enjoyment of human rights in Namibia, Zimbabwe and South Africa, requested all States, competent United Nations agencies, non-governmental and other organizations, as well as individuals to co-operate with the Special Rapporteur by providing necessary information at their disposal for the successful completion of his work, and requested further the Special Rapporteur, through the Sub-Commission, to submit to the thirty-sixth session of the Commission an updated version of the report, taking into account the deliberations of the Commission at its thirty-fifth session.

At its thirty-second session the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/425). By its resolution 3 (XXXII) of 5 September 1979 the Sub-Commission decided to send to the Commission the revised report by the Special Rapporteur, together with the replies of governments and the

discussions which took place at the Sub-Commission, requested the Economic and Social Council through the Commission that the report be appended to the original report by the Special Rapporteur (E/CN.4/Sub.2/383/Rev.1) and that it be printed and disseminated on the widest scale, requested also the Economic and Social Council through the Commission to forward this report to the General Assembly, called upon the States to give wide publicity to the list, requested the Commission to decide upon the ways and means necessary to keep the list up-dated and decided also to periodically review the item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa" under the agenda item "Review of further developments in fields with which the Sub-Commission has been concerned".

At its thirty-sixth session the Commission will have before it the final report (E/CN.4/Sub.2/425) and addenda containing replies of Governments.

8. Question of the realization in all countries 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 which the developing countries face in their efforts to achieve these human rights

By resolution 2 (XXXI) of 10 February 1975, the Commission decided to keep this item on its agenda as a standing item with high priority.

It will be recalled that at its thirty-fifth session the Commission had before it a study by the Secretary-General prepared pursuant to Economic and Social Council decision 229 (LXII) of 13 May 1977, endorsing the recommendation made by the Commission on Human Rights in paragraph 4 of its resolution 4 (XXXIII) of 21 February 1977, on "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs" (E/CN.4/1334).

By resolution 4 (XXXV) of 2 March 1979 the Commission expressed its satisfaction to the Secretary-General for his study and requested him to transmit that study and the relevant documents prepared by UNESCO to all Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and other appropriate international organizations, inviting their comments on the study, with a view to continuing the work connected with it.

The Economic and Social Council by decision 1979/29 of 10 May 1979, endorsing the recommendation made by the Commission in paragraph 4 of its resolution 4 (XXXV), decided to invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to follow up the above-mentioned study with a study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and to make this study available for consideration by the Commission on Human Rights at its thirty-seventh session.

In its resolution 5 (XXXV) the Commission reiterated that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations; recognized that it is indispensable to establish a more equitable and just international economic order which will permit the achievement of balanced development levels in all countries; called upon all States to take prompt and effective measures to remove all obstacles to the full realization of economic, social and cultural rights; and decided that

the concepts contained in the resolution would guide its future work on this item. By its decision 1979/30 the Economic and Social Council, noting Commission resolution 5 (XXXV), decided to request the Secretary-General to organize in 1980, within the framework of the advisory services programme, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

The attention of the Commission is also drawn to Sub-Commission resolution 8 (XXXII) of 5 September 1979 by which the Sub-Commission recommended to the Commission the adoption of a draft resolution by which the Commission would, inter alia, recommend to the Economic and Social Council that it authorize the Sub-Commission to appoint Mr. Raúl Ferrero, as Special Rapporteur, with the mandate of preparing a study on "The New International Economic Order and the Promotion of Human Rights".

In this connexion the Commission will have before it the report of the Sub-Commission on the work of its thirty-second session (E/CN.4/1350), Chapter IV of which is relevant to the present item.

At its thirty-fourth session the General Assembly adopted resolution 34/46 of 23 November 1979 in paragraph 8 of which it emphasized that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations. In the same resolution it requested the Secretary-General to give priority to the holding of the seminar referred to above in decision 1979/30 of the Economic and Social Council.

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

By resolution 3 (XXXI) of 11 February 1975, the Commission on Human Rights decided to place the item "The right of peoples to self-determination and its application to peoples under colonial and alien domination" on its agenda every year with priority. The title of the item was amended by the addition of the words "or foreign occupation" by resolution 3 (XXXIV) of 14 February 1978.

By its resolution 2 (XXXV) of 21 February 1979, the Commission, inter alia, requested the Secretary-General to make available to the Commission and to the Sub-Commission the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B of 2 December 1977. These reports are listed in document E/CN.4/1355 which is before the Commission.

By its decision 3 (XXXV) of 21 February 1979, the Commission, having received the reports of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the historical and current development of the right to self-determination (E/CN.4/Sub.2/404) and on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405), decided to recommend to the Economic and Social Council that the reports should be printed and given the widest possible distribution, including in Arabic.

At its first regular session for 1979, the Economic and Social Council, by its decision 1979/39 of 10 May 1979, adopted the recommendation of the Commission regarding the printing of the reports.



The attention of the Commission is also drawn to Sub-Commission resolution 1 A (XXXII) of 5 September 1979 entitled "Review of further developments in fields with which the Sub-Commission has been concerned". By this resolution, the Sub-Commission called on all States Members of the United Nations to observe faithfully their obligations under the United Nations Charter and relevant United Nations resolutions and assist the countries and peoples under colonial or alien domination or foreign occupation to exercise the right to self-determination. The Sub-Commission urged all States, United Nations organs, specialized agencies and other international organizations to enable negotiations to begin immediately between Israel and the Palestinian people through its representative, the Palestine Liberation Organization, to restore all rights in accordance with the United Nations Charter and relevant resolutions.

Furthermore, the Commission may wish to note the report submitted by the Secretary-General to the General Assembly at its thirty-fourth session under the item "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/34/367 and Add.1 and 2) and resolution 34/44 adopted by the General Assembly on 23 November 1979 on this subject. By this resolution, the Assembly, *inter alia*, took note of Economic and Social Council decision 1979/39 regarding the printing and giving the widest possible circulation, including in Arabic, of the two reports on the right on self-determination. The Assembly decided to consider this item again at its thirty-fifth session on the basis of the reports that Governments, United Nations agencies and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial territories and peoples under foreign domination and control.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Question of missing and disappeared persons.

(a) Torture and other cruel, inhuman or degrading treatment or punishment

By resolution 18 (XXXV), the Commission decided to accord high priority to the question of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment at its thirty-sixth session.

It may be recalled that, in resolution 32/62 of 8 December 1977, the General Assembly requested the Commission to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in 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 Assembly in resolution 3452 (XXX) of 9 December 1975.

The Commission considered the question at its thirty-fourth session 1/ and, in resolution 18 (XXXIV), requested the Secretary-General to transmit all relevant documents of this session to the Governments of Member States of the United Nations or members of specialized agencies for their comments and to prepare a summary of those comments.

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1/ See E/1978/34, Report on the thirty-fourth session, Chap. VIII.

On the recommendation of the Commission in its resolution 18 (XXXIV), the Economic and Social Council, by its decision 1978/24 of 5 May 1978, authorized the holding of a meeting of a working group open to all members of the Commission with the task of preparing concrete drafting proposals for the Commission on the basis of the relevant documents of the thirty-fourth session and any comments received from Governments.

By resolution 33/178 of 20 December 1978, the General Assembly requested the Commission to give high priority at its thirty-fifth session to the question of drafting such a convention.

The pre-sessional working group of the Commission had before it two draft conventions submitted respectively by Sweden (E/CN.4/1285) and by the International Association of Penal Law (E/CN.4/NGO/213) and a summary of comments received from governments (E/CN.4/1314 and Add. 1-3). The group adopted as the basis for its work a working paper submitted by the delegation of Sweden (E/CN.4/WG.1/WP.1) which contained a revision of the substantive parts of the draft convention. Work on this subject was carried over by an open-ended working group during the Commission's session. The report of the pre-sessional and sessional working groups (E/CN.4/L.1470) was considered by the Commission at its thirty-fifth session. 2/

On the recommendation of the Commission in its resolution 18 (XXXV), the Economic and Social Council, by its resolution 1979/35 of 10 May 1979, authorized the meeting of an open-ended working group for a period of one week prior to the thirty-sixth session of the Commission to complete the work on a draft convention. The Council also requested the Secretary-General to transmit to the Commission at its thirty-sixth session all relevant materials relating to the draft convention.

At its thirty-sixth session the Commission will have before it, in accordance with Economic and Social Council resolution 1979/35, the report of its working group on a draft convention against torture (E/CN.4/1367) and the materials relating to the draft convention referred to in that resolution.

It may also be recalled that the General Assembly at its thirty-fourth session had before it, under the agenda item entitled "Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", the following documents: the Principles of Medical Ethics Relevant to the Role of Health Personnel in the Protection of Persons Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, endorsed by the Executive Board of the World Health Organization (A/34/273), prepared in accordance with General Assembly resolutions 3218 (XXIX) and 31/35 and the Draft Code of Conduct for Law Enforcement Officials (A/34/431), prepared in accordance with General Assembly resolution 33/179.

The General Assembly also had before it information received from Member States in response to a questionnaire concerning the steps taken to put into effect the Declaration against Torture (A/34/144 and Add.1); and a report reproducing Unilateral Declarations by Member States to implement the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/34/145 and Addenda).

It may also be mentioned that the Draft Body of Principles for the Protection of all Persons under Any form of Detention or Imprisonment (A/34/146), adopted by the Sub-Commission at its thirty-first session, was circulated under Council resolution 1979/34 to all governments for their comments with a view to consideration of the matter by the General Assembly at its thirty-fifth session in 1980.

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2/ For the text of the working group's report, see E/1979/36 (Report of the Commission on its thirty-fifth session), Chap. VIII A.

At its thirty-fourth session, the General Assembly, in resolution 34/169 of 17 December 1979, adopted the Code of Conduct for Law Enforcement Officials and decided to transmit it to Governments with the recommendation that favourable consideration should be given to its use within the framework of national legislation or practice as a body of principles for observance by law enforcement officials.

Also at its thirty-fourth session, the General Assembly, in resolution 34/167 of 17 December 1979 took note with satisfaction of the significant progress made in the drafting of a convention on torture and other cruel, inhuman or degrading treatment during the thirty-fifth session of the Commission on Human Rights, as reflected in the progress report of the Commission. The Assembly welcomed Economic and Social Council resolution 1979/35 of 10 May 1979 by which the Council authorized an open-ended working group of the Commission to meet for a period of one week prior to its thirty-sixth session to complete the work on the draft convention and requested the Commission at its thirty-sixth session to continue to give high priority to the question of completing a draft convention on torture.

The General Assembly, in resolution 34/168 of 17 December 1979, also requested the Secretary-General to circulate the draft code of Medical Ethics to Member States, to the specialized agencies concerned and to interested intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council for comments and suggestions, and to submit a report to the General Assembly at its thirty-fifth session. The Assembly further decided to consider again the question of the Draft Code of Medical Ethics at its thirty-fifth session, under the item "Torture and other Cruel, Inhuman or Degrading Treatment or Punishment".

(b) Question of missing and disappeared persons

The Economic and Social Council, by resolution 1979/38 of 10 May 1979, requested the Commission on Human Rights to consider the question of disappeared persons as a matter of priority at its thirty-sixth session.

The General Assembly, in its resolution 33/173 of 20 December 1978, expressed its deep concern about reports from various parts of the world relating to enforced or involuntary disappearance of persons, often while such persons are subject to detention or imprisonment, and requested the Commission to consider the question with a view to making appropriate recommendations.

At its thirty-sixth session, the Commission will have before it the proposals contained in draft resolutions E/CN.4/L.1458/Rev.1, E/CN.4/L.1460 and E/CN.4/L.1472 whose consideration it had deferred at its thirty-fifth session by decision 15 (XXXV).

The Economic and Social Council, in resolution 1979/38 of 10 May 1979, noted that the Commission was unable, for lack of time, to take a decision on the matter and requested the Commission to consider the question as a matter of priority at its thirty-sixth session with a view to making appropriate recommendations. The Council also requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make general recommendations to the thirty-sixth session of the Commission and to consider communications on disappeared persons in accordance with the relevant resolutions.

In accordance with resolution 1979/38, the Sub-Commission considered information before it relating to disappeared persons <sup>3/</sup> and, in resolution 5 B (XXXII) proposed that the emergency action called for by this situation be entrusted to a group of experts of the Sub-Commission which would be given all the information available for locating the missing and disappeared persons in different regions of the world, and would make the necessary contacts with the governments and families concerned. It requested the Commission to authorize members designated by the Chairman of the Sub-Commission to undertake this task (Sub-Commission decision 7 (XXXII)). The Sub-Commission also in its resolution 5 B (XXXII) transmitted to the Secretary-General for action, pending the decision by the Commission, in accordance with the appropriate procedures and also, to such extent as he deems possible, as part of the good offices urged upon him by General Assembly resolution 33/173, the lists of missing persons communicated to him by members of the Sub-Commission. It suggested that if this phenomenon were to continue, its extreme gravity would justify envisaging some form of emergency remedy, based on the notion of habeas corpus or any other type of legal protection, designed to induce official organs to devote the necessary means to the search for the missing and disappeared persons in different regions of the world.

In this regard, it may be noted that the General Assembly at its thirty-fourth session in resolution 34/178 of 17 December 1979 expressed its conviction that the application within the legal system of States of amparo, habeas corpus, or other legal remedies to the same effect, is of fundamental importance for: protecting persons against arbitrary arrest and unlawful detention; effecting the release of persons who are detained by reason of their political opinions or convictions, including in pursuance of trade union activities; and clarifying the whereabouts and fate of missing and disappeared persons. The Assembly also considered that the use of these remedies may also forestall opportunities for persons exercising power over detainees to engage in torture or other cruel, inhuman or degrading treatment or punishment. The Assembly, in that resolution, called upon all governments to guarantee to persons within their jurisdiction the full enjoyment of the right of amparo, habeas corpus or other legal remedies to the same effect, as may be applicable in their legal system and decided that in order to extend the global understanding and larger applications of institutions such as amparo and habeas corpus, or other legal remedies to the same effect, an international seminar on the matter would be timely and useful.

The General Assembly in its resolution 34/179 of 17 December 1979, called the attention of the Commission on Human Rights, when pursuing the question of disappeared persons as requested by General Assembly resolution 33/173 and when considering resolution 5 B (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the recommendations in the report of the Expert on missing and disappeared persons in Chile. The report of the Expert to the General Assembly is contained in document A/34/583/Add.1, which is before the Commission in connexion with its consideration of item 5 of its provisional agenda entitled "Question of Human Rights in Chile". In addition, the Expert has submitted to the Commission a report (E/CN.4/1363) up-dating his report to the General Assembly and a document containing case reports on missing persons in Chile (E/CN.4/1381).

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<sup>3/</sup> See E/CN.4/1358, Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-second session, Chap. VII and E/CN.4/Sub.2/429 and Add.1.

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

It will be recalled that, in resolution 32/130 of 16 December 1977, the General Assembly decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account a number of concepts. The General Assembly also requested the Commission to undertake at its thirty-fourth session, as a matter of priority, an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of those concepts.

By resolution 33/104 of 16 December 1978 the Assembly requested the Commission to continue the over-all analysis with high priority. By resolution 33/105 of the same date it requested the Commission to take into account in that work the views expressed on the various proposals during the general debate at the thirty-second and thirty-third sessions of the General Assembly, including the proposal of the establishment of a post of United Nations High Commissioner for Human Rights. In resolution 33/54 of 14 December 1978 the Assembly requested the Commission, also in the context of the over-all analysis, to consult with specialized agencies and other organs and bodies of the United Nations system, which are, according to their mandates, concerned with the protection and promotion of human rights and fundamental freedoms and, as appropriate, with other regional intergovernmental bodies related to the United Nations system particularly concerned with human rights, on the various human rights activities and programmes, and the existing modes of co-ordination, co-operation and communication among them.

In resolution 1979/36 of 10 May 1979, the Economic and Social Council, on the recommendation of the Commission in resolution 22 (XXXV), decided, inter alia, to add the following provisions to the terms of reference of the Commission contained in the Council's resolution 5 (I) of 15 February 1946 as amended by resolution 9 (II) of 21 June 1946:

"The Commission shall assist the Economic and Social Council in the co-ordination of activities concerning human rights in the United Nations system."

The Council also: authorized an increase in the membership of the Commission to 43 members, and regular meetings of the Commission for six weeks each year, with an additional week for meetings of working groups; noted that in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business; requested the Commission to prepare suggestions for the possibility of convening meetings of the Bureau of the Commission in inter-sessional periods in exceptional circumstances; and decided that the annual session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities may be extended to four weeks. In order to enable the Commission to carry out the study asked for in General Assembly resolution 33/54 the Council requested those specialized agencies and other organs and bodies within and related to the United Nations system which are, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms, to provide the Secretary-General with a short survey of

their human rights activities and programmes. The Council also requested the Secretary-General to compile for the Commission on Human Rights at its thirty-seventh session an analytical presentation of the material submitted pursuant to the above request; noted that the Commission on Human Rights, at its thirty-seventh session, may wish to set up a sessional working group to study the material compiled and to make proposals if it deems it appropriate for the co-ordination of specific human rights activities and programmes within the United Nations system; and noted General Assembly resolution 33/105 which requested the Commission to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals, including a post of United Nations High Commissioner for Human Rights, and that the Commission had not yet been able to reach an agreement on the latter. The Council requested the Commission to continue its work on further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and the examination of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms. It also requested the Secretary-General to bring the present resolution and the relevant chapter of the report of the Commission's thirty-fifth session to the attention of the General Assembly at its thirty-fourth session.

It should be recalled that the Commission in its resolution 23 (XXXV) on development of public information activities in the field of human rights urged all governments to consider action to give publicity to United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights. In the same resolution the Commission requested the Secretary-General to take all appropriate measures further to develop public information activities in the field of human rights and, with this purpose in mind, to present a report to the thirty-sixth session of the Commission on Human Rights containing a summary of the existing public information activities in the field of human rights and proposals for their further development. The report of the Secretary-General requested under Commission resolution 23 (XXXV) is contained in document E/CN.4/1368.

At its thirty-fourth session, the General Assembly adopted resolution 34/25 of 15 November 1979 by which it welcomed the action decided on by the Commission on Human Rights and by the Economic and Social Council in response to General Assembly resolution 33/54. It urged those specialized agencies and other organs and bodies within and related to the United Nations system which were, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms to offer their full co-operation to the Secretary-General in his preparation of the preparatory material which would be the basis for the study to be carried out by the Commission on Human Rights at its thirty-seventh session. The Commission on Human Rights was requested to give priority to the completion of its study at its thirty-seventh session in 1981. The Assembly decided to include in the provisional agenda of its thirty-sixth session the item entitled "Review and co-ordination of human rights programmes of organizations in the United Nations system and co-operation with other international programmes in the field of human rights" and to give high priority to the consideration of the item at that session.

At its thirty-fourth session, the General Assembly considered the item on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms and adopted four resolutions under this item. In resolution 34/46 the General Assembly, inter alia, noted with satisfaction the report of the work relating to the over-all analysis submitted to the General Assembly by the Commission on Human Rights, through the Economic and Social Council, in conformity with Assembly resolution 32/130. The General Assembly also requested the Commission to continue at its thirty-sixth session its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of resolution 32/130. The General Assembly further requested the Commission, at its thirty-sixth session, to consider the existing human and other resources that the Division of Human Rights of the Secretariat has at its disposal for the implementation of General Assembly resolutions, on the basis of complete data which the Secretary-General is requested to provide to it, and thereafter to make recommendations, through the Economic and Social Council, to the Assembly at its thirty-fifth session, with a view to further improving the working of the Division.

In this context, the Commission will have before it a conference room paper containing the up-dated Medium Term Plan for 1980-1983 (E/CN.4/CRP/1), the Programme Budget for the biennium 1980-1981 (A/34/6) and a calendar of meetings of human rights organs to be held in 1980 and 1981.

In its resolution 34/47 on the services of the Secretariat concerned with human rights, the General Assembly requested the Secretary-General to consider the redesignation of the Division of Human Rights as a Centre for Human Rights, in the light of the views expressed on the proposed redesignation at the thirty-sixth session of the Commission on Human Rights. The General Assembly further invited the Secretary-General to ensure that adequate financial and other resources are allocated to the sector in the Secretariat concerned with human rights, so as to enable it to discharge its functions, in the light of the results of the relevant study to be conducted by the Commission on Human Rights at its thirty-sixth session in accordance with paragraph 9 of General Assembly resolution 34/46. In a related decision the General Assembly requested the Commission in the context of the over-all analysis and of the consideration it is to undertake at its thirty-sixth session in pursuance of, respectively, paragraphs 2 and 9 of Assembly resolution 34/46 to consider the proposals contained in resolution 34/47 and to take them into due account in formulating recommendations to the Assembly at its thirty-fifth session.

In resolution 34/49 on national institutions for the promotion and protection of human rights the General Assembly invited all Member States to take appropriate steps for the establishment of national institutions for the promotion and protection of human rights bearing in mind the guidelines of the United Nations Seminar on National and Local Institutions for the Promotion and Protection of Human Rights. The General Assembly emphasized the importance of the integrity and independence of such national institutions in accordance with national legislation and drew attention to the constructive role which national non-governmental organizations can play in the work of national institutions.

In resolution 34/48, the General Assembly, considering that the Working Group of the Commission on Human Rights had been unable, in its consideration of the over-all analysis, at the thirty-fifth session of the Commission to make a thorough evaluation of the proposal to create a post of United Nations High Commissioner for Human Rights, decided to consider at its thirty-fifth session the question of the creation of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

The General Assembly also adopted resolution 34/171 on regional arrangements for the promotion and protection of human rights in which it noted with satisfaction the recommendation of the United Nations Seminar in Monrovia (10-21 September 1979) for the setting up of an African Commission on Human Rights; reiterated its appeal to States to consider agreements for the setting up of regional institutions on human rights where they do not yet exist; and requested once again the Secretary-General, under the programme of Advisory Services, to explore the possibility, with the States in the regions concerned, of holding seminars on methods for the promotion and protection of human rights.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories including:

- (a) Question of human rights in Cyprus
- (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-fifth session

General

The Commission will have before it in connexion with this item as a whole the annual supplement to document E/4226 (E/CN.4/923/Add.13), listing decisions taken by United Nations bodies during 1979 relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries and territories.

Information submitted by the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in accordance with General Assembly resolution 2785 (XXVI) of 6 December 1971, in which the General Assembly asked them to provide annually to the Commission reports on the nature and effect of any racial discrimination of whose existence they had knowledge in their sphere of competence, will be circulated to the Commission in document E/CN.4/1356 and Add.1 and may be relevant to this item.

At its thirty-fifth session, the Commission had before it in connexion with the item as a whole an analysis prepared by the Secretary-General, pursuant to Commission resolution 16 (XXXIV), of existing United Nations procedures for dealing with communications concerning violations of human rights, to assist the Commission in studying measures to avoid possible duplication and overlapping of work in the implementation of these procedures (document E/CN.4/1317). By its



decision 4 (XXXV) the Commission decided that this analysis should be brought up to date for submission to the Commission at its thirty-sixth session, in the light of the Commission's discussion of agenda item 12(b) at its thirty-fifth session. A note by the Secretary-General, document E/CN.4/1369, will be circulated in this connexion.

Chapter IX of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-second session (E/CN.4/1350) is relevant to the item as a whole.

In this connexion, the attention of the Commission is drawn to General Assembly resolution 34/175 of 17 December 1979 entitled "Effective action against mass and flagrant violations of human rights" by which the Assembly expressed satisfaction that during 1979 several situations of mass and flagrant violations of human rights had ceased although many serious situations remain to be resolved, and it urged the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. The Assembly stressed the important role that the Secretary-General can play in such situations.

#### Specific issues

The Commission also has before it the following specific issues pertaining to the item as a whole:

##### (i) Democratic Kampuchea

It will be recalled that by its decision 9 (XXXIV) the Commission requested the Secretary-General to transmit to the Government of Democratic Kampuchea the documents and summary records of the thirty-fourth session of the Commission relating to the human rights situation in that country with a view to inviting that Government to send its comments and observations. By that same decision the Secretary-General was further requested to transmit the response of the Government of Kampuchea together with all information that might be available about the situation to the Commission at its thirty-fifth session, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

At its thirty-first session the Sub-Commission, by its resolution 11 (XXVI) requested its Chairman or such member as the Chairman may decide to appoint, to analyse these materials on its behalf, together with the comments and observations made by the Sub-Commission and other relevant materials received by the Secretary-General before the thirty-fifth session of the Commission on Human Rights, and to present his analysis with the recommendation that the Commission give this matter highest priority at its thirty-fifth session.

Pursuant to the above-mentioned decision of the Commission and resolution of the Sub-Commission, the Commission had before it at its thirty-fifth session the following documents: (a) E/CN.4/Sub.2/414 and Addenda 1-3 (pertaining to the material received under Commission decision 9 (XXXIV)); (b) E/CN.4/1295 and E/CN.4/Sub.2/414/Add.9 (submissions from the Government of Democratic Kampuchea) and (c) E/CN.4/1335 (the analysis prepared and introduced by the Chairman of the Sub-Commission).

At its thirty-fifth session, the Commission decided to postpone consideration of the analysis prepared by the Chairman of the Sub-Commission to its thirty-sixth session (Commission decision 6 (XXXV)). Accordingly, document E/CN.4/1335 will again be before the Commission together with the other relevant documents referred to above.

Attention should also in this connexion be drawn to Sub-Commission resolution 4 B (XXII), adopted at its thirty-second session, by which the Sub-Commission, inter alia, urged the Government of Democratic Kampuchea to take urgent measures to restore full respect for human rights and fundamental freedoms in that country, and invited the Government of Democratic Kampuchea to furnish to the Secretary-General, for transmission to the Commission on Human Rights at its thirty-sixth session and to the Sub-Commission at its thirty-third session, such information as it possesses on violations of human rights which have **taken** place in Democratic Kampuchea in the recent past, on the root causes of such violations and on measures taken to prevent such violations from recurring in the future. Any information received from the Government of Democratic Kampuchea pursuant to Sub-Commission resolution 4 B (XXII) will be placed before the Commission in document E/CN.4/1370.

(ii) Equatorial Guinea

At its thirty-fifth session the Commission on Human Rights adopted resolution 1535 by which it recalled Economic and Social Council resolution 1235 (XLIII) of 6 January 1967 which authorizes the Commission to make a thorough study of situations which reveal a consistent pattern of violations of human rights; the Commission decided on the appointment of a Special Rapporteur to undertake a thorough study of the human rights situation in Equatorial Guinea and to report to it at its thirty-sixth session. By decision 19/35, the Economic and Social Council noted this resolution, appealed to the Government of Equatorial Guinea to extend its co-operation to the Commission and approved the recommendation of the Commission that the material before the Commission on that matter under Council resolution 1503 (XXXVIII) should not longer be restricted. At its thirty-sixth session the Commission will have before it the report of the Special Rapporteur in document E/CN.4/1371.

(iii) Nicaragua

At its thirty-fifth session the Commission adopted resolution 1435 by which it recalled General Assembly resolution 33/76 of 15 December 1978 which drew attention to the extreme gravity of the events that were taking place in that country, condemned the violation of human rights and fundamental freedoms by the Nicaraguan authorities and demanded that those authorities put an end to the grave situation and to ensure respect for the human rights of the citizens of Nicaragua. The Commission requested the Secretary-General to keep the situation in Nicaragua under continued review and to submit a report to the Commission on Human Rights at its thirty-sixth session through the Sub-Commission on Prevention of Discrimination and Protection of Minorities. At its thirty-second session, the Sub-Commission adopted resolution 4 C (XXXII) in which it referred to the report of the Secretary-General and it invited the Government of Nicaragua to present such information to the Secretary-General for transmission to the Commission at its thirty-sixth session and to the Sub-Commission at its thirty-third session. The Sub-Commission drew the attention of the Government of Nicaragua to the opportunities available under the United Nations Programme of Advisory Services in Human Rights whereby the United Nations could provide technical expertise to advise or assist Governments on measures needed to strengthen arrangements for promotion and protection of human rights.

At its thirty-sixth session the Commission will have before it the report of the Secretary-General as presented to the Sub-Commission (E/CN.4/Sub.2/486) and a supplementary note thereto (E/CN.4/1372).

(iv) Guatemala

By decision 12 (XXXV) the Commission sent a telegramme to the Government of Guatemala noting with profound regret the assassination of Dr. Alberto Fuentes Mohr on 25 January 1979; it took note of the communication from the Government of Guatemala on these events, the declaration by the Government condemning the assassination and that it was acting "with all necessary diligence to apprehend those responsible and to elucidate the matter". In this telegramme the Commission also stated that it would welcome some information on this matter before the beginning of the thirty-sixth session.

(v) Western Sahara and Tindouf

At its thirty-fifth session, the Commission had before it draft resolutions concerning Western Sahara and the camps of Tindouf and the neighbouring area (draft resolution E/CN.4/L.1455, as introduced and orally amended by the representative of Benin, and draft resolution E/CN.4/L.1461, introduced by the representative of Morocco). By its decision 7 (XXXV) the Commission decided to postpone consideration of the two draft resolutions to its thirty-sixth session.

(vi) Question of large-scale exoduses

At its thirty-fifth session, the Commission had before it a draft resolution concerning situations of large-scale exoduses of persons and groups from certain States and territories, submitted by the representative of Canada (E/CN.4/L.1452), as well as an amendment thereto, submitted, and orally revised, by the representative of the Syrian Arab Republic (E/CN.4/L.1475). Expressing the hope that further consultations on the subject matter could lead to a consensus at the Commission's thirty-sixth session, the sponsor of the main draft resolution formally withdrew the draft. The Commission decided in this connexion to postpone consideration of the question of large-scale exoduses to its thirty-sixth session.

(a) Question of human rights in Cyprus

It will be recalled that the Commission decided at its thirty-fourth session in 1978 to postpone consideration of this sub-item to its thirty-fifth session (Commission resolution 17 (XXXIV)). By the same resolution, the Commission requested the Secretary-General to provide the Commission with information relevant to the implementation of its repeated calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. This information was before the Commission at its thirty-fifth session in document E/CN.4/1323. Also of relevance to the item at the Commission's thirty-fifth session was Sub-Commission resolution 8 (XXXI) calling for the Commission's review of the implementation of that resolution.

At its thirty-fifth session, the Commission again decided to postpone consideration of the sub-item, to its thirty-sixth session, giving it then due priority. It was understood, in this context, that the actions required by the Commission's previous resolutions on the subject would remain operative, including the request that the Secretary-General provide a report to the Commission regarding their implementation (Commission decision 5 (XXXV)).

Accordingly, the Secretary-General's report contained in document E/CN.4/1323 will again be before the Commission, together with such further information as may be relevant pursuant to Commission decision 5 (XXXV) (document E/CN.4/1373). The Commission may also note General Assembly resolution 34/30 of 20 November 1979 relevant to this question.

- (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)

General issues

- (i) Method of voting in the implementation of Council resolution 1503 (XLVIII)

It will be recalled, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 7 B (XXXI), adopted at its thirty-first session in 1978, requested the competent United Nations bodies to amend the relevant rules of procedure, so as to allow for the method of voting by secret ballot, at the level of the Sub-Commission and its Working Group on Communications, when decisions are taken within the framework of Council resolution 1503 (XLVIII).

Again, at its thirty-second session in 1979, the Sub-Commission adopted a resolution again requesting the authority, for itself and its Working Group on Communications, to employ the method of voting by secret ballot in taking decisions under Council resolution 1503 (XLVIII) (Sub-Commission resolution 9 B (XXXII)).

- (ii) Participation by States concerned under Council resolution 1503 (XLVIII)

It will be recalled, that the Commission decided at its thirty-fourth session in 1978 to issue, during the first week of each session, invitations to the States, in respect of which situations were being considered under Economic and Social Council resolution 1503 (XLVIII), to send representatives to address the Commission and to answer any questions put by members of the Commission (Commission decision 5 (XXXIV)).

Further to this decision, the Commission decided at its thirty-fifth session to authorize its working groups in future, if they have been established to assist the Commission in examining documents reaching it in virtue of Council resolution 1503 (XLVIII), to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (Commission decision 14 (XXXV)).

Particular situations

(i) Report of the Working Group established by Commission decision 13 (XXXV)

The Commission will have before it the report of its Working Group established by its decision 13 (XXIV) of 9 March 1979 to examine such particular situations as may be referred to the Commission by the thirty-second session of the Sub-Commission under Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review. The report of the Working Group (E/CN.4/R.54), as well as other confidential documents pertaining to the sub-item, including the confidential report of the thirty-second session of the Sub-Commission (E/CN.4/R.51 and addenda), observations received from Governments (E/CN.4/R.52 and addenda) and summaries of further communications of relevance to the situations which the Commission has before it (E/CN.4/R.53) will be distributed to each member of the Commission personally.

Chapter X of the report of the Sub-Commission on the work of its thirty-second session (E/CN.4/1350) is also of relevance in this connexion.

(ii) Implementation of earlier decisions taken by the Commission under Council resolution 1503 (XLVIII)

Documentation pertaining to the implementation of decisions adopted at previous sessions of the Commission under Council resolution 1503 (XLVIII) in respect of specific countries, including the confidential reports prepared by the Secretary-General pursuant to Commission resolution 15 (XXXIV) (document E/CN.4/R.50 and addenda), will be distributed to each member of the Commission personally.

13. Question of a convention on the rights of the child

At its thirty-fifth session, the Commission on Human Rights decided to establish an informal open-ended working group to consider the question of a convention on the rights of the child. The Working Group had before it the text of a draft convention annexed to Commission resolution 20 (XXXIV), together with a number of amendments thereto, and the report of the Secretary-General on the views, observations and suggestions on the question submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324 and Corr.1 and Add.1-4). The report of the Working Group may be found in chapter XI of the Commission's report on its thirty-fifth session (Economic and Social Council, Official Records 1979, Supplement No. 6).

By resolution 19A (XXXV) of 14 March 1979, the Commission, having noted that owing to lack of time it had not been possible to complete work on the draft convention and that it would be desirable to adopt such a convention in connexion with the International Year of the Child, decided to continue at its thirty-sixth session, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing, if possible, the elaboration of the convention at that session for transmission to the General Assembly through the Economic and Social Council. By resolution 19B (XXXV) of the same date, the Commission invited the Secretary-General to consider the possibility of organizing, within the framework of advisory services in the field of human rights, a two-week seminar on the rights of the child in the light of international instruments concerning human rights and questions of their implementation and progressive development.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in paragraph 4 of its resolution 7 B (XXXIII) of 5 September 1979, recommended to the Commission on Human Rights to take into account the relevant documentation submitted to the Working Group on Slavery and the Sub-Commission, and their debates on this question, in drafting the appropriate articles of the Convention on the Rights of the Child.

At its thirty-sixth session, the Commission will also have before it the draft Convention on the Rights of the Child annexed to Commission resolution 20 (XXXIV) and the report of the Secretary-General on the views, observations and suggestions on such a convention submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324, and Corr.1 and Add.1-4).

In addition, the Commission will have before it the text of a draft Convention submitted by Poland on 5 October 1979 (E/CN.4/1349).

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

By resolution 32/120 of 16 December 1977, the General Assembly recommended that the Commission on Human Rights and the Economic and Social Council should consider this question fully and in depth at their next sessions, in collaboration with ILO, UNESCO and other interested agencies of the United Nations system, on the basis of the instruments adopted and the documents and studies prepared by the United Nations and the specialized agencies, including the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the Seminar on the Human Rights of Migrant Workers, held at Tunis from 12 to 24 November 1975 (ST/EAO/HR/50).

In its resolution 21 B (XXXIV) of 8 March 1978, the Commission on Human Rights, noting that, in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned, requested the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action. The report of the Secretary-General prepared pursuant to this resolution is contained in document E/CN.4/1325.

As decided by the Economic and Social Council in its resolution 1978/22 of 5 May 1978, a Working Group open to all Member States of the United Nations met in Geneva from 18 to 22 December 1978 to formulate specific proposals to be submitted to the Commission on Human Rights at its thirty-fifth session. The report of the Working Group is contained in document E/CN.4/1316.

By resolution 33/163 of 20 December 1978, the General Assembly expressed the hope that the Commission on Human Rights would submit to the first regular session of the Economic and Social Council in 1979 the study recommended in resolution 32/120 on the basis of the concrete proposals formulated by the Working Group established pursuant to Council resolution 1978/22. In addition, the Assembly requested the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the ILO, the possibility of drawing up an international convention on the rights of migrant workers.

The Commission considered the question at its thirty-fifth session. By its resolution 25 (XXXV) of 14 March 1979, the Commission, inter alia, invited the Governments of host countries to take certain measures to improve the situation of migrant workers and their families.

The Commission requested the United Nations bodies, the specialized agencies and the other world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers, to communicate to the Commission the model agreements and agreements which they formulate on the various aspects of inter-State relations insofar as they concern migrant workers (paragraph 6).

Also in resolution 25 (XXXV), the Commission decided to supervise, with the assistance of the ILO, UNESCO and WHO, and the other competent intergovernmental organizations and those NGOs which have consultative status with the Economic and Social Council, the application of the principles of the Universal Declaration of Human Rights to all migrant workers. It decided to give priority, at its next session, to the following three questions: (i) protection of the children of migrant workers against any form of discrimination and measures to be taken in order to facilitate their adaptation to the culture of the host country while maintaining and developing their knowledge of the language and national culture of the country of origin; (ii) violations of the human rights of migrant workers resulting from the illicit traffic in such workers; (iii) access of migrant workers to remedies in enterprises, from the administration, in courts and against all forms of arbitrary expulsion (paragraph 7).

The Commission decided to keep on its agenda the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", in particular for the purpose of studying the situation of those groups of migrant workers who continue to encounter practical difficulties with regard to the complete and genuine enjoyment of human rights.

The attention of the Commission is also drawn to Economic and Social Council resolution 1979/13 of 9 May 1979. In this resolution the Council requested the Commission on Human Rights, at its thirty-sixth session, to give all necessary attention to the provisions of its resolution 25 (XXXV) of 14 March 1979, in particular paragraphs 2 and 7, with a view to their implementation. The Council requested the Secretary-General to invite the ILO, UNESCO, WHO and other interested United Nations bodies to continue their co-operation towards the preparation by the General Assembly of an international convention on protection of the rights of all migrant workers in accordance with the relevant recommendations contained in the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination and to submit to the Council at its first regular session of 1980 a report on the

results of this co-operation covering the activities being conducted by them in their respective spheres of competence. In addition, the Council requested the Secretary-General to communicate to Member States at the thirty-fourth session of the General Assembly the results of the consultations which the Assembly requested him to undertake pursuant to resolution 33/163 in order to explore the possibility of drawing up an international convention on the rights of migrant workers. A report of the Secretary-General on this subject is contained in document A/34/535 and Add.1. Finally, the Council decided to include in the agenda of its first regular session of 1980 the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

Furthermore, the Commission may wish to note resolution 34/172 adopted by the General Assembly at its thirty-fourth session on 17 December 1979 on this subject. By this resolution, the Assembly took note of the report of the Secretary-General (A/34/535 and Add.1). It welcomed the large number of replies submitted by Member States and the international organizations concerned favouring the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

The Assembly decided to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. It requested the Secretary-General, in application of the provisions contained in Economic and Social Council resolution 1979/13, to give the working group all necessary support with a view to facilitating the elaboration of the international convention on the protection of the rights of all migrant workers and their families. The international organizations concerned were invited to participate in the work of the working group and to co-operate with a view to the elaboration of such convention.

At its thirty-sixth session, the Commission will have before it a report of the Secretary-General prepared in accordance with paragraph 6 of Commission resolution 25 (XXXV) (E/CN.4/1374).



15. Human rights and scientific and technological developments

In its resolution 10 (XXVII) of 18 March 1971, the Commission decided to retain the question of human rights and scientific and technological developments as a standing item on its agenda.

The General Assembly, in paragraph 5 of its resolution 3268 (XXIX) of 10 December 1974, requested the Commission on Human Rights to draw up a programme of work in connexion with human rights and scientific and technological developments taking into account the reports of the Secretary-General on that topic, the information transmitted by Governments pursuant to paragraph 2 of the resolution and other relevant sources, with a view to undertaking in particular the formulation of standards in the areas which would appear to be sufficiently analysed.

In its resolution 11 (XXXII) of 5 March 1976 the Commission requested the Secretary-General to continue collecting documentation on the development of new technology as it pertained to human rights, where necessary with the assistance of qualified experts, to continue and, if necessary, strengthen co-operation and adequate co-ordination between United Nations organs and the specialized agencies with regard to the impact of science and technology on human rights, in particular with a view to the proposed conference on science, technology and development.

By resolution 31/128 of 17 December 1976, the General Assembly requested the Commission, in its consideration of the question of scientific and technological progress and human rights, to give special attention to the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, proclaimed by the General Assembly in its resolution 3384 (XXX) of 10 November 1975.

By resolution 10 B (XXXIII) of 11 March 1977 the Commission welcomed the adoption by the General Assembly in its resolution 3384 (XXX) of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and accepted it, together with other relevant international instruments, as a guide for its future work. The Commission also instructed the Sub-Commission to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations to the Commission, taking into account the provisions of paragraph 3 of General Assembly resolution 3026 B (XXVII), paragraph 1 of General Assembly resolution 2450 (XXIII) and paragraph 3 of Commission on Human Rights resolution 10 (XXVII). In connexion with this instruction, the Secretary-General submitted to the Sub-Commission a note (E/CN.4/Sub.2/387) concerning studies on human rights and scientific and technological developments in the light of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

Also in resolution 10 B (XXXIII) the Commission drew the attention of the Committee on Science and Technology for Development to the provisions of the Declaration, and requested that Committee to take those provisions into account when preparing for the United Nations Conference on Science and Technology for Development, which the General Assembly had decided to hold in 1979, and decided to consider, at its thirty-fourth session, under the agenda item "Human rights and scientific and technological developments", the question of implementing the provisions of the Declaration.

In resolution 10 A (XXXIII), of 11 March 1977, the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study with a view to formulating guidelines, if possible, the question of the protection of those detained on the grounds of mental ill-health against treatment that might adversely affect the human personality and its physical and intellectual integrity and further requested the Sub-Commission to submit a progress report on the above to the Commission when such a report was ready. In connexion with this request, the Secretary-General submitted to the Sub-Commission at its thirtieth session a note (E/CN.4/Sub.2/386 and Add.1) on protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity.

In this context, the General Assembly at its thirty-third session adopted resolution 33/53 on 14 December 1978 by which it requested the Commission on Human Rights to urge that the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken as a matter of priority by the Sub-Commission and to present a progress report on this question to the thirty-fifth session of the General Assembly.

At its thirty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its resolution 6 (XXXII) of 5 September 1979 requested the Secretary-General to prepare a report analysing information concerning the subject referred to in resolution 10 A (XXXIII) of the Commission on Human Rights with a view to the formulation of guidelines regarding (a) the medical measures that may properly be employed in the treatment of persons detained on the grounds of mental ill-health and (b) procedures for determining whether adequate grounds exist for detaining such person and applying such medical pressures.

Having postponed consideration of the agenda item at its thirty-fifth session, the Commission will have before it, at its thirty-sixth session, (i) two annual reports on developments relating to science and technology elsewhere in the United Nations system of interest to the Commission (E/CN.4/1276 and E/CN.4/1306), which should be read in conjunction with the first report issued on the same subject (E/CN.4/1254), and (ii) an addendum to the report of the Secretary-General on human rights and national machinery for decision-making on science policy, with particular reference to technological assessment (E/CN.4/1255/Add.1).

The updated version of the note by the Secretary-General on the programme of work, prepared in accordance with paragraph 1 of Commission resolution 11 (XXXI) (E/CN.4/L.1313 and Corr.1-4), which was before the Commission at previous sessions, will also be available.

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

By resolution 10 (XXXV) of 5 March 1979, the Commission decided to maintain this question on its agenda as a standing item.

By the same resolution, the Commission, having considered the report of the group of three members of the Commission established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1328), appealed once again to those countries that had not yet done so to accede to the Convention without delay; urged the States parties which had not yet done so to submit their report as soon as possible, bearing in mind the general guidelines proposed by the group in its 1978 report (E/CN.4/1286, annex); called on

States parties to implement fully article IV of the Convention by adopting the necessary legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts defined in article II of the Convention; requested the Secretary-General to invite States parties to the Convention to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention; and decided that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention. The Commission also took a number of other decisions concerning the discharge of the functions assigned to it under article X of the Convention.

The Group composed of the representatives of Bulgaria, Cuba and Senegal appointed by the Chairman of the Commission at its thirty-fifth session, is scheduled to meet in Geneva from 28 January to 1 February 1980.

At its thirty-sixth session, the Commission will have before it the following documents:

(a) A note by the Secretary-General (E/CN.4/1353) concerning the status of the Convention and of the submission of reports by States parties in accordance with article VII. The reports received by the Secretary-General from States parties will be made available to the Commission in addenda to document E/CN.4/1353;

(b) A note by the Secretary-General (E/CN.4/1357) concerning the implementation of the decisions of the Commission in its resolution 10 (XXXV) relevant to the discharge of its functions under article X of the Convention;

(c) The report of the group established under article IX of the Convention on its 1980 session (E/CN.4/1358).

The Commission may also wish to note that the General Assembly, in its resolution 34/27 of 15 November 1979 welcomed the efforts of the Commission on Human Rights to undertake the functions set out in Article X of the Convention and invited the Commission to continue its efforts, especially with a view to preparing periodically a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for crimes enumerated in Article II of the Convention, as well as of those against which legal proceedings have been undertaken; called upon the competent United Nations organs to continue to provide the Commission on Human Rights through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid; and requested the Commission on Human Rights to take into account, in preparing the above-mentioned list, General Assembly resolution 33/23 of 29 November 1978 [entitled: "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"], as well as all the documents on the subject prepared by the Commission and its suborgans.

17. "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service"

By decision 15 (XXXV) of 14 March 1979, the Commission postponed consideration of this item to its thirty-sixth session.

This item has been considered by the Commission since its twenty-fifth session. The Commission, in resolution 1 B (XXXII) of 11 February 1976, requested the Secretary-General to summarize the information which all member States, the appropriate United Nations organs, the specialized agencies and the non-governmental organizations concerned would be invited to furnish on steps taken to promote within their respective spheres of competence measures enumerated in the resolution. Accordingly, the report of the Secretary-General on the role of youth in the promotion and protection of human rights (E/CN.4/1223 and Add.1-3) was issued in pursuance to that resolution.

The Commission may recall the following General Assembly resolutions relevant to this item: resolutions 32/135 of 16 December 1977 and 33/6 of 3 November 1978 relating to channels of communication with youth and youth organizations, and resolutions 33/7 of 3 November 1978 and 34/151 of 17 December 1979, respectively, on International Youth Year. The attention of the Commission is also drawn to General Assembly resolution 34/163 of 17 December 1979 on policies and programmes relating to youth entitled "Policies and Programmes relating to youth" and the annex thereto containing draft additional guidelines for the improvement of the channels of communication between the United Nations and youth organizations.

As regards the question of conscientious objection to military service, it may be recalled that this question was discussed by the Commission at its thirty-second session. The Commission, in its resolution 1 A (XXXII), noted 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), and decided to give adequate consideration at its thirty-third session to the problem of recognition of objection to military service. Owing to lack of time, the Commission was unable to consider this question at its following sessions.

The Commission will thus have before it the following documentation which was before it at previous sessions: the reports of the Secretary-General (E/CN.4/1223 and Add.1-3 and E/CN.4/1118 and Corr.1 and Add.1-3) prepared in accordance with Commission resolutions 1 B (XXXII) and 11 B (XXVII) respectively, and documents E/CN.4/NGO/217 and E/CN.4/NGO/220.

18. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief

In resolution 3027 (XXVII) of 18 December 1972, the General Assembly decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft international convention on this subject. Having been requested by the Assembly, in resolution 3267 (XXIX) of 10 December 1974 to draft a Declaration, the Commission has, since 1974, considered the question at each of its sessions. The informal working group set up by the Commission during these sessions to consider the elaboration of a Draft Declaration has so far adopted the title and preamble. 1/

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1/ Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927), para. 198.

At its thirty-fourth session, the Commission established an informal open-ended working group to continue the consideration of the draft declaration. After having taken note of the report of the working group <sup>\*</sup>/ the Commission, by its resolution 22 (XXXIV) of 8 March 1978, suggested that States members of the United Nations or members of specialized agencies, specialized agencies regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council which had views to submit on the elaboration of a draft declaration might wish to do so in writing, to the Secretary-General in order that their views would be available to all members prior to the Commission's thirty-fifth session, and decided to continue the elaboration of a draft declaration and to establish an open-ended working group which would meet on a regular basis throughout the thirty-fifth session of the Commission.

At its thirty-third session, the General Assembly in resolution 33/106, adopted on 16 December 1978, requested the Commission at its thirty-fifth session to give high priority to the drafting of the declaration and to strive towards its completion at that session and requested the Commission to instruct its working group to set a time-table for a full consideration of the remaining articles of the draft declaration during the thirty-fifth session. The Assembly also requested the Commission to submit to the thirty-fourth General Assembly through the Economic and Social Council, a single draft declaration and decided to include the item in the provisional agenda of its thirty-fourth session with high priority. By the same resolution the General Assembly requested the Secretary-General to make available to the Commission the provisions of existing international instruments which relate to the problem of religious intolerance. These provisions are available in document E/CN.4/L.1417.

At its thirty-fifth session, the Commission adopted resolution 20 (XXXV) of 14 March 1979. In this resolution the Commission, after taking note of the report of the working group, noted that the working group had achieved far-reaching agreement on several substantive aspects of the first articles of the draft declaration but had been unable to reach consensus; decided to adopt, on the basis of those proposals on which there was far-reaching agreement, three draft articles; requested the Secretary-General to invite the United Nations Educational, Scientific and Cultural Organization to organize a collective consultation, embracing various established schools of religious thought, on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance, and to submit the conclusions reached by this consultation to the Commission at its thirty-sixth session; and decided to continue the elaboration of the remaining articles of the draft declaration and to establish again the open-ended working group at its next session. The consideration of the item by the Commission at its thirty-fifth session is reflected in chapter XIV of its report on that session. <sup>2</sup>/

At its thirty-sixth session, the Commission will have before it:

(a) Reports on this subject, submitted by the Secretary-General under Commission resolution 22 (XXXIV) (E/CN.4/1305 and Add.1-3 and E/CN.4/1337);

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<sup>\*</sup>/ Economic and Social Council, Official Records, 1978. Supplement No. 4 (E/1978/34), para. 259.

<sup>2</sup>/ Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36), paras. 268-282.

- (b) A note prepared by the Secretariat (E/CN.4/1145);
- (c) The provisions of existing international instruments made available in accordance with General Assembly resolution 33/106 (E/CN.4/L.1417);
- (d) The conclusions reached by the consultation organized by UNESCO, referred to above.

19. Periodic reports on human rights

- (a) Periodic reports on freedom of information
- (b) Periodic reports on civil and political rights and question of the rights of everyone to leave any country, including his own, and to return to his country (Economic and Social Council resolution 1780 (LIV))

The Commission has postponed consideration of this item at every session since its thirty-fourth session.

(a) The Commission will again have before it at its thirty-sixth session the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1977 session (E/CN.4/1226).

The following documentation distributed at the thirty-third, thirty-fourth and thirty-fifth sessions of the Commission will be available:

- (i) The reports on freedom of information for the period 1 July 1970-30 June 1975 received from Governments (E/CN.4/1214 and Add.1-20) and specialized agencies (E/CN.4/1215 and Add.1-3);
- (ii) An analytical summary of these reports (E/CN.4/122A);
- (iii) A subject and country index to the reports (E/CN.4/1225);
- (iv) Relevant contributions received from non-governmental organizations in consultative status and comments made on them by the Member States concerned.

(b) The Commission will again have before it the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1979 session (E/CN.4/1304).

In connexion with this item the following documentation distributed at the thirty-fifth session will be available to the Commission:

- (i) Reports on civil and political rights for the period 1 July 1971 to 30 June 1977, received from Governments (E/CN.4/1300 and addenda) and specialized agencies (E/CN.4/1301);
- (ii) An analytical summary of the reports and other material on civil and political rights for the period from 1 July 1971 to 30 June 1977 (E/CN.4/1302) prepared by the Secretary-General in accordance with Commission resolution 16 B (XXIII);

- (iii) A subject and country index of the reports on civil and political rights (E/CN.4/1303) prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);
- (iv) 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 (ST/HR/4/Rev.2), prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);
- (v) Contributions from non-governmental organizations in consultative status received under the terms of Economic and Social Council resolution 1074 C (XXXIX) and comments made on them by the member States concerned.

The Commission may recall that draft resolution II concerning suggestions for improving the contents and format of the Yearbook on Human Rights, included in the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1979 session (E/CN.4/1304), was considered separately by the Commission at its thirty-fifth session in connexion with its consideration of the item entitled "Further promotion and encouragement of human rights and fundamental freedoms". By its resolution 26 (XXXV), the Commission recommended to the Economic and Social Council the adoption of that draft resolution. The Council adopted the draft resolution at its first regular session, 1979, with some amendments. (Council resolution 1979/37 of 10 May 1979).

- 20. (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

In resolution 8 (XXXV) of 5 March 1979, the Commission on Human Rights requested the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a Working Group of five of its members to meet not more than three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme to implement the goals and objectives of the Decade. The Commission further recommended to the Council that it ensure inter alia:

- (a) full co-ordination and co-operation within the United Nations system in relation to the implementation of the activities of the Decade for Action to Combat Racism and Racial Discrimination;
- (b) evaluation of the status of support given to victims of racism and racial discrimination.

Pursuant to General Assembly resolutions 33/99 and 33/100 of 16 December 1978 a seminar, for the region of Europe and North America, on the subject of recourse procedures available to victims of racial discrimination was convened at Geneva from 9 to 20 July 1979. Also, in accordance with General Assembly resolution 33/100, a round-table of university professors and directors of race relations institutions on the teaching of problems of racial discrimination was held at Geneva from 5 to 9 November 1979. The reports of the seminar and of the round-table will be submitted to the Economic and Social Council at its first regular session in 1980.

At its thirty-second session, the Sub-Commission considered the question of the implementation of the Programme for the Decade under the item "Measures to combat racism and racial discrimination and the role of the Sub-Commission". It had before it the report of the Working Group above-mentioned (E/CN.4/Sub.2/424). At the conclusion of its discussion on this item which is reflected in Chapter VI of its report (E/CN.4/Sub.2/435), the Sub-Commission adopted on 5 September 1979 resolution 2 (XXXII) A and B.

By resolution 2 (XXXII) A, the Sub-Commission recommended to the Commission on Human Rights the adoption of a draft resolution, under which the Commission would recommend to the Economic and Social Council that it authorize Mr. Justice Abu Sayeed Chowdhury, a member of the Sub-Commission, to be entrusted with the preparation of the study on "Discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism" in the light of the comments made by the Sub-Commission at its thirty-second session.

In operative paragraph 1 of resolution 2 (XXXII) B the Sub-Commission decided to undertake the following studies during the second half of the Decade:

(a) Discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism;

(b) Political, economic or other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination; and

(c) Recourse procedures available to victims of racial discrimination.

In the same resolution, the Sub-Commission inter alia requested the Secretary-General to prepare a report for it, on the basis of discussions and conclusions of the regional seminar organized in 1979 on recourse procedures available to victims of racial discrimination; requested the Secretary-General to prepare for its thirty-third session a background paper on the dissemination of information, based on its reports and studies, in simplified form with a view to familiarizing the general public with facts in the field of combating racism and racial discrimination; and recommended to the Commission on Human Rights to request the Economic and Social Council to authorize the Sub-Commission to designate special rapporteurs from amongst its members to carry out the two studies referred to under (a) and (b) of paragraph 1 above.

The General Assembly, at its thirty-fourth session, adopted resolution 34/24 of 15 November 1979, in which the Assembly adopted a four-year programme of activities designed to accelerate progress in the implementation of the Programme for the Decade; invited all member States, United Nations organs, the specialized agencies and intergovernmental and non-governmental organizations to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade; called once again upon all the Governments which have not yet done so to take



legislative, administrative and other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in southern Africa, in order to put an end to such enterprises immediately; appealed to all States to continue to co-operate with the Secretary-General by submitting their reports to him in accordance with paragraph 18 (e) of the Programme for the Decade; commended the national liberation movements, anti-apartheid and anti-racist movements, and other non-governmental organizations for their co-operation in international efforts for the attainment of the purposes of the Decade and appealed to all mass media and educational and cultural institutions to co-operate fully in the implementation of the Programme of the Decade. In addition, the Assembly expressed its satisfaction to the Committee on the Elimination of Racial Discrimination, the Special Committee against Apartheid, the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Commission on Human Rights through its Ad Hoc Working Group of Experts on Southern Africa and its Sub-Commission on Prevention of Discrimination and Protection of Minorities for their contribution to the implementation of the Programme for the Decade. It also invited the Committee on the Elimination of Racial Discrimination in particular, to monitor the implementation of the provisions of Articles 4 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination in order to prevent any incitement to racism and racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

The attention of the Commission is further drawn, in particular, to paragraphs 18, 19 and 20 of the programme of activities annexed to the resolution. Paragraphs 18, 19 and 20 read as follows:

18. In the light of paragraph 13 (b) of the Programme for the Decade, a seminar should be organized in 1981 by the Commission on Human Rights, in co-operation with the Special Committee against Apartheid, in order to study the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist regimes of southern Africa. The Commission on Transnational Corporations and the Commission on Human Rights should make a study in co-operation with the Special Committee against Apartheid.

19. In accordance with General Assembly resolution 3377 (XXX), the Commission on Human Rights, in co-operation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, should undertake a study on ways and means of ensuring the implementation of the United Nations resolutions on apartheid, racism and racial discrimination and submit its conclusions to the Assembly at its thirty-seventh session in 1982 through the Economic and Social Council.

20. A study should be undertaken in 1980 by the Ad Hoc Working Group of Experts on Southern Africa on ways and means of implementing international instruments, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention.

The Commission will have before it the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3057 (XXVIII)), as well as the Programme of activities adopted by the General Assembly at its thirty-fourth session (Res. 34/24).

In the context of this item, the Commission will have also before it the annual reports on racial discrimination submitted by the ILO and UNESCO in accordance with Council resolution 1588 (L) and Assembly resolution 2785 (XXVI) (E/CN.4/1356 and Add.1).

21. Status of the International Covenants on Human Rights

In resolution 6 (XXXV) the Commission requested the Secretary-General to submit to it at its thirty-sixth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. In this connexion the Commission will have before it a report by the Secretary-General (E/CN.4/1376).

The Commission may note that the General Assembly at its thirty-fourth session adopted resolution 34/45 of 23 November 1979 concerning the International Covenants on Human Rights, in which it again invited all States which have not yet done so to become parties to the International Covenants on Human Rights as well as to consider acceding to the Optional Protocol, and requested the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and also to transmit the annual reports of the Human Rights Committee to these bodies.

22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-second session

The report of the Sub-Commission on its thirty-second session will be before the Commission in document E/CN.4/1350. The confidential part of the report of the Sub-Commission (E/CN.4/R.51) which is also before the Commission, has been referred to under item 12 above.

The report of the Sub-Commission in document E/CN.4/1350 contains nine resolutions and eight decisions. The resolutions that call for action by the Commission referred to in these annotations under the appropriate item are as follows:

- (i) Resolution 2 A (XXXII) referred to under item 20
- (ii) Resolution 2 B (XXXII) referred to under item 20
- (iii) Resolution 3 (XXXII) referred to under item 7
- (iv) Resolution 5 B (XXXII) referred to under item 10
- (v) Resolution 7 B (XXXII) referred to under item 13
- (vi) Resolution 8 (XXXII) referred to under item 8
- (vii) Resolution 9 B (XXXII) referred to under item 12

In addition, the following resolutions, not referred to under other items, call for action by the Commission:

(i) Resolution 5 A (XXXII) by which the Sub-Commission, having considered at its thirty-second session a preliminary study by the Secretariat (E/CN.4/Sub.2/428), recommended that the Commission request the Economic and Social Council to authorize the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers;

(ii) Resolution 7 A (XXXII) on the question of the exploitation of child labour, by which the Sub-Commission recommended to the Commission the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba with the preparation of a report on the exploitation of child labour, taking into account all the economic, social, cultural and psychological dimensions of the problem, in the light of the comments made in the Sub-Commission at its thirty-second session, reports prepared by the International Labour Organisation on this subject and other relevant reports;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work, including all relevant information from reliable sources;

"3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-fourth session."

(iii) Resolution 9 A (XXXII) on the question of the consideration of the future work of the Sub-Commission by which the Sub-Commission recommended to the Commission to change the name of the Sub-Commission to the Sub-Commission of Experts on Human Rights.

(iv) Resolution 9 C (XXXII) on the same subject by which the Sub-Commission requested the Commission to recommend to the Economic and Social Council that it decide:

(a) that the Sub-Commission should meet twice a year for a period of two weeks each;

(b) that, if possible, one of the meetings should take place at the United Nations Headquarters in New York and the other at the United Nations Office at Geneva.

The Commission may note that by its decision 8 (XXXV) it deferred consideration of the Sub-Commission resolutions 6 A and B (XXXI) entitled "Question of slavery and the slave trade in all their practices and manifestations, including slavery like practices of apartheid and colonialism" to its thirty-sixth session.

23. Rights of persons belonging to national, ethnic, religious and linguistic minorities

At the thirty-fourth session, the Commission established an informal working group, open to all its members, to consider questions connected with drafting a declaration on the rights of members of national, ethnic, religious and linguistic minorities. A draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities which was proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) and was meant to serve as a starting point for an exchange of views was referred to the working group.

The Commission in its resolution 14 A (XXXIV) of 6 March 1978, after having taken note of resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977 recommending that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights, and having taken cognizance of the report of the working group (E/CN.4/1292, paragraph 302), requested the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission and the thirty-fourth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the member States for their comments, and decided to consider the relevant items at its thirty-fifth session.

At its thirty-fifth session the Commission had before it the comments received from governments pursuant to Commission resolution 14 A (XXXIV) (E/CN.4/1298).

By its resolution 21 (XXXV) of 14 March 1979 the Commission, taking into consideration that most of the governments of member States had not yet submitted the comments requested by its resolution 14 A (XXXIV), and having taken cognizance of the report of the Working Group established during the session of the Commission (E/CN.4/L.1467), requested the Secretary-General to transmit to the governments of member States the relevant documents of the thirty-fifth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, and to ask those governments which have not yet done so to submit their comments on the subject-matter for consideration by the Commission, requested the Sub-Commission to submit its opinion on the draft declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) for consideration by the Commission at its thirty-sixth session, taking into account all relevant documents, and decided to consider at its thirty-sixth session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

The Sub-Commission at its thirty-second session by decision 1 decided to submit the summary record which reflected its discussions on the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities, particularly with regard to the draft declaration proposed by Yugoslavia, to the Commission on Human Rights as requested by Commission resolution 21 (XXXV) of 14 March 1979.

At its thirty-sixth session the Commission will have before it the draft declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1), comments from governments (E/CN.4/1298 and Addenda) and the above-mentioned summary record of the Sub-Commission.

The attention of the Commission is drawn to the recommendation contained in the programme of action adopted by the World Conference to Combat Racism and Racial Discrimination and approved by General Assembly resolution 33/99 (I) that the Commission on Human Rights continue its attempts to prepare an international instrument for the protection of the rights of persons belonging to minorities (A/33/262, para.31).

24. Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live

By its resolution 16 (XXXV) of 14 March 1979, the Commission, having considered the study on the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission, Baroness Elles (E/CN.4/Sub.2/392 and Corr.1) together with the text of the revised draft declaration on this subject (E/CN.4/1336), expressed its deep appreciation to the Special Rapporteur for her valuable study. The Commission recommended to the Economic and Social Council that the study should be printed and given the widest possible dissemination. The Commission requested the Council to consider the text of the above-mentioned draft declaration with a view to submitting it to the General Assembly for its consideration.

At its first regular session for 1979, the Economic and Social Council, by its decision 1979/36 of 10 May 1979, adopted the recommendation of the Commission regarding the printing of the study. The Council also decided to transmit the draft declaration on the subject to member States for their comments and to the Commission on Human Rights at its thirty-sixth session for consideration with the comments received, with a view to transmitting a report on the subject to the Council at its first regular session of 1980.

At its thirty-sixth session, the Commission will have before it the revised Draft Declaration (E/CN.4/1336) as well as a report of the Secretary-General containing the comments of Governments on this text (E/CN.4/1354 and Addenda) prepared in accordance with decision 1979/36 of the Economic and Social Council.

25. 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

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

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

26. Advisory Services in the field of human rights

By decision 15 (XXXV) of 14 March 1979, the Commission postponed consideration of this item to its thirty-sixth session.

In accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVII), the Commission will have before it the reports by the Secretary-General on the programme of advisory services in the field of human rights for the year 1978 and 1979 respectively, (E/CN.4/1330 and E/CN.4/1377).

In his report for 1978, as requested by the Economic and Social Council in its resolution E/RES/1978/14 of 19 May 1978, the Secretary-General included information on the implementation of that resolution which requested that, commencing with the 1980-81 programme budget, the financing of the advisory services programme in the field of human rights be arranged as a part of the budget of the human rights programme of the United Nations. The Council also reiterated its request to the Secretary-General to organize at least two seminars and one training course annually and also to grant at least 25 fellowships each year, giving special attention to the needs of the developing countries; and authorized the Secretary-General to supplement the number of seminars, fellowships and training courses possible under the advisory services programme in the regular budget of the United Nations by arranging for additional seminars, fellowships and training courses which would be financed by governments willing to do so.

The Commission will also have before it the report of the seminar on the Establishment of Regional Commission on Human Rights with Special Reference to Africa which was held in Monrovia, Liberia, from 10 to 20 September 1979 (ST/HR/SER.A/3). This seminar was organized in pursuance of resolutions 7 (XXIV) and 24 (XXXIV) of the Commission and of resolutions 32/127 and 33/167 of the General Assembly.

27. Communications concerning human rights

The Commission will have before it confidential lists of communications and confidential documents containing the replies of Governments thereto, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 728 F (XXVIII), 1235 (LXII) and 1503 (XLVIII). In accordance with Economic and Social Council decision 79 (LVIII) of 6 May 1975, these lists and documents are furnished to the members of the Commission every month. The Commission will also have before it a confidential document of a statistical nature prepared by the Secretary-General in accordance with Commission resolution 14 (XV).

Council resolution 728 F (XXVIII) and, earlier, Council resolution 75 (V) of 5 August 1947 - also envisages the distribution of a non-confidential list of communications dealing with the principles involved in the promotion of universal respect for and observance of human rights (paragraph 2 (a)), which may be reviewed annually by an ad hoc committee of the Commission (paragraph 4). No such non-confidential list has been prepared since the Commission's thirty-third session in 1977, as all communications received and dealt with since then have required confidential handling under paragraph 2 (b) of the resolution. It may also be pointed out that the Commission has not established an ad hoc committee to review a confidential non-confidential list for the last 30 years.

28. Draft provisional agenda for the thirty-seventh session of the Commission

Rule 9 of the rules of procedure provides that at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to the work of the Commission and of their urgency and relevance in the light of the current situation.

The Commission will have before it, before the conclusion of the thirty-sixth session, a note for its consideration containing a draft provisional agenda for its thirty-seventh session, together with information concerning the corresponding documentation.

29. Report to the Economic and Social Council on the thirty-sixth session of the Commission

Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.