



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1987/1/Add.1
5 December 1986

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-third session
2 February - 13 March 1987

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.4/1987/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

3. Organization of the work of the session

Reference is made in this context to last year's annotations (E/CN.4/1986/1/Add.1) which, under the same item, contained information on the relevant resolutions concerning control and limitation of documentation (i.a. Economic and Social Council resolutions 1982/50 and 1981/83 as well as

General Assembly resolution 33/56) and on the time-limits for statements which the Commission had established at its last four sessions. The Secretary-General intends to submit further suggestions for the organization of work to the Bureau once the session has opened. It is obvious that, in view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

Working groups

The session will be preceded by meetings of the pre-session working groups indicated in E/CN.4/1987/1, paragraph 3. In addition, it is foreseen that two in-session working groups will meet during the forty-third session of the Commission as indicated in E/CN.4/1987/1, paragraph 4.

Composition of the Commission

The year given in brackets against the name of each State indicates the expiry of the term of membership on 31 December of that year:

Algeria (1988), Argentina (1987), Australia (1987), Austria (1987), Bangladesh (1988), Belgium (1988), Brazil (1989), Bulgaria (1987), Byelorussian Soviet Socialist Republic (1988), China (1987), Colombia (1988), Congo (1987), Costa Rica (1988), Cyprus (1988), Ethiopia (1988), France (1989), Gambia (1987), German Democratic Republic (1989), Germany, Federal Republic of (1987), India (1988), Iraq (1989), Ireland (1988), Italy (1989), Japan (1987), Lesotho (1987), Liberia (1987), Mexico (1989), Mozambique (1988), Nicaragua (1988), Norway (1988), Pakistan (1989), Peru (1987), Philippines (1989), Rwanda (1989), Senegal (1989), Somalia (1989), Sri Lanka (1987), Togo (1989), Union of Soviet Socialist Republics (1988), United Kingdom of Great Britain and Northern Ireland (1987), United States of America (1989), Venezuela (1987), Yugoslavia (1989).

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

The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

At its forty-second session, the Commission adopted resolution 1986/1 A on 20 February 1986, in which it decided to place this item on the provisional agenda of the forty-third session as a matter of high priority. The Commission also adopted two other resolutions relevant to this item: 1986/1 B and 1986/2.

In accordance with paragraphs 15 and 16 of resolution 1986/1 A, the Commission will have before it a report of the Secretary-General on the measures taken to draw attention to the resolution and to give it the widest possible publicity (E/CN.4/1987/4), and a note by the Secretary-General listing United Nations reports that deal with the situation of the population of the occupied territories, including Palestine (E/CN.4/1987/6).

In addition, the Commission will have before it any documentation which may have been received by the Secretary-General from the Government of Israel, in accordance with paragraph 13 of resolution 1986/1 A, on the implementation of paragraphs 9, 10 and 11 of that resolution.

At its forty-first session, the General Assembly considered the latest report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/41/680) and adopted resolution 41/63 D by which it renewed the mandate of the Special Committee.

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 (1975).

On 1 February 1985, the Chairman of the Commission appointed Mr. Fernando Volio Jiménez (Costa Rica) as the Commission's Special Rapporteur on the situation of human rights in Chile, on the basis of Commission resolution 11 (XXXV) of 6 March 1979.

At its forty-second session, the Commission adopted resolution 1986/63, by which it extended the mandate of the Special Rapporteur for another year and requested him to report on the situation of human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session. On 23 May 1986, the Economic and Social Council endorsed the Commission's resolution by its decision 1986/143.

At its forty-first session, the General Assembly had before it the preliminary report of the Special Rapporteur (A/41/719), as well as a reply from the Government of Chile to the second report of the Special Rapporteur (A/41/523). In this connection, the General Assembly adopted resolution 41/161 by which it invited the Commission to consider as a matter of high priority the report of the Special Rapporteur taking account of the relevant information at his disposal and to report to the General Assembly at its forty-second session.

At its forty-third session, the Commission will have before it the preliminary report of the Special Rapporteur to the General Assembly (A/41/719) brought up to date by the Special Rapporteur in an additional report (E/CN.4/1987/7).

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

The Ad Hoc Working Group of Experts on southern Africa was established by the Commission in accordance with resolution 2 (XXIII) of 6 March 1967. Since then the Commission has renewed the mandate of the Ad Hoc Working Group regularly and most recently by its resolution 1985/8 of 26 February 1985. The Economic and Social Council, by its decision 1985/140, endorsed that resolution. By its resolutions 1985/7 and 1985/8, the Commission requested the Ad Hoc Working Group of Experts to continue to study the policies and practices which violated human rights in South Africa and Namibia and to submit an interim report on its findings to the Commission.

At its forty-second session, the Commission, after considering the interim report of the Ad Hoc Working Group of Experts, adopted resolutions 1986/3 and 1986/4, in pursuance of which the final report of the Working Group (E/CN.4/1987/8) will be before the Commission.

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the Sub-Commission and by the General Assembly.

At its forty-second session the Commission adopted resolutions 1986/5 and 1986/6, in which it requested the Secretary-General to give the Special Rapporteur on this question all the assistance that he might require in the exercise of his mandate. The Economic and Social Council endorsed that request in its decision 1986/145.

Pursuant to General Assembly resolution 39/15 of 23 November 1984, the Special Rapporteur submitted an updated report (E/CN.4/Sub.2/1987/8/Rev.1) to the forty-first session of the Assembly, which will be made available to the Commission.

By its resolution 41/95, the General Assembly invited the Special Rapporteur to continue his work and invited the Commission to give high priority to its consideration of the updated report.

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, including:

- (a) Problems related to the right to enjoy an adequate standard of living, the right to development;
- (b) 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;
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on its agenda as a standing item with high priority and subsequently included sub-items (a) and (b), in 1980, and sub-item (c) in 1984.

At its forty-second session the Commission adopted resolution 1986/13 in which it urged all States which had not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and urged the specialized agencies and other relevant United Nations bodies to extend their full co-operation and support to the Committee on Economic, Social and

Cultural Rights. The Commission also adopted resolution 1986/15 in which it renewed its request to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress 1/ and submit to the Commission at its forty-third session an updated version thereof, taking into account the latest developments in the field. The Sub-Commission has not had an opportunity to act on this request since its 1986 session was deferred, pursuant to General Assembly decision 40/472.

Also in its resolution 1986/15 the Commission invited Governments, United Nations organs, specialized agencies and non-governmental organizations to comment on their policies for the implementation, promotion and protection of economic, social and cultural rights and requested the Secretary-General to submit a report containing those comments for consideration by the Commission at its forty-third session. The report of the Secretary-General will be before the Commission (E/CN.4/1987/9).

In resolution 36 (XXXVII), the Commission decided to establish a working group of 15 governmental experts to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights. The Working Group submitted reports to the Commission at its thirty-eighth to forty-first sessions. At its forty-first session the Commission decided, in resolution 1985/43, to transmit the Working Group's report (E/CN.4/1985/11) to the General Assembly so as to enable the Assembly to adopt a declaration on the right to development.

The General Assembly, by decision 40/425, decided to transmit to its forty-first session the draft declaration on the right to development (A/40/970, para. 11) and all the relevant documents, including amendments (A/40/970, para. 14).

At its forty-second session the Commission adopted resolution 1986/16, in which it decided to convene the Working Group of Governmental Experts on the Right to Development in January 1987 to study the measures necessary to promote the right to development, and requested it to submit a report to the Commission at its forty-third session.

The Working Group is scheduled to meet from 5 to 23 January 1987 and its report will be before the Commission (E/CN.4/1987/10).

At its forty-first session, the Commission, in resolution 1985/44, requested the Secretary-General to transmit to the General Assembly his final study on popular participation as a human right (E/CN.4/1985/10 and Add.1 and 2). In resolution 40/99, the Assembly took note of that study and requested the Commission to continue to consider the question of popular participation in its various forms as an important factor in the full realization of all human rights, and to inform the General Assembly, through the Economic and Social Council, of the results of that consideration.

At its forty-second session, the Commission adopted resolution 1986/14 on this subject, inviting Governments, United Nations organs and specialized

agencies and non-governmental organizations which had not done so to make their comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights. The Commission will have before it a report (E/CN.4/1987/11) containing the comments received in pursuance of the above mentioned resolution.

At its forty-second session, the Commission, in resolution 1986/36, noted that the objectives of the International Year of Shelter for the Homeless in 1987 (General Assembly resolution 37/221) were related to the realization of economic, social and cultural rights and that the Commission could make an important contribution to the achievement of the objectives of the Year. The Commission reiterated the right of all persons to an adequate standard of living for themselves and their families, including adequate housing, and decided to continue consideration of this matter under the present agenda item at its forty-third session.

Subsequently, the Economic and Social Council adopted resolution 1986/41, in which it noted Commission resolution 1986/36 and decided to consider the question of the realization of the right to adequate housing, as contained in the International Covenant on Economic, Social and Cultural Rights, at its first regular session of 1987. At its forty-first session, the General Assembly adopted resolution 41/146 on the subject and requested the Commission and the Economic and Social Council to give special attention to this question during the International Year of Shelter for the Homeless.

At its forty-first session, the General Assembly adopted resolution 41/117 by which it requested the Commission to continue its consideration of the realization of economic, social and cultural rights and to submit to the General Assembly at its forty-second session, through the Economic and Social Council, its views and recommendations on these human rights.

By its resolution 41/118, the General Assembly, recognizing that the elimination of illiteracy constituted a prerequisite for ensuring the right to education, invited the Economic and Social Council to consider in 1987 the question of the designation of 1989 as International Literacy Year and to inform the General Assembly of the results of its consideration.

By its resolution 41/128 the General Assembly adopted the text of a declaration on the right to development consisting of 10 articles.

The General Assembly further adopted resolution 41/132 by which it invited the Commission at its forty-third session to resume consideration of the right of everyone to own property alone as well as in association with others.

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

This item has been on the Commission's agenda since 1975. At each session since its thirty-second, the Commission has adopted one or more resolutions in relation to this item.

At its forty-second session, the Commission adopted the following resolutions under this item: 1986/21 entitled "Question of Western Sahara"; 1986/22 entitled "Situation in occupied Palestine"; 1986/23 entitled "Situation in Afghanistan"; 1986/24 entitled "Situation in southern Africa"; 1986/25 entitled "Situation in Kampuchea" and 1986/26 entitled "The use of mercenaries as a means to impede the exercise of the right of peoples to self-determination".

The Economic and Social Council, at its first regular session of 1986, adopted resolution 1986/43 of 23 May 1986, entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination". In that resolution, the Council urged the Commission on Human Rights to appoint a special rapporteur on the subject with a view to preparing a report for consideration at the forty-fourth session of the Commission. By its resolution 41/102, the General Assembly took note of Council resolution 1986/43.

In resolution 41/100, the General Assembly further requested the Commission to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

At its forty-third session, the Commission on Human Rights will have before it a report of the Secretary-General (E/CN.4/1987/12) requested under Commission resolution 1986/26, paragraph 5.

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) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - (c) Question of enforced or involuntary disappearances
- (a) Torture and other cruel, inhuman or degrading treatment or punishment

This item has been considered annually by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Action taken by the General Assembly so far has included adoption of a declaration and a convention against torture, establishment of the United Nations Voluntary Fund for Victims of Torture and adoption of the Code of Conduct for Law Enforcement Officials and the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Commission continued its consideration of this item at its forty-second session and adopted resolution 1986/50, by which it renewed for

another year the mandate of the Special Rapporteur to examine the question of torture. The Economic and Social Council endorsed this resolution by decision 1986/138.

The Commission will have before it the report of the Special Rapporteur (E/CN.4/1987/13).

The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In resolution 1986/48, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions. The Commission furthermore requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis.

At its forty-first session, the General Assembly adopted resolution 41/135 which reinforced the Commission's appeals and requests.

The Commission will have before it the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture presented to the General Assembly at its forty-first session (A/41/706). The Commission will be orally informed by the Secretary-General of developments which may have occurred following circulation of that report.

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

By its resolution 1986/47, the Commission requested the Secretary-General to submit to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (which was opened for signature on 4 February 1985.) The report will be before the Commission (E/CN.4/1987/14).

At its forty-first session, the General Assembly adopted resolution 41/134 by which it requested all States that had not yet done so to become parties to the Convention as a matter of priority.

(c) Question of enforced or involuntary disappearances

In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, established for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions the Commission extended the term of the Working Group's mandate by one year.

At its forty-second session, by resolution 1986/55, the Commission decided, inter alia, to extend the Working Group's mandate for two years, on an experimental basis, while maintaining its annual reporting cycle, and to

reconsider the question at its forty-fourth session. In the same resolution, the Working Group was requested to submit to the Commission, at its forty-third session, a report on its work, together with conclusions and recommendations, and to present to the Commission all appropriate information it deemed necessary.

At its forty-first session the General Assembly adopted resolution 41/145 by which it called upon the Commission to continue to study the question as a matter of priority and to take any step it might deem necessary to the pursuit of the task of the Working Group when it considered the Group's report at the forty-third session.

The Commission will have before it the main report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15), as well as its report on a visit by two of its members to Peru following an invitation from the Government of that country (E/CN.4/1987/15/Add.1).

Other questions

Human rights during a state of siege or emergency

In resolution 1983/18, the Commission requested the Sub-Commission to propose for the Commission's consideration at its fortieth session measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed. Pursuant to that request, the Sub-Commission decided in resolution 1983/30 to draw up and update each year a list of countries which proclaimed or terminated a state of emergency, and to submit an annual report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. At the Sub-Commission's request (resolution 1984/27), the Economic and Social Council, in resolution 1985/37, authorized it to appoint a special rapporteur to carry out the work described in resolution 1983/30. In resolution 1985/32, the Sub-Commission appointed Mr. Leandro Despouy as Special Rapporteur for this task and asked him to present his first report to the Sub-Commission at its thirty-ninth session.

The Commission, which decided (decision 1986/104) to examine this report as a matter of high priority at its forty-third session, will have no new material before it in this context, as the thirty-ninth session of the Sub-Commission was deferred pursuant to General Assembly decision 40/472.

Unacknowledged detention of persons

The Sub-Commission, at its thirty-eighth session in 1985, completed a revised version of a draft declaration against unacknowledged detention of persons and recommended (resolution 1985/26), through the Commission, the adoption of that declaration. At its forty-second session, the Commission decided (decision 1986/106) not to act on that recommendation and invited the Sub-Commission to reconsider the question of a declaration against unacknowledged detention of persons, with a view to submitting a new text to the Commission at its forty-third session. As the Sub-Commission did not meet in 1986, there is no new material before the Commission.

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

The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since its nineteenth session in 1963. The second part of the title was added in pursuance of General Assembly resolution 32/130.

Overall analysis

At the request of the General Assembly, the Commission has been carrying out each year an overall 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, including the question of the programme and methods of work of the Commission, in accordance with the provisions and concepts of General Assembly resolution 32/130 and other relevant texts. At its forty-second session, the Commission decided (decision 1986/107) to consider at its forty-third session the possible establishment of an open-ended working group for this purpose.

At its forty-first session the General Assembly, by resolution 41/131, reiterated its request to the Commission to continue its work on the overall analysis. The General Assembly further adopted resolution 41/155 on the strengthening of international co-operation in the field of human rights.

Handbook on national institutions for the promotion and protection of human rights

In 1984, the General Assembly, in resolution 39/144, requested the Secretary-General to prepare and submit to it, through the Commission on Human Rights and the Economic and Social Council, a consolidated report, for eventual publication as a United Nations handbook on national institutions for the use of Governments, including information on the various types and models of national and local institutions for the protection and promotion of human rights, taking into account differing social and legal systems. At its forty-first session the General Assembly adopted resolution 41/129 on the subject. At its forty-third session, the Commission will have before it the report of the Secretary-General (E/CN.4/1987/37).

Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

At its forty-second session, the Commission, by resolution 1986/57, took note of a report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/39/570) and decided to continue its consideration of this question at its forty-third session. The Commission again invited States members of the Economic and Social Commission for Asia and the Pacific (ESCAP) that had not yet done so to communicate, as early as possible, their comments on the report of the seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo in 1982 (A/37/422, annex), and thus facilitate further consideration of this question. The Commission requested the

Secretary-General to submit a further report to it at its forty-third session incorporating further comments received. The report will be before the Commission in document E/CN.4/1987/18. In this connection reference is also made to General Assembly resolution 41/153 which deals with the same subject.

At its forty-first session the General Assembly further adopted resolution 41/154 on the general issue of regional arrangements for the promotion and protection of human rights. In that resolution, the General Assembly requests the Commission to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations.

Public information on human rights

In resolution 1986/54, the Commission requested that the various public information activities in the field of human rights be pursued during 1986, in particular the preparation of a draft teaching booklet on human rights and the issue of the personalized versions of the Universal Declaration of Human Rights.

At its forty-first session the General Assembly adopted resolution 41/130, by which it requested the Secretary-General to submit in his report to the Commission, information on the implementation of the resolution.

At the forty-third session the Commission will have before it the Secretary-General's report on the implementation of this resolution (E/CN.4/1987/16 and addenda).

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 appear to 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 forty-second session

By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission, adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

In resolution 32/130 the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175 entitled "Effective action against mass and flagrant violations of human rights", the Assembly 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. By resolution 37/200, the General Assembly urged all States to co-operate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

At its forty-first session, the General Assembly considered reports on the situation of human rights in Afghanistan (A/41/778), Chile (A/41/719, see item 5 above), El Salvador (A/41/710), and the Islamic Republic of Iran (A/41/787).

Pursuant to its own resolutions, as well as, in some instances, to resolutions of the General Assembly and the Economic and Social Council, the Commission will have before it, under the present item, the following reports:

(a) Report of the Commission's Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1987/22) (Commission resolution 1986/40, Council decision 1986/136, and Assembly resolution 41/158);

(b) Report of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1987/21) (Commission resolution 1986/39, Council decision 1986/135 and Assembly resolution 41/157);

(c) Report of the Commission's Special Representative on Guatemala (E/CN.4/1987/24) (Commission resolution 1986/62, Council decision 1986/140 and Assembly resolution 41/156);

(d) Report of the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1987/23) (Commission resolution 1986/41, Council decision 1986/137 and Assembly resolution 41/159);

(e) Report of the Commission's Special Rapporteur on summary or arbitrary executions (E/CN.4/1987/20) (Commission resolution 1986/42, Council resolution 1986/36 and Assembly resolution 41/144).

The Commission has also considered the question of human rights and mass exoduses since its thirty-seventh session (1981). By resolution 1986/45, the Commission reiterated its request to the Secretary-General to follow closely developments in the area of human rights and mass exoduses. At its forty-first session the General Assembly, by resolution 41/148, requested the Commission to continue its consideration of the matter.

By decision 1985/152, the Economic and Social Council approved Commission decision 1985/112 to convene a working group, established under Commission

decision 1984/116, to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The Working Group held its first session in January 1986 and submitted its report to the forty-second session of the Commission. In resolution 1986/44, the Commission recommended that the open-ended working group meet for a period of one week prior to its forty-third session, with a view to continuing the elaboration of a draft declaration on the above-mentioned subject. By its resolution 1986/37, the Council endorsed the Commission's recommendation.

The Commission will have before it the report of the Working Group on this subject (E/CN.4/1987/38).

(a) Question of human rights in Cyprus

With regard to the question of human rights in Cyprus it may be recalled that this question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXII) of 27 February 1976. The Commission has had this question on its agenda since then, and has requested the Secretary-General to provide it with an annual report on the implementation of previous resolutions. At its forty-second session, the Commission, by decision 1986/103 of 12 March 1986, again decided to postpone debate on the question. At its forty-third session, the Commission will have before it the report of the Secretary-General (E/CN.4/1987/19).

(b) Study of situations which appear to 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 forty-second session

By resolution 1503 (XLVIII) of 27 May 1970, entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms", the Council further regulated the procedure for dealing with communications. Particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) were before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to 38 countries have been placed before the Commission under the procedure.

At its thirtieth session in 1974, the Commission decided, with the subsequent approval of the Economic and Social Council, to establish a working group of five of its own members, due account being taken of considerations of geographical distribution, to examine the particular situations referred to the Commission under Council resolution 1503 (XLVIII) (decision 3 of 6 March 1974). The Working Group met prior to the Commission's thirty-first session in 1975 and submitted its recommendations confidentially to the Commission. A working group of this nature has been set up annually since then with the approval of the Council to examine the particular situations referred to the Commission each year and the situations of which the Commission is seized from earlier sessions.

At its thirtieth session, the Commission also decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3, para. 4).

At its thirty-fourth session in 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

At its thirty-fifth session in 1979, the Commission decided to authorize its working groups in future 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) (decision 14 (XXXV)).

At its thirty-sixth session in 1980, the Commission decided that the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI) of 7 March 1980).

All action taken under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) shall remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

As in earlier years, the Commission decided, at its forty-second session in 1986, to set up a working group to meet for one week prior to its forty-third session to examine such particular situations as might be referred to it by the Sub-Commission at its thirty-ninth session under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized (decision 1986/109 of 13 March 1986). The establishment of the Working Group, to meet from 26 to 30 January 1987, was approved by the Economic and Social Council in decision 1986/142 of 23 May 1986.

At its forty-third session, the Commission will have before it the report of its Working Group on Situations and other confidential documents pertaining to the sub-item, including reports relating to the implementation of the confidential decisions adopted at the Commission's last session and such observations as may be received from the Government's concerned (to be issued in the E/CN.4/1987/R... series). In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

As the thirty-ninth session of the Sub-Commission has not yet been held, no new material will reach the Commission at its forty-third session from that body under Council resolution 1503 (XLVIII).

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

In 1978, the Commission decided to include this item on its agenda (see E/1978/34, para. 349 (b)). Since then both the General Assembly and the Commission have considered the drafting of a convention on the rights of the child annually. In 1979, the Commission established an open-ended sessional working group to assist it in this task. Since 1981, with the authorization of the Economic and Social Council, such a working group has met one week

prior to the Commission's session. At its forty-second session, the Commission, in resolution 1986/59, again requested the Council to authorize a one-week session of an open-ended working group prior to its forty-third session. The Council gave its authorization in resolution 1986/40.

At its forty-first session, the General Assembly adopted resolution 41/116 by which it requested the Commission to make every effort at its forty-third session to complete the draft convention and to submit it to the General Assembly at its forty-second session.

The Commission will have before it the report of the open-ended working group (E/CN.4/1987/25).

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

Questions relating to the human rights of migrant workers have been under consideration by the Commission since its twenty-ninth session in 1973 (resolution 3 (XXIX)). The General Assembly has been dealing with the matter since 1972 (resolution 2920 (XXVII)). At its thirty-fifth session, in 1980, it established an open-ended working group on the drafting of an international convention on the protection of the rights of all migrant workers and their families, which has met regularly since then. At its forty-second session, the Commission requested the Secretary-General, in resolution 1986/58, to inform it of the progress made in the elaboration of the convention.

At its forty-third session, the Commission will have available to it the 1986 report of the General Assembly's working group (A/C.3/41/3). On the basis of that report the General Assembly adopted resolution 41/151 by which it continued the mandate of the Working Group.

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

This item has been considered by the Commission since 1969. In 1983, the Commission decided to consider this item on a biennial basis, beginning at its forty-first session in 1985, in the light of the work carried out by the Sub-Commission (decision 1983/108 (c)). At its forty-first session, the Commission, in resolution 1985/13, requested the Sub-Commission to pay due attention to the role of youth in the field of human rights, particularly in achieving the objectives of the International Youth Year. At that same session, the Commission referred, in resolution 1985/14, to the exercise and use by young people of all human rights, including the right to education and vocational training and the right to work.

At its thirty-eighth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolution 1985/12, referring inter alia to Commission resolution 1985/13, requested Mr. Dumitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic. As the Sub-Commission has not met in 1986 pursuant to General Assembly decision 40/472, there will be no new document before the Commission.

At its forty-first session, the Commission also considered a draft resolution on conscientious objection to military service (E/CN.4/1985/L.33/Rev.1). By its decision 1985/114 adopted on 14 March 1985, the Commission, under rule 49 of its rules of procedure, decided to adjourn debate on that draft resolution until its forty-third session.

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

The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted and opened for signature and ratification on 30 November 1973 by General Assembly resolution 3068 (XXVIII). It entered into force on 18 July 1976. As of 1 December 1986 there were 85 States parties to the Convention. By resolution 12 (XXXVI), the Commission decided to maintain this question on its agenda as a standing item.

At its forty-second session, the Commission adopted resolution 1986/7 of 28 February 1986, by which it took note with appreciation of the report (E/CN.4/1986/30) of the Group of three members of the Commission set up under the Convention; requested the Group to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-third session; and decided that the Group of Three should meet for a period of not more than five days prior to the forty-third session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

The Group of Three is scheduled to meet in Geneva from 26 to 30 January 1987.

Also at its forty-second session, the Commission, in resolution 1986/4 of 28 February 1986, again requested the Secretary-General to renew his invitation to all States Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal (E/CN.4/1426), to enable the Ad Hoc Working Group to continue its study, and to submit a report to the Commission at its forty-third session.

At its forty-first session, the General Assembly, in resolution 41/103, requested the Commission to intensify its efforts to compile periodically the progressive list of those deemed responsible for crimes of apartheid.

At its forty-third session, the Commission will have before it:

- (a) a note by the Secretary-General concerning the status of the Convention and the submission of reports by States parties in accordance with article VII (E/CN.4/1987/26);
- (b) reports received from States parties to the Convention in accordance with article VII thereof (E/CN.4/1987/26/Add.1-14 and further addenda as required);
- (c) views and information submitted by States parties in accordance with Commission resolution 1986/7 (E/CN.4/1987/27 and addenda as required);
- (d) the report of the Group of Three (E/CN.4/1987/28).

17. (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 of Action for the Second Decade to Combat Racism and Racial Discrimination
- (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

This sub-item has its origin in General Assembly resolution 34/24 of 15 November 1979, by which the Assembly adopted a four-year programme of activities designed to accelerate progress in the implementation of the Programme for the first Decade for Action to Combat Racism and Racial Discrimination. Paragraph 19 of the programme of activities to be undertaken during the second half of the first Decade provided that:

"In accordance with General Assembly resolution 3377 (XXX) of 10 November 1975, 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 through the Economic and Social Council."

In resolution 14 D (XXXVI) of 26 February 1980, the Commission requested the Sub-Commission to prepare such a study and submit it together with its conclusions to the Commission at its thirty-eighth session.

By resolution 1983/10, the Sub-Commission recommended that a study should be undertaken by Mr. Asbjorn Eide on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress in that field, if any, between the first and second world conferences to combat racism and racial discrimination, taking into account also the resolutions the General Assembly might adopt on the report of the Second World Conference and the first stage of the implementation of the Programme of Action for the Second Decade. The Commission endorsed this proposal in resolution 1984/8.

The Economic and Social Council, in resolution 1984/24, subsequently authorized the study and requested Mr. Eide to present it to the Sub-Commission at its thirty-eighth session.

The first part of the study (E/CN.4/Sub.2/1985/7) was made available to the Sub-Commission, but by a decision of the bureau of the Sub-Commission at its thirty-eighth session on 27 August 1985, discussion of the report was postponed until the thirty-ninth session of the Sub-Commission in 1986 when the second and final report was to be presented. The thirty-ninth session of the Sub-Commission has been deferred in pursuance of General Assembly decision 40/472.

(b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

By resolution 1986/8, the Commission requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1985-1989 (A/39/167-E/1984/33 and Add.1 and 2) so that the Commission could make its contribution thereto. It furthermore decided that thematic consideration would be given in 1988 to the topic "The main obstacles to the total elimination of racism, racial discrimination and apartheid".

In its resolution 1986/2, the Economic and Social Council reaffirmed the necessity of co-ordinating the full range of programmes under implementation by the United Nations system as they related to the objectives of the Second Decade, and decided to pay particular attention to the specific activities of the Programme of Action for the Second Decade directed towards the elimination of apartheid, in view of the present explosive situation in southern Africa.

At its forty-first session, the General Assembly had before it the report on the seminar on community relations commissions and their functions (ST/HR/SER.A/17) and the report on the seminar on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid (ST/HR/SER.A/19). The Assembly also had before it the study on the effects of racial discrimination in the field of education, training and employment as it affects the children of minorities, in particular those of migrant workers (A/41/552), and the study on the role of private group action to combat racism and racial discrimination (A/41/550) in conformity with its resolution 40/22.

After consideration of the item, the General Assembly adopted resolution 41/94, in which it decided that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

The Assembly requested the Secretary-General to prepare and issue as soon as possible a collection of model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination. In that connection, it again invited the Secretary-General to organize a training course for legislative draftsmen with the aim of focusing on the preparation of national legislation against racism and racial discrimination. It also reiterated its request to the Sub-Commission to consider the possible need for updating the study on racial discrimination. 2/

Furthermore, the Assembly requested the Economic and Social Council to envisage the organization of a seminar of cultural dialogue between the countries of origin and the host countries of migrant workers, within the framework of its programme of activities for 1985-1989. In that connection, it requested the Secretary-General to submit to it at its forty-second session a report on the outstanding activities. It also requested the Secretary-General to submit to the Economic and Social Council at its first regular session of 1987 a report outlining a proposed plan of activities to be implemented during the second half, 1990-1993, of the Second Decade.

The Assembly also strongly appealed to all Governments, organizations and individuals to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination and, to that end, requested the Secretary-General to undertake appropriate contacts and initiatives to encourage contributions to the Fund, which were indispensable for the implementation of the various programmes in that field.

The Commission will have before it the report of the Secretary-General on the item (E/CN.4/1987/29), the report of the seminar on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid (ST/HR/SER.A/19), the reports submitted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) (E/CN.4/1987/31) and the International Labour Organisation (ILO) (E/CN.4/1987/30) pursuant to Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI).

18. Status of the International Covenants on Human Rights

By its resolution 1986/17, the Commission requested the Secretary-General to submit to it, at its forty-third 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 that report information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights, which will include information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts (A/41/509).

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Under this item the Commission considers annually the report of the Sub-Commission. As the Sub-Commission did not meet in 1986, pursuant to General Assembly decision 40/472, there is no report before the Commission.

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

At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (E/CN.4/L.1367) which was intended to serve as a starting point for an exchange of views. The Commission has continued to examine this question at each of its subsequent sessions, at which a sessional open-ended working group was established by the Commission to consider the matter.

The Sub-Commission also examined the question, at its thirty-second, thirty-third, thirty-seventh and thirty-eighth sessions (Sub-Commission decisions 1 (XXXII), 1 (XXXIII) and 1984/101 and resolution 1985/6).

At its forty-second session, the Commission adopted resolution 1986/60, by which it decided to establish at its forty-third session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents.

At its forty-third session the Commission will have before it the report of the sessional open-ended working group (E/CN.4/1987/32).

21. Advisory services in the field of human rights

At its forty-second session, the Commission, by resolution 1986/52 requested the Secretary-General to report to the Commission at its forty-third session on the progress made in the implementation of the programme of advisory services in the field of human rights and to submit relevant information on the possible role of an eventual trust fund on advisory services in the field of human rights and, if it were established, the manner in which it could function. The Commission will have before it that report (E/CN.4/1987/33).

Furthermore, the Commission may note that it has before it the report (E/CN.4/1987/24) of its Special Representative on Guatemala, appointed pursuant to its resolution 1986/62, which may be relevant to this item (see also, annotations to item 12 above).

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), the consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

At its forty-second session, the Commission adopted resolutions 1986/19 and 1986/20. In resolution 1986/19, it requested the Secretary-General to prepare an addendum to the compendium of the national legislation and regulations of States on the question of freedom of religion or belief with particular regard to the measures taken to combat intolerance or discrimination in that field (E/CN.4/1986/37 and Add.1/Rev.1 and Add.2-5).

In resolution 1986/20, the Commission decided to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world which were inconsistent with the provisions of the Declaration and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments. The Chairman of the Commission subsequently appointed Mr. Angelo Vidal D'Almeida Ribeiro as Special Rapporteur.

At its forty-first session, the General Assembly, by resolution 41/112 requested the Commission to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly, at its forty-second session. The Assembly further requested the Commission to urge the Sub-Commission to accord high priority to consideration of the study prepared by Mrs. Odio Benito.

The Commission will have before it the compendium as requested in resolution 1986/19 (E/CN.4/1987/34) and the report of the Special Rapporteur (E/CN.4/1987/35).

23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its forty-first session, the General Assembly adopted resolution 41/143 concerning this item, by which it recommended that the Economic and Social Council decide, at its 1987 organizational session, to extend the mandate of the present members of the Sub-Commission until 31 December 1987 and to postpone the elections for new members, scheduled to be held at the forty-third session of the Commission, to its forty-fourth session in 1988. The Commission will be informed of the decision of the Economic and Social Council.

24. Draft provisional agenda for the forty-fourth 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 forty-third session, a note for its consideration containing a draft provisional agenda for its forty-fourth session, together with information concerning the corresponding documentation.

25. Report to the Economic and Social Council on the forty-third 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.

Notes

1/ United Nations publication, Sales No E.75.XIV.2, part six, chaps. II and III.

2/ United Nations publication, Sales No. E.76.XIV.2.