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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee (Part III)

Rapporteur: Mr. Francis Eric AGUILAR-HECHT (Guatemala)

II. CONSIDERATION OF DRAFT PROPOSALS

A. Draft resolution A/C.3/41/L.93

1. At the 57th meeting, on 25 November, the representative of the United States of America introduced a draft resolution (A/C.3/41/L.93) entitled "Question of human rights and fundamental freedoms in Cuba", which read as follows:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights 1/ and recalling in particular the Declaration's recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family,

"Reminded as well of the Declaration's concern that during this century disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

"Recalling its resolution 34/175 of 17 December 1979 in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take

1/ Resolution 217 A (III).

timely and effective action in existing and future cases of mass and flagrant violations of human rights,

"Recalling further its resolutions 2858 (XXVI) of 20 December 1971, 3144 (XXVIII) of 14 December 1973, and 40/146 of 13 December 1985 concerning human rights in the administration of justice, resolutions 36/22 of 9 November 1981 and 40/143 of 13 December 1985 condemning the practice of summary or arbitrary executions, resolution 40/149 of 13 December 1985 related to human rights and mass exoduses, and resolutions 36/55 of 25 November 1981 and 40/109 of 13 December 1985 with regard to the elimination of all forms of religious intolerance,

"Taking into account the relevant General Assembly resolutions concerning the further promotion of human rights, including resolution 39/144 of 14 December 1984 and resolution 40/123 of 13 December 1985 relating to the activities of national institutions in the field of human rights as well as resolution 40/125 of 13 December 1985 relating to the development of public information activities in the field of human rights,

"Aware, therefore, of its solemn responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of those rights, wherever they occur,

"Reaffirming the obligation of the Government of Cuba to respect and protect human rights and fundamental freedoms in accordance with internationally accepted standards, an obligation no different from that of the Government of any other State Member of the United Nations,

"Dismayed that for nearly thirty years the Government of Cuba has denied adequate access to and refused to otherwise co-operate with representatives of international organizations concerned with the human rights situation in Cuba,

"Deeply alarmed by persistent reports from individuals and groups familiar with the situation in Cuba, in particular the testimony of hundreds of recently released political prisoners, that provide evidence of a continuing disregard and systematic abuse of the most fundamental rights by the Government of Cuba,

"Noting the particular finding of human rights abuses in Cuba by the Inter-American Commission on Human Rights of the Organization of American States in its 1983 report entitled The Situation of Human Rights in Cuba,

"Recognizing the responsibility of Member States to encourage a path to change in Cuba that leads to concrete, real and lasting improvements in the observance of the human rights of the Cuban people,

"1. Welcomes the recent release and permitted emigration from Cuba of a large number of political prisoners and hoping for the similar release of all remaining political prisoners in the near future;

"2. Expresses its deep concern over specific and detailed allegations of grave violations of human rights in Cuba, including, among others:

"(a) The arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government for engaging in such activities as the open or private expression of political opinions or religious beliefs, the attempt to form independent labour unions, the possession, reproduction or intended distribution of religious or political literature, including the Universal Declaration of Human Rights itself, or even the professional representation by legal counsel of those so accused;

"(b) The murder of political prisoners while in custody or the execution of individuals sentenced to death for political offences;

"(c) The reported systematic use of physical and psychological torture and the degrading and abusive treatment of political prisoners, especially the plantados - those who refuse out of conscience to participate in so-called political rehabilitation programmes;

"(d) The institutionalized use of a network of neighbourhood informants organized by political 'block committees' or so-called 'Committees for the Defence of the Revolution' to repress the exercise of any freedom of expression and otherwise control the behaviour of citizens through intimidation;

"(e) The repression of the independent Committee for the Defence of Human Rights in Cuba for its attempt to register as a legal organization under the laws of the State, and the reported arrest, disappearance, or death of all of its members, with the exception of its President, who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba to be reunited elsewhere with his family;

"(f) The expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country;

"3. Appeals to the Government of Cuba to honour its obligation to respect and protect the human rights and fundamental freedoms of its people and, for that purpose, to establish the necessary democratic and legal institutions in conformity with the principles embodied in the Universal Declaration of Human Rights;

"4. Further appeals to the Government of Cuba to extend its full co-operation to representatives of international organizations seeking to examine the human rights situation in Cuba;

"5. Urgently calls upon the Commission on Human Rights to include among the highest priorities of the agenda for its forty-third session separate consideration of the question of human rights in Cuba, with the particular recommendation that it assure the preparation of a report for submission to the General Assembly;

"6. Decides to review the question of human rights in Cuba at its forty-second session."

2. At the 61st meeting, on 28 November, the representative of India, under rule 116 of the rules of procedure, moved that no action be taken on the draft resolution.

3. At the same meeting, statements were made by the representatives of Norway, the United States of America and Cuba (see A/C.3/41/SR.61).

4. At that meeting, the proposal of the representative of India was approved without a vote.

5. After the approval of the proposal, statements were made by the representatives of the United States of America, Cuba and Senegal (see A/C.3/41/SR.61).

B. Draft resolution A/C.3/41/L.97/Rev.1

6. At the 58th meeting, on 26 November, the representative of Cuba introduced a draft resolution (A/C.3/41/L.97/Rev.1) entitled "The situation of human rights and fundamental freedoms in Puerto Rico", which read as follows:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949, 3/

"Conscious of the obligation of Governments of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the various international instruments on human rights,

"Taking into account the declarations of the representatives of the different trends in Puerto Rican public opinion and of the social and cultural organizations of Puerto Rico,

"Taking note of the Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

6 September 1986, 4/ in which the Heads of State or Government 'expressed concern at reports pertaining to the imprisonment of Puerto Rican patriots in the United States and urged that country to respect the civil rights of all Puerto Rican patriots'.

"Profoundly concerned by the intensification of military manoeuvres in the Island of Vieques and the damage they have caused to the marine environment, endangering the security, and livelihood of fishermen in that Territory, thus constituting a flagrant violation of fundamental human rights,

"Noting with concern the intensification of repressive measures against the patriotic forces, as in the case of Cerro Maravilla, where training by the police, the Department of Justice of the United States of America and the Federal Bureau of Investigation, in co-ordination with the highest spheres of the Island's Government, was fully demonstrated, according to investigations made by the Puerto Rican Senate, and the role played by the Federal Grand Jury in exercising pressures against and intimidating patriotic organizations and individuals,

"Recognizing the Latin American character and identity of the people and culture of Puerto Rico,

"Concerned by the attempts to undermine the features and values of that culture through the colonization of the system of education and the mass media, as well as the attempts to establish English as the official language of Puerto Rico,

"Equally concerned by the indiscriminate use of the natural resources by industrial complexes established in Puerto Rico, by the growing economic dependence of the island, and by the use of its sea, land and air as dumping grounds for toxic and radioactive wastes, which constitute a growing threat to the health of the entire population,

"Concerned by the accelerated decrease in the quality of life of the Puerto Rican people, expressed in high unemployment levels, disease, crime rates, drug addiction and other social problems,

"Deeply concerned by the continuous violation of the human rights of the Puerto Rican minority in the United States, in particular by its deplorable social and economic conditions, which have submerged it in the ranks of poverty,

"1. Declares that all violations of human rights and fundamental freedoms of the Puerto Rican people are closely linked to the colonial status suffered by the people of Puerto Rico;

"2. Urges the Government of the United States of America to cease immediately all repressive measures against the Puerto Rican patriotic forces;

"3. Requests the Government of the United States to cease immediately all military activities endangering the security of the Puerto Rican people and attempts against its human rights and fundamental freedoms;

"4. Urges the Government of the United States to take the necessary measures geared to putting an end to the racial discrimination practised in the United States against the Puerto Rican minority, which has been compelled to abandon its fatherland as a consequence of difficult living conditions derived from the colonial status suffered by Puerto Rico;

"5. Requests the Commission on Human Rights to include, among the top priorities in its agenda for its forty-third session, separate consideration of human rights and fundamental freedoms in Puerto Rico, with a specific recommendation that it should ensure the preparation of a report for submission to the General Assembly, and to explore the possibility of appointing a Special Rapporteur to study in depth human rights and fundamental freedoms in Puerto Rico;

"6. Decides to keep under consideration, during its forty-second session, the question of human rights and fundamental freedoms in Puerto Rico."

7. At the 61st meeting, on 28 November, the representative of India, under rule 116 of the rules of procedure, moved that no action be taken on the draft resolution.

8. At the same meeting, the proposal of the representative of India was approved without a vote.

9. After the approval of the proposal, statements were made by the representatives of Cuba and Senegal (see A/C.3/41/SR.61).

C. Draft resolution A/C.3/41/L.98/Rev.1

10. At the 58th meeting, on 26 November, the representative of Cuba introduced a draft resolution (A/C.3/41/L.98/Rev.1) entitled "Situation of the human rights and fundamental freedoms of the Indian nations and the black community in the United States of America", which read as follows:

"The General Assembly,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms of all, and determined to remain vigilant on their violations wherever they occur,

"Recalling the provisions of the Universal Declaration of Human Rights, 1/ particularly those that stipulate the right of all to the

fulfilment of their economic, social and cultural rights, indispensable for their dignity and for the free development of their personality,

"Recalling the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, 5/

"Recalling the International Convention on the Elimination of All Forms of Racial Discrimination, 6/

"Recalling further the Convention on the Prevention and Punishment of the Crime of Genocide, 7/

"Mindful of the obligation of States under the Charter of the United Nations to promote social progress and better standards of life in larger freedom and universal respect for, and observance of, the human rights and fundamental freedoms of all, without distinction as to race, sex, language or religion,

"Expressing its deep concern at the deteriorating situation of human rights in the United States, in particular at the seriousness of the human rights conditions created by the development of racism and repression practised by the United States authorities against the Indian nations and the black community in that country,

"Conscious that every people or national minority should enjoy equality of rights within the State, and that the laws of the State should permit no discrimination whatsoever in this regard,

"Taking into account the process of plundering of their lands, extermination and violation of their human rights and fundamental freedoms historically suffered by the Indian communities in the United States of America,

"Seriously concerned by the practice of coercion, fraud, trickery and deception still prevailing in the United States against the Indian nations, as well as by the imprisonment by the Government of the United States, without charge or trial, of Indian leaders opposing the division or stealing of Indian lands,

"Concerned furthermore by the procedures used by the Government of the United States, consisting in attempts to legalize the stealing of Indian lands, in violation of international law and the pertinent instruments,

5/ Resolution 1904 (XVIII), annex.

6/ Resolution 2106 A (XX), annex.

7/ Resolution 260 A (III).

"Noting with concern the lack of due protection and legal recourse of the Indian nations,

"Outraged by the recent forced ejection of Hopi and Navajo Indian nations from their lands in Arizona,

"Dismayed by persistent confirmed information on the practice of racism and racial discrimination in the United States against the Indian nations,

"Deeply concerned by the degrading economic and social situation of the black population in the United States created by the exploitation to which it has traditionally been subjected and the policy of racial discrimination imposed on it by the various United States administrations, as a result of which this population has the highest rates of poverty, homelessness, unemployment, illiteracy and mortality in the country,

"Dismayed by the persistence of criminal acts against the black population in the United States perpetrated by, among others, the police forces and racist and fascist organizations such as the Ku Klux Klan and the White American Resistance, with the consent of the authorities of that country, which have resulted in lynchings, assassinations, tortures and death threats and the imprisonment of black leaders,

"Deeply concerned at the fact that the policy of constructive engagement of the United States Government with the racist Government of South Africa and its political, economic, diplomatic and military support of the apartheid régime are linked, among other factors, with the practice of racism and racial discrimination in the United States against the black population,

"1. Urges the United States authorities to respect and enforce respect for human rights and fundamental freedoms in that country by putting an end to the racist and discriminatory attitudes adopted against ethnic minorities, and to promote decent treatment for all individuals, especially for the victims of the main violations of human rights, such as the Indian nations and the black community;

"2. Condemns the forced expropriation of lands of the Hopi and Navajo Indian nations promoted by the current United States Administration in Arizona;

"3. Requests the Government of the United States to take the necessary measures to bring to an immediate halt the stealing and plundering of Indian lands, as well as the wanton exploitation of the natural resources in these lands;

"4. Urges the Government of the United States immediately to release the citizens of Indian origin currently imprisoned without charge or trial for their opposition to the stealing or division of Indian lands;

"5. Demands that the Government of the United States, in conformity with the pertinent international instruments, put an end to the practice of racism and racial discrimination against Indian citizens;

"6. Urges the Government of the United States to respect and promote respect for the uses, customs and traditions of the Indian nations;

"7. Also urges the United States Government to provide proper and regular assistance to the black population of that country, including implementation of appropriate economic and social programmes with a view to putting an end to the degrading economic and social situation of millions of its black citizens;

"8. Demands that the United States Government put an end to the racist activities carried out by racist groups and organizations and by the police forces against the black population of that country, and ensure full enjoyment of civil and political rights by the black population of the United States;

"9. Requests the Commission on Human Rights to include, among the top priorities in the agenda of its forty-third session, separate consideration of human rights and fundamental freedoms in the United States, in particular those of the Indian nations and the black community, with a specific recommendation that it should ensure that a report is prepared for submission to the General Assembly, and to explore the possibility of appointing a Special Rapporteur to study in depth the question of human rights and fundamental freedoms in the United States, in particular those of the Indian nations and the black community;

"10. Decides to consider at its forty-second session the situation of human rights and fundamental freedoms in the United States, in particular those of the Indian nations and the black community."

11. At the 61st meeting, on 23 November, the representative of India, under rule 116 of the rules of procedure, moved that no action be taken on the draft resolution.

12. At the same meeting, the proposal of the representative of India was approved without a vote.

13. After the approval of the proposal, statements were made by the representatives of Cuba and Senegal (see A/C.3/41/SR.61).

D. Draft resolution A/C.3/41/L.77

14. At the 55th meeting, on 24 November, the representative of Canada introduced a draft resolution (A/C.3/41/L.77) entitled "Fortieth anniversary of the Universal Declaration of Human Rights", sponsored by Austria, Canada, the Central African Republic, Colombia, Costa Rica, Cyprus, Denmark, France, Germany, Federal Republic of Greece, India, Japan, Samoa, Senegal, Sri Lanka, Sweden and the Ukrainian Soviet Socialist Republic. At the same time, she orally revised the draft resolution by inserting, after the words "all nations" in the first preambular paragraph, the words "and having provided the basis for the development of the International Covenants on Human Rights".

15. At the 61st meeting, on 28 November, the representative of Canada, on behalf of the sponsors (now joined by Uganda and the Philippines), corrected paragraph 2 (c) of the annex to the draft resolution by emending the words "the United Nations Office at Geneva and at Vienna" to read "and the United Nations Offices at Geneva, Vienna and Nairobi"; at the same time, she further orally revised the draft resolution as follows:

(a) In operative paragraph 3, the words "to initiate within existing resources" were replaced by the words "to consider including in his proposed programme budget for the biennium 1988-1989";

(b) In operative paragraph 7, the words "to hold a special commemorative meeting" were replaced by the words "to devote one plenary meeting during its forty-third session".

16. At the same meeting, Ecuador joined in sponsoring the draft resolution. It was also announced that, with the oral revisions made by the sponsors, the draft resolution had no programme budget implications.

17. At the same meeting, the Committee adopted draft resolution A/C.3/41/L.77, as orally revised, without a vote (see para. 79, draft resolution I).

E. Draft resolution A/C.3/41/L.79

18. At the 55th meeting, on 24 November, the representative of Mexico introduced a draft resolution (A/C.3/41/L.75) entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Argentina, Bolivia, Colombia, Ecuador, Greece, India, Mali, Mexico, Morocco, Nicaragua, Pakistan, Portugal, Rwanda, Senegal, Spain, Tunisia, Turkey and Yugoslavia, subsequently joined by the Philippines and Mauritania.

19. A statement by the Secretary-General on the programme budget implications of the draft resolution was circulated in document A/C.3/41/L.84.

20. At the 61st meeting, on 28 November, the Secretary informed the Committee that, in paragraph 11 of the statement submitted by the Secretary-General (A/C.3/41/L.84), the words "paragraph 9" should read "paragraph 10".

21. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Mexico, France, Belgium and Morocco (see A/C.3/41/SR.61).

22. At that meeting, the Committee adopted draft resolution A/C.3/41/L.79 by a recorded vote of 138 to one, with 4 abstentions (see para. 79, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma,

Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Belgium, Canada, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland.

23. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland (see A/C.3/41/SR.61).

F. Draft resolution A/C.3/41/L.92

24. At the 57th meeting, on 25 November, the representative of Cuba introduced a draft resolution (A/C.3/41/L.92) entitled "Improvement of social life", also sponsored by Bulgaria, the Lao People's Democratic Republic and Venezuela.

25. At the 61st meeting, on 28 November, the representative of Cuba, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) A new fifth preambular paragraph was inserted, which read:

"Aware that freedom of expression, worship and association, and the ensuring of equality of rights and opportunities for all citizens on an equal footing in respect of employment, health, education, culture, rest and social security, in particular, also contribute to the improvement of social life";

(b) Operative paragraph 1, which reads:

"1. Acknowledges that the progress achieved in the world social situation is still inadequate despite the efforts made to this end";

was revised to read:

"1. Acknowledges that the progress achieved is still inadequate and that greater progress is necessary in the world social situation despite the efforts made, and that efforts towards this end should be continued";

(c) Operative paragraph 2, which reads:

"2. Confirms the need to make every possible effort to enhance the well-being of all people, inter alia, by ensuring the equality of rights and opportunities in respect of employment, health, education, culture, rest, and social security";

was revised to read:

"2. Confirms the need to ensure the well-being of all persons and the enjoyment of all the other basic human rights, particularly freedom of expression, worship and association, and the ensuring of the equality of rights and opportunities on an equal footing for all citizens in respect of employment, health, education, culture, rest and social security";

(d) Inserting after the words "recreational activities" the words "and the use of free time";

(e) Operative paragraph 5, which read as follows, was deleted:

"5. Requests the Secretary-General to bring this resolution to the attention of all Governments, relevant organs of the United Nations, specialized agencies, regional intergovernmental organizations and international humanitarian organizations so that they may express their views on ways and means of promoting the improvement of social life in the world, and to report to the Assembly at its forty-second session".

The United States of America joined in sponsoring the draft resolution.

26. At the same meeting, the representative of Peru proposed that the words "citizens", which would appear in the new fourth preambular paragraph and revised operative paragraph 2, be amended to read "the people". The amendment was accepted by the sponsors of the draft resolution.

27. At that meeting, the Committee adopted draft resolution A/C.3/41/L.92, as orally revised, without a vote (see para. 79, draft resolution III).

28. After the adoption of the draft resolution, statements were made by the representatives of Australia and Austria (see A/C.3/41/SR.61).

G. Draft resolution A/C.3/41/L.94

29. At the 56th meeting, on 25 November, the representative of Sri Lanka introduced a draft resolution (A/C.3/41/L.94) entitled "Regional arrangements for the promotion and protection of human rights in the Asian Pacific region", sponsored by Australia, Bangladesh, Cyprus, Fiji, Jordan, Mongolia, Nepal, Papua New Guinea, the Philippines, Samoa and Sri Lanka.

30. At the 61st meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para.79, draft resolution IV).

H. Draft resolution A/C.3/41/L.95

31. At the 56th meeting, on 25 November, the representative of Belgium introduced a draft resolution (A/C.3/41/L.95) entitled "Regional arrangements for the promotion and protection of human rights", sponsored by Austria, Belgium, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, the Gambia, Italy, the Netherlands, Norway, Senegal, Togo and Uruguay, subsequently joined by France, Uganda and the United Kingdom of Great Britain and Northern Ireland.

32. At the 61st meeting, on 28 November, the Committee was informed by the Secretary that, in operative paragraph 2, the words "Notes with satisfaction" should be corrected to read "Notes with interest".

33. At the same meeting, the representative of Israel made a statement in explanation of vote before the vote (see A/C.3/41/SR.61).

34. At that meeting, the Committee adopted draft resolution A/C.3/41/L.95 without a vote (see para. 79, draft resolution V).

35. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/41/SR.61).

I. Draft resolutions A/C.3/41/L.100 and Rev.1

36. At the 59th meeting, on 26 November, the representative of the Ukrainian Soviet Socialist Republic introduced a draft resolution (A/C.3/41/L.100) entitled "Strengthening of international co-operation in the field of human rights", sponsored by Czechoslovakia, the Lao People's Democratic Republic, the Ukrainian Soviet Socialist Republic and Viet Nam, which read as follows:

"The General Assembly,

"Recalling that one of the purposes of the United Nations is the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms,

"Considering that such co-operation should be based on the principles embodied in the Universal Declaration of Human Rights, 8/ the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights 9/ and other relevant international instruments,

"Desirous of achieving further progress in international co-operation in the field of promoting and encouraging respect for human rights and fundamental freedoms,

"Deeply con-vinced that such co-operation should be based on a profound understanding of the variety of problems existing in different societies and on full respect for their economic, social and cultural realities,

"Emphasizing the necessity to continue the mutual efforts of the international community in its search for solutions to the prevention of mass and flagrant violations of human rights and fundamental freedoms affected by situations that jeopardize international peace and security and result from apartheid, all forms of racial discrimination, colonialism, foreign occupation and domination, aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination,

"1. Calls upon all Member States to develop further international co-operation in the field of human rights based on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments;

"2. Considers that such co-operation should contribute to the prevention of mass and flagrant violations of human rights, to the achievement of human rights and fundamental freedom for all and to the strengthening of international peace and security;

"3. Emphasizes that co-operation in the field of human rights should be carried out on an equal and just basis with due respect for the dignity of all peoples without any discrimination;

"4. Affirms the inadmissibility of the substitution of such co-operation by any attempt at flagrant and groundless interference;

"5. Invites all States to communicate to the Secretary-General their views on the means and methods of strengthening international co-operation in the field of human rights;

8/ Resolution 217 A (III).

9/ Resolution 2200 A (XXI), annex.

"6. Decides to consider this question at its forty-second session under the item entitled 'Report of the Economic and Social Council'."

At the same time, he orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the words "Recalling that one of the purposes of the United Nations is the achievement of" were revised to read "Recalling that the purposes of the United Nations include the achievement of";

(b) In the second preambular paragraph, the word "international" was inserted before the word "co-operation";

(c) The order of the second and third preambular paragraphs was reversed;

(d) The fourth preambular paragraph was revised to read:

"Deeply convinced that such co-operation should be based on a profound understanding of the economic, social and cultural realities and the variety of problems existing in different societies";

(e) The last preambular paragraph was revised to read:

"Emphasizing the necessity for the international community to continue its efforts to take practical measures to prevent mass and flagrant violations of human rights and fundamental freedoms affected by situations that jeopardize international peace and security, such as apartheid, all forms of racial discrimination, colonialism, foreign occupation and domination, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of peoples to self-determination";

(f) Operative paragraph 2 was revised to read:

"2. Considers that such co-operation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion of human rights and fundamental freedoms for all and to the strengthening of international peace and security";

(g) Operative paragraph 3 was revised to read:

"3. Emphasizes that co-operation in the field of human rights should be guided by justice and equality with due respect for the dignity of all peoples and individuals without any discrimination";

(h) Operative paragraph 4 was revised to read:

"4. Affirms the inadmissibility of the misuse of such co-operation";

(i) A new operative paragraph 5 was inserted, which reads:

"5. Notes the important place that the promotion and protection of human rights has secured on the international agenda and in relations between States";

(j) The remaining operative paragraphs were renumbered accordingly.

The draft resolution, as orally revised, was subsequently issued as document A/C.3/41/L.100/Rev.1.

37. At the same meeting, statements concerning the draft resolution circulated in a note by the Secretariat (A/C.3/41/L.6), consideration of which had been deferred until its forty-first session by the Assembly in its decision 40/426 of 13 December 1985, were made by the representatives of Australia, Sweden, the Ukrainian Soviet Socialist Republic and Morocco, as well as by the Chairman (see A/C.3/41/SR.61).

38. At the 61st meeting, on 28 November, the representative of the Ukrainian Soviet Socialist Republic, on behalf of the sponsors, orally revised draft resolution A/C.3/41/L.100/Rev.1 as follows:

(a) Operative paragraph 1 was revised to read:

"1. Calls upon all Member States to base their activities to protect and promote human rights, including the development of further international co-operation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework";

(b) In operative paragraph 3, the words "and individuals" were deleted;

(c) Operative paragraph 4 was deleted and the remaining paragraphs were renumbered accordingly.

39. At the same meeting, the Committee adopted draft resolution A/C.3/41/L.100/Rev.1, as orally revised, by a recorded vote of 141 to none, with one abstention (see para. 79, draft resolution VI). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras,

Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaïre, Zambia, Zimbabwe.

Against: None.

Abstaining: United States of America.

40. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Sweden (see A/C.3/41/SR.61).

J. Draft resolution A/C.3/41/L.57 and Rev.1 and Rev.2

41. At the 53rd meeting, on 21 November, the representative of Uruguay introduced a draft resolution (A/C.3/41/L.57) entitled "Situation of human rights and fundamental freedoms in Guatemala", sponsored by Colombia, Costa Rica, Peru, Uruguay and Venezuela. The draft resolution read as follows:

"The General Assembly,

"Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

"Recalling its resolutions 37/184 of 17 December 1982, 38/109 of 16 December 1983, 39/120 of 14 December 1984, 40/140 of 13 December 1985, as well as Commission on Human Rights resolutions 1984/53 of 14 March 1984 and 1985/36 of 13 March 1985,

"Taking note of Commission on Human Rights resolution 1986/52 of 13 March 1986,

"1. Welcomes the process of democratization and return to constitutionality in Guatemala, and encourages the Government of Guatemala to continue to take measures for the effective application of the Constitution and other legislation designed to safeguard human rights and fundamental freedoms;

"2. Requests the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing it with information on the implementation of the new legal order for the protection of human rights and fundamental freedoms;

"3. Decides that the Commission on Human Rights should continue to observe the situation of human rights and fundamental freedoms in Guatemala in accordance with Commission resolution 1986/62 of 13 March 1986."

42. At the 57th meeting, on 25 November, the representative of Uruguay, on behalf of the sponsors of draft resolution A/C.3/41/L.57, now joined by Argentina, Brazil, Mexico and Panama, introduced a revised text of the draft resolution (A/C.3/41/L.57/Rev.1), in which, in operative paragraph 3, the word "Decides" had been revised to read "Recommends".

43. At the same meeting, the representative of Sweden, on behalf of Australia, Austria, Canada, Denmark, Ireland, Norway and Sweden, introduced amendments (A/C.3/41/L.96) proposed to draft resolution A/C.3/41/L.57, which he informed the Committee also applied to revised draft resolution A/C.3/41/L.57/Rev.1. The amendments read as follows:

"1. In the second preambular paragraph, replace the words 'resolutions 37/184 ... 13 March 1985' by the following:

'previous resolutions, including resolution 40/140 of 13 December 1985, by which it decided to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its forty-first session'.

"2. In operative paragraph 1:

"(a) Replace the words 'the process of democratization and return to constitutionality in Guatemala' by the following:

'the return of constitutionality in Guatemala and the initiated democratization, which are fundamental steps in the process towards complete and effective enjoyment of human rights and fundamental freedoms by all sectors of the population of Guatemala';

"(b) Replace the words 'effective application ... and fundamental freedoms' by the following:

'full application of the Constitution and other laws with the aim of guaranteeing these rights and freedoms'.

"3. Insert a new operative paragraph 2, reading:

'2. Notes with concern reports about violations of human rights, in particular politically related assassinations and involuntary disappearances, despite the measures taken by the Government;'.

"4. Renumber operative paragraph 2 as operative paragraph 3 and:

"(a) Insert, after the words 'with information', the words 'about the situation of human rights and fundamental freedoms and';

"(b) Replace the word 'implementation' by the word 'application';

"(c) Replace the words 'human rights and fundamental freedoms' by the words 'these rights and freedoms'.

"5. Renumber operative paragraph 3 as operative paragraph 4, and revise it to read as follows:

'4. Decides to continue its examination of the development of the situation of human rights and fundamental freedoms at its forty-second session'."

44. At the 61st meeting, on 28 November, the representative of Uruguay, on behalf of the sponsors, introduced a revised text of the revised draft resolution (A/C.3/41/L.57/Rev.2), in which:

(a) The second preambular paragraph had been revised to read:

"Recalling its previous resolutions, including resolution 40/140 of 13 December 1985, by which it decided to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its forty-first session";

(b) The third preambular paragraph had been revised to read:

"Taking note of the previous resolutions of the Commission on Human Rights, in particular 1986/62 of 13 March 1986";

(c) Operative paragraph 1 had been revised to read:

"1. Welcomes the process of democratization and return to constitutionality, which are fundamental steps towards complete and effective enjoyment of human rights and fundamental freedoms, and encourages the Government of Guatemala to continue to take measures for the effective application of the Constitution and other laws aiming to safeguard these rights and freedoms";

(d) Operative paragraph 2 had been revised to read:

"2. Requests the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing it with information about the situation of human rights and fundamental freedoms, in particular the application of the new legal order for the protection of these rights and freedoms";

(e) At the end of operative paragraph 3, the words "and decides to continue its examination of the development of that situation at its forty-second session" had been added.

45. At the same meeting, the representative of Sweden, on behalf of the sponsors, withdrew from consideration the amendments contained in document A/C.3/41/L.96.

46. At that meeting, the Committee adopted draft resolution A/C.3/41/L.57/Rev.2 by a recorded vote of 122 to none, with 18 abstentions (see para. 79, draft resolution VII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Brunei Darussalam, Burma, Burundi, Ecuador, Egypt, Gabon, Jordan, Maldives, Nepal, Oman, Romania, Singapore, Somalia, Sri Lanka, Thailand, Trinidad and Tobago, Yemen, Zaïre.

47. After the adoption of the draft resolution, statements were made by the representatives of Sweden (on behalf of the sponsors of the amendments contained in document A/C.3/41/L.96) and Trinidad and Tobago (see A/C.3/41/SR.61).

K. Draft resolutions A/C.3/41/L.49 and A/C.3/41/L.18/Rev.1

48. At the 53rd meeting, on 21 November, the representative of Costa Rica introduced a draft resolution (A/C.3/41/L.49) entitled "Situation of human rights and fundamental freedoms in El Salvador". The draft resolution read as follows:

"The General Assembly,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 10/ the International Covenant on Civil and Political Rights 11/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto, 12/

"Reaffirming that all Member States have the obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under the relevant international instruments,

"Reaffirming also that it is a main task of the United Nations to foster respect, promotion and strengthening of human rights among Member States,

"Recalling its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983, 39/119 of 14 December 1984 and 40/139 of 13 December 1985, in which it expressed deep concern at the situation of human rights in El Salvador,

"Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, in which it was decided to appoint a special representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982, 1983/29 of 8 March 1983, 1984/52 of 14 March 1984, 1985/35 of 13 March 1985 and 1986/39 of 12 March 1986, whereby the mandate of the Special Representative was extended for another year and he was requested to report, inter alia, to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session,

"Taking note of the report which the Special Representative prepared pursuant to Commission on Human Rights resolution 1986/39,

"Considering that the Government of El Salvador has undertaken to strengthen representative institutions and a democratic system under the rule of law and with respect for human rights,

10/ Resolution 217 A (III).

11/ See resolution 2200 A (XXI), annex.

12/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

"Considering also, as the Special Representative has pointed out, that notwithstanding that the projects for the reform of the administration of justice presented by the Government of El Salvador are praiseworthy and serious, the capacity of the judicial system in the country continues to be notoriously unsatisfactory,

"Considering also that there exists in El Salvador an armed conflict not of an international character in which the Government of that country and the guerrilla forces are obliged to apply the minimum standards of protection of human rights and of humanitarian treatment set out in article 3 common to the Geneva Conventions of 12 August 1949 as well as Additional Protocol II thereto,

"Concerned at the grave consequences which the methods of war employed in the conflict such as the actions of the regular forces, and in particular the systematic attacks leveled by the guerrilla forces against the infrastructure and the economy of the country, have on the present and future enjoyment of economic, social and cultural, civil and political rights by the Salvadorian people,

"Noting nevertheless that the Special Representative points out in his report that, according to all the evidence, the number of violations of human rights has decreased substantially compared with previous years, doubtless consequent upon the adoption of a government policy - recommended in previous reports - and that he welcomes this policy and the clearly positive development of events,

"Concerned also by reliable evidence that the warlike actions of the guerrilla forces have caused unwarranted victims among the combatants and the civil population and also that the insurgent forces have been forcibly recruiting young persons on a substantial scale,

"Bearing in mind that the present Government of El Salvador has shown the political will to continue adopting measures and provisions to reduce violence and secure the wider implementation of human rights and its declared intention and initiatives to reorganize the functioning of the judicial system, to implement provisions for the regulation of detentions and military responsibilities in armed confrontations and to authorize facilities for the work of the humanitarian organizations,

"Bearing in mind the exemplary humanitarian work undertaken in El Salvador by the International Committee of the Red Cross,

"1. "Commends the Special Representative for his report on the situation of human rights in El Salvador;

"2. Expresses its satisfaction at the efforts of the Government of El Salvador to introduce policies, regulations and laws with a view to reducing the climate of violence and to guaranteeing respect for the human rights of its citizen ;

"3. Notes with satisfaction the undertaking by the Government of El Salvador to improve the judicial system and urges the competent authorities to continue and to accelerate the process of reforming the Salvadorian system for the administration of justice;

"4. Reiterates its appeal that, in the Salvadorian conflict, there will continue to be full co-operation with the activities of the International Red Cross and of other international humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever they operate in the country;

"5. Recognizes once again the permanent and inalienable right of the Salvadorian people to determine their political, economic and social future freely without interference from abroad, through a democratic process in an atmosphere free from intimidation and terror;

"6. Calls upon the Government of El Salvador to continue its efforts for an open democratic dialogue which will facilitate an overall political solution which will halt the armed confrontation, reduce the number of refugees and displaced persons, and contribute to the institutionalization and strengthening of the democratic system based on the fullest exercise by all Salvadorians of their civil and political rights and their economic, social and cultural rights within the established constitutional framework;

"7. Also calls upon the Government of El Salvador to continue to adopt effective measures so that its civil and military authorities and agencies will fully respect human rights and will ensure the full enjoyment of fundamental freedoms;

"8. Calls upon the Government of El Salvador to broaden the investigation of violations of human rights which occurred in previous years as well as all others which may appear, with a view to establishing the corresponding responsibilities;

"9. Takes note with appreciation of the manner in which the Salvadorian authorities at all levels have received different missions, in particular the Special Representative of the Commission on Human Rights, which have visited that country in order to obtain reliable information, in situ, on the situation of human rights in El Salvador, as stated in the report of the Special Representative;

"10. Takes note with satisfaction of the decision of the Government of El Salvador to continue co-operating with the Commission on Human Rights by providing full and detailed information regarding the manner in which the measures designed to protect human rights have been applied, and also its efforts to ensure the full enjoyment of fundamental freedoms in El Salvador and requests the Secretary-General to facilitate such advice and assistance as may be requested by the Government of El Salvador for that purpose;

"11. Takes into account the evidence included by the Special Representative in his report that there is a positive evolution in the situation of human rights in El Salvador and requests the Commission on Human Rights during its forty-third session to consider the possibility of terminating the mandate specified in its resolution 1986/39 of 12 March 1986;

"12. Decides to keep under consideration, during its forty-second session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine the situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council in the hope that the situation of human rights in El Salvador will continue to improve."

49. At the 57th meeting, on 25 November, the representative of Peru introduced a draft resolution (A/C.3/41/L.18/Rev.1) entitled "Situation of human rights in El Salvador", sponsored by Algeria, Argentina, Brazil, Colombia, Mexico, Panama, Peru, Spain, Sweden, Uruguay, Venezuela and Yugoslavia, subsequently joined by Denmark, Greece and Norway.

50. At the 61st meeting, on 28 November, the representative of Peru, on behalf of the sponsors (now joined by the Netherlands), orally revised draft resolution A/C.3/41/L.18/Rev.1 by:

(a) Deleting, from operative paragraph 4, the words "for the duration of the armed conflict";

(b) Replacing, in operative paragraphs 7 and 8, the words "insurgent forces" by the words "opposing force";

(c) Adding, at the end of operative paragraph 13, the words:

"and requests the competent bodies of the United Nations system to provide any advice and assistance which the Government of El Salvador may require to achieve the highest levels in the promotion and protection of human rights and fundamental freedoms".

51. At the same meeting, the representative of Costa Rica withdrew from consideration draft resolution A/C.3/41/L.49.

52. At that meeting, the Committee adopted draft resolution A/C.3/41/L.18/Rev.1, as orally revised, by a recorded vote of 98 to none, with 37 abstentions (see para. 79, draft resolution VIII). The voting was as follows: 13/

13/ The representative of France subsequently stated that, although her delegation had voted in favour of the draft resolution, its vote had not been registered.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Bahamas, Bangladesh, Brunei Darussalam, Burma, Burundi, Central African Republic, Chad, China, Comoros, Côte d'Ivoire, Ecuador, Gabon, Indonesia, Jordan, Lebanon, Liberia, Malaysia, Maldives, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Poland, Romania, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, Yemen, Zaire.

53. After the adoption of the draft resolution, statements were made by the representatives of Australia, Trinidad and Tobago and Canada (see A/C.3/41/SR.61).

L. Draft resolution A/C.3/41/L.76

54. At the 54th meeting, on 24 November, the representative of Belgium introduced a draft resolution (A/C.3/41/L.76) entitled "Question of human rights and fundamental freedoms in Afghanistan", sponsored by Australia, Belgium, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Singapore, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Samoa.

55. At the 61st meeting, on 28 November, the representatives of the Union of Soviet Socialist Republics, Pakistan, Czechoslovakia (on behalf also of Bulgaria, the Byelorussian Soviet Socialist Republic, the German Democratic Republic, Hungary, Poland and the Ukrainian Soviet Socialist Republic) and Afghanistan made statements in explanation of vote before the vote (see A/C.3/41/SR.61).

56. At the same meeting, the Committee adopted draft resolution A/C.3/41/L.76 by a recorded vote of 79 to 23, with 36 abstentions (see para. 79, draft resolution IX). The voting was as follows:

In favour: Albania, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Brazil, Brunei Darussalam, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Fiji, France, Gabon, Gambia, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lesotho, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Bahamas, Benin, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Congo, Cyprus, Ecuador, Finland, Ghana, Guinea, Guinea-Bissau, Guyana, Iraq, Kuwait, Lebanon, Liberia, Malawi, Maldives, Mali, Mauritania, Nepal, Nigeria, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Uganda, United Republic of Tanzania, Yugoslavia, Zaire, Zambia, Zimbabwe.

57. After the adoption of the draft resolution, statements were made by the representatives of the Libyan Arab Jamahiriya and Trinidad and Tobago (see A/C.3/41/SR.61).

M. Draft resolution A/C.3/41/L.86

58. At the 57th meeting, on 25 November, the representative of Canada introduced a draft resolution (A/C.3/41/L.86) entitled "Situation of human rights in the Islamic Republic of Iran", sponsored by Antigua and Barbuda, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Samoa and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Saint Lucia.

59. At the 61st meeting, on 28 November, the representative of Pakistan, under rule 116 of the rules of procedure, moved that no action be taken on the draft resolution. Following statements by the representatives of India, the Syrian Arab Republic, Denmark and Costa Rica, the Committee rejected the motion by a recorded vote of 48 to 30, with 32 abstentions. The voting was as follows:

In favour: Algeria, Angola, Brunei Darussalam, China, Cuba, Democratic Yemen, Ethiopia, Ghana, India, Indonesia, Iran (Islamic Republic of), Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mozambique, Nicaragua, Niger, Pakistan, Romania, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe.

Against: Australia, Austria, Bahamas, Belgium, Canada, Cape Verde, Chad, Colombia, Costa Rica, Côte d'Ivoire, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Luxembourg, Malawi, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Comoros, Cyprus, Ecuador, Egypt, Gabon, Japan, Lesotho, Liberia, Mauritania, Nepal, Nigeria, Paraguay, Rwanda, Senegal, Singapore, Suriname, Swaziland, Thailand, Trinidad and Tobago, Uganda, Yugoslavia, Zaire, Zambia.

60. At the same meeting, statements in explanation of vote before the vote were made by the representatives of New Zealand and Iraq (see A/C.3/41/SR.61).

61. At that meeting, the Committee adopted draft resolution A/C.3/41/L.86 by a recorded vote of 53 to 27, with 42 abstentions (see para. 79, draft resolution X). The voting was as follows:

In favour: Australia, Austria, Barbados, Belgium, Canada, Cape Verde, Chad, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mexico, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Swaziland, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Angola, Brunei Darussalam, Cuba, Democratic Yemen, Ethiopia, Ghana, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Nicaragua, Niger,

Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Yemen.

Abstaining: Argentina, Bahamas, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, Egypt, Gabon, Guinea-Bissau, India, Japan, Maldives, Mali, Mauritania, Morocco, Nepal, Nigeria, Oman, Poland, Senegal, Singapore, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Yugoslavia, Zaire, Zambia, Zimbabwe.

62. After the adoption of the draft resolution, statements were made by the representatives of the Libyan Arab Jamahiriya, Trinidad and Tobago and Japan (see A/C.3/41/SR.61).

N. Draft resolution A/C.3/41/L.87

63. At the 57th meeting, on 25 November, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/41/L.87) entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred or terror", sponsored by Afghanistan, Angola, Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam.

64. At the 61st meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution XI).

65. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Sweden (also on behalf of Denmark, Iceland, Finland and Norway) (see A/C.3/41/SR.61).

O. Draft resolution A/C.3/41/L.99

66. At the 58th meeting, on 26 November, the representative of Mexico introduced a draft resolution (A/C.3/41/L.99) entitled "Situation of human rights and fundamental freedoms in Chile", sponsored by Algeria, Australia, Austria, Cuba, Denmark, France, Greece, Italy, Luxembourg, Mexico, the Netherlands, Norway, Portugal, Spain, Sweden and Yugoslavia.

67. At the 61st meeting, on 28 November, the representative of Mexico, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the fifth preambular paragraph, the word "pertinent" was inserted before the word "resolutions";

(b) Operative paragraph 3, which read:

/...

"3. Expresses its deep distress at the continued existence of a constitutional order which does not represent free expression of the people's will and which denies or restricts free exercise of civil, political, economic, social and cultural rights"

was revised to read

"3. Expresses its deep distress at the absence of institutional machinery which protects the unrestricted exercise of civil, political, economic, social and cultural rights, a basic condition for the free expression of the people's will"

(c) In the Spanish text of operative paragraph 6, the words "Nuevamente expresa" were replaced by the words "Nuevamente manifiesta", the words "based on the sovereignty of the people expressed" were replaced by the words "based on the expression of the people's will"; and at the end of the paragraph, the words "as it is in any other country" were added;

(d) In operative paragraph 8, the words "Expresses its deep concern at the negative response of the Government to" were replaced by the words "Welcomes with satisfaction the";

(e) In operative paragraph 9 (a), the words "the régime of exception and the practice" were replaced by the words "the arbitrary practice" and the words "in the country" were inserted after the words "are committed" at the end of the subparagraph;

(f) In operative paragraph 9 (b), the words "authorizing the declaration of" were replaced by the words "permitting the arbitrary use of";

(g) In operative paragraph 9 (f), the words "without the application of amnesty laws preventing the prosecution and punishment of those responsible" were deleted.

68. At the same meeting, statements were made by the representatives of Chile and Honduras (see A/C.3/41/SR.61).

69. At that meeting, the Committee adopted draft resolution A/C.3/41/L.99, as orally revised, by a recorded vote of 84 to 5, with 46 abstentions (see para. 79, draft resolution XII). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, El Salvador, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg,

Madagascar, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, Indonesia, Lebanon, Paraguay, United States of America.

Abstaining: Bahamas, Bahrain, Bangladesh, Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Côte d'Ivoire, Democratic Kampuchea, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Fiji, Gabon, Guatemala, Honduras, Iraq, Israel, Japan, Jordan, Liberia, Malawi, Malaysia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Saudi Arabia, Singapore, Somalia, Sudan, Thailand, Trinidad and Tobago, Turkey, Yemen, Zaire.

70. After the adoption of the draft resolution, statements were made by the representatives of Costa Rica, the Federal Republic of Germany, Trinidad and Tobago, Peru, Japan, the United States of America, the United Kingdom of Great Britain and Northern Ireland and Canada (see A/C.3/41/SR.61).

P. Draft decision proposed by the Chairman

71. At its 46th meeting, on 14 November, on the proposal of the Chairman, the Committee decided to take note of the report of the Secretary-General on international co-operation in drug abuse control (A/41/713) and the note by the Secretary-General on strategy and policies for drug control (A/41/637 and Corr.1) (see para. 80, draft decision I).

Q. Draft decision A/C.3/41/L.83

72. At the 54th meeting, on 24 November, the representative of Zaire introduced a draft decision (A/C.3/41/L.83) entitled "Submission of the reports of special rapporteurs and special representatives of the Commission on Human Rights and of reports of the Commission's subsidiary organs", sponsored by Argentina, Belgium, Burkina Faso, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, France, Gabon, Guinea, Kenya, Mali, Morocco, Mexico, New Zealand, Rwanda, Senegal, Spain, Togo, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Zaire, subsequently joined by Canada and Samoa.

73. At the 61st meeting, on 28 November, the representative of Zaire, on behalf of the sponsors, corrected the draft decision by revising the words "resolution 38/32 F" to read "resolution 38/32 E".

74. At the same meeting, the Committee adopted the draft decision without a vote (see para. 80, draft decision II).

75. After the adoption of the draft decision, statements were made by the representatives of Australia and the United States of America (see A/C.3/41/SR.61).

R. Draft resolution A/C.3/41/L.91

76. At the 57th meeting, on 25 November, the representative of the Ukrainian Soviet Socialist Republic introduced a draft resolution (A/C.3/41/L.91) entitled "Promotion of the universal recognition of, and respect for, the rights of peoples, their equality and dignity", sponsored by Afghanistan, Burkina Faso, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mongolia, Nicaragua, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and Viet Nam. The draft resolution read as follows:

"The General Assembly,

"Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms with a view to the creation of the conditions of stability and well-being that are necessary for peaceful and friendly relations among nations,

"Recalling the Universal Declaration of Human Rights, 14/ which stresses the necessity of promoting the development of friendly relations between nations,

"Recalling further that, in accordance with the International Covenants on Human Rights, 15/ all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

"Welcoming the entry into force of the African Charter on Human and People's Rights, which, inter alia, proclaims that all peoples shall be equal and shall enjoy the same respect and have the same rights,

"Bearing in mind that various rights of peoples have been recognized in many of the documents and decisions of the General Assembly, as well as in decisions adopted by other organs of the United Nations and its specialized agencies,

14/ Resolution 217 A (III).

15/ Resolution 2200 A (XXI), annex.

"Convinced that violations of the inalienable rights of peoples, intervention in their internal affairs, coercion and constraint of any kind whatsoever, as well as impeding their free and independent development, undermine the foundations of peace and international co-operation and lead to mass and flagrant violations of human rights and fundamental freedoms,

"Guided by the goal of creating conditions of common existence and co-operation in peace, equality, mutual confidence and understanding for all peoples,

"1. Stresses the importance of recognition of, and respect for, the rights of peoples, their equality and dignity, in order to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

"2. Condemns all encroachments upon the inalienable rights of peoples, in particular the policy of apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of all peoples to self-determination and of every nation to exercise full sovereignty over its wealth and natural resources;

"3. Expresses its conviction that violations of inalienable rights of peoples inevitably lead to mass and flagrant violations of human rights and fundamental freedoms and constitute obstacles to the maintenance of peace and to international co-operation;

"4. Reaffirms the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion and constraint of any kind whatsoever;

"5. Stresses the necessity of developing further the equal international co-operation in promoting universal respect for, and observance of, human rights and the rights of peoples, and of strengthening the legal basis of such co-operation;

"6. Reaffirms its conviction that international co-operation in the field of human rights should be based on a profound understanding of the variety of problems existing in different societies and on the full respect for their economic, social and cultural realities;

"7. Emphasizes in this connection the importance of a greater flow of objective information needed for mutual acquaintance of peoples with the life of each other in order to strengthen among them the spirit of confidence, mutual understanding and respect;

"8. Considers it essential to attain throughout the world a more profound understanding of the necessity of universal recognition of, and respect for, the rights of peoples;

"9. Requests the Commission on Human Rights to study the question of promoting the universal recognition of, and respect for, the rights of peoples, their equality and dignity;

"10. Decides to consider this question at its forty-second session under the agenda item entitled 'Report of the Economic and Social Council'."

77. At the 61st meeting, on 28 November, the representative of the Ukrainian Soviet Socialist Republic, on behalf of the sponsors, proposed that the consideration of the draft resolution be deferred until the forty-second session of the General Assembly.

78. At the same meeting, the Committee adopted the proposal without a vote (see para. 80, draft decision III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

79. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Fortieth anniversary of the Universal Declaration
of Human Rights

The General Assembly,

Considering that the year 1988 will mark the fortieth anniversary of the Universal Declaration of Human Rights, 16/ which, conceived "as a common standard of achievement for all peoples and all nations" and having provided the basis for the development of the International Covenants on Human Rights, 17/ has been and rightly continues to be a fundamental source of inspiration for national and international efforts for the protection and promotion of human rights and fundamental freedoms,

Recalling in this respect its resolution 217 A (III) of 10 December 1948, in which it officially proclaimed the Universal Declaration of Human Rights, and its resolution 36/169 of 16 December 1981, concerning the observance of the thirty-fifth anniversary of the Declaration, as well as its resolution 38/57 of 9 December 1983, relating to the thirty-fifth anniversary of the Declaration,

Convinced of the continuing need to promote the universal observance and enjoyment of human rights which contribute to peaceful and friendly relations among nations,

1. Decides to celebrate in 1988 the fortieth anniversary of the Universal Declaration of Human Rights;
2. Invites Member States, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take appropriate measures, such as those set forth in the annex to the present resolution, and to support appropriate activities aimed at encouraging the promotion of the universal observance and enjoyment of civil and political, as well as economic, social and cultural rights;
3. Requests the Secretary-General to consider including in his proposed programme budget for the biennium 1988-1989 appropriate activities, such as

16/ Resolution 217 A (III).

17/ Resolution 2200 A (XXI), annex.

those indicated in the annex to the present resolution, to celebrate the fortieth anniversary of the Declaration;

4. Requests the Department of Public Information of the Secretariat to disseminate appropriate public information, broadcasting and audio-visual material designed to draw attention to, and emphasize the importance of, the Declaration and the role played and the work done by the United Nations to ensure the effective enjoyment of human rights and fundamental freedoms;

5. Invites the United Nations Postal Administration to issue commemorative postage stamps on the occasion of the fortieth anniversary of the Declaration;

6. Decides to include in the provisional agenda of its forty-third session an item entitled "Fortieth anniversary of the Universal Declaration of Human Rights";

7. Further decides to devote one plenary meeting during its forty-third session to the celebration of the fortieth anniversary of the Declaration, which falls on 10 December 1988, and requests the Secretary-General to make the necessary preparations for the programme of that meeting.

ANNEX

Recommended measures for the celebration of the fortieth anniversary of the Universal Declaration of Human Rights

1. The following recommendations are made for possible action at the national level:

- (a) Formal proclamation of 10 December 1988 as Human Rights Day;
- (b) Issuance of special messages on 10 December 1988 by heads of State or Government or other prominent civil personalities;
- (c) Special meetings of parliamentary and other public and private institutions on Human Rights Day;
- (d) Special consideration by States which have not yet ratified or acceded to the international instruments of the United Nations in the field of human rights to become parties to those instruments;
- (e) Establishment or strengthening of national or local institutions for the promotion and protection of human rights and the encouragement of teaching programmes on human rights at various educational levels;
- (f) Dissemination of the text of the Universal Declaration of Human Rights in national languages, including the languages of minorities;

(g) Issuance of human rights postage stamps, first-day covers and special cancellations during 1988;

(h) Participation by non-governmental organizations in the celebration of the anniversary, and the organization of activities by such organizations;

(i) Organization of activities within the framework and in support of current decades and international years being prepared on human rights issues.

2. It is recommended that the following measures, among others, should be taken by the Secretary-General at the United Nations level:

(a) Issuance by 10 December 1988 of updated versions in all official languages of the United Nations of the publication Human Rights: A Compilation of International Instruments of the United Nations, 18/

(b) Issuance by 10 December 1988 of updated versions in all official languages of the United Nations of the publication United Nations Action in the Field of Human Rights 19/ issued in 1983;

(c) Organization of commemorative events, as in past practice at United Nations Headquarters, at the United Nations Offices at Geneva, Vienna and Nairobi, as well as at United Nations information centres on or around 10 December 1988;

(d) Organization in 1988, within the framework of the programme of advisory services in the field of human rights, of an international seminar on the teaching of human rights;

(e) Adoption of arrangements for the award of human rights prizes as envisaged in recommendation C of the annex to General Assembly resolution 2217 (XXI) of 19 December 1966.

DRAFT RESOLUTION II

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

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of

18/ United Nations publication, Sales No. E.83.XIV.4.

19/ United Nations publication, Sales No. E.83.XIV.2.

Human Rights, 20/ the International Covenants on Human Rights, 21/ the International Convention on the Elimination of All Forms of Racial Discrimination 22/ and the Convention on the Elimination of All Forms of Discrimination against Women, 23/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, by which it decided to establish 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,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984 and 40/130 of 13 December 1985, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

Having examined the progress made by the Working Group during its seventh meeting, 24/ held from 24 September to 3 October 1986, during the current session of the General Assembly, during which the Group continued with the second reading of the draft convention,

Concerned at the fact that, owing to the current financial situation, the Working Group could not meet between sessions of the General Assembly in 1986, immediately after the first regular session of the Economic and Social Council, following the practice established for the Group by the General Assembly itself,

20/ Resolution 217 A (III).

21/ Resolution 2200 A (XXI), annex.

22/ Resolution 2106 A (XX), annex.

23/ Resolution 180, annex.

24/ See A/C.3/41/3.

Taking note of the recommendations of the Working Group to the effect that its inter-sessional meeting should not be suspended again so as to enable it to complete, as soon as possible, the second reading of the remaining articles of the draft convention,

1. Takes note with satisfaction of the report of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families 24/ and, in particular, of the progress made by the Working Group on the drafting, in second reading, of the draft convention;

2. Decides that, in order to enable it to complete its task as soon as possible, the Working Group shall again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1987 of the Economic and Social Council;

3. Invites the Secretary-General to transmit to Governments the report of the Working Group so as to enable the members of the Group to continue the drafting, in second reading, of the draft convention during the inter-sessional meeting to be held in the spring of 1987, as well as to transmit the results obtained at that meeting to the General Assembly for consideration during its forty-second session;

4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to the international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

5. Decides that the Working Group shall meet during the forty-second session of the General Assembly, preferably at the beginning of the session, to continue the second reading of the draft international convention on the protection of the rights of all migrant workers and their families;

6. Requests the Secretary-General to do everything possible to ensure adequate secretariat services for the Working Group for the timely performance of its mandate, both at its inter-sessional meeting to be held after the first regular session of 1987 of the Economic and Social Council and during the forty-second regular session of the General Assembly.

DRAFT RESOLUTION III

Improvement of social life

The General Assembly,

Bearing in mind that the Members of the United Nations have undertaken in the Charter to promote social progress and better standards of life in larger freedom,

Recalling the principles proclaimed in the Universal Declaration of Human Rights 25/ and in the Declaration on Social Progress and Development, 26/

Mindful of the need to establish a harmonious balance between scientific, technological and material progress and the intellectual, spiritual, cultural and moral advancement of humanity,

Considering that the improvement of social life must be based on respect for and the promotion of all human rights and particularly on the elimination of all forms of discrimination,

Aware that freedom of expression, worship and association, and the ensuring of equality of rights and opportunities for all the people on an equal footing in respect of employment, health, education, culture, rest and social security, in particular, also contribute to the improvement of social life,

Considering that healthy recreational, cultural and sports activities contribute to the achievement of a proper level of physical and mental health,

Considering further that the improvement of social life must take place in a continuous and uninterrupted manner,

1. Acknowledges that the progress achieved is still inadequate and that greater progress is necessary in the world social situation despite the efforts made, and that efforts to this end should be continued;
2. Confirms the need to ensure the well-being of all persons and the enjoyment of all the other basic human rights, particularly freedom of expression, worship and association, and the ensuring of equality of rights and opportunities on an equal footing for all the people in respect of employment, health, education, culture, rest and social security;
3. Reiterates the right of every person to the enjoyment of the greatest possible degree of physical and mental health;
4. Emphasizes that participation in cultural, sports and recreational activities and the use of free time without discrimination of any kind promotes the improvement of social life;
5. Decides to resume consideration of the question of the improvement of social life at its forty-second session.

25/ Resolution 217 A (III).

26/ Resolution 2542 (XXIV).

DRAFT RESOLUTION IV

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

The General Assembly,

Recalling its previous resolutions, notably resolution 39/116 of 14 December 1984, on regional arrangements for the promotion and protection of human rights in the Asian region,

Recognizing that regional arrangements make a major contribution to the promotion and protection of human rights and that non-governmental organizations may have a valuable role to play in this process,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Noting with appreciation 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 from 21 June to 2 July 1982, 27/ and the comments received on the report of the Seminar from the Economic and Social Commission for Asia and the Pacific and from States members of the Commission,

Welcoming the designation of the Social Development Division of the Economic and Social Commission for Asia and the Pacific as a regional human rights focal point,

Recalling Commission on Human Rights resolution 1986/57 of 13 March 1986, 28/

1. Takes note of the report of the Secretary-General; 29/
2. Requests the Secretary-General to assist and encourage the Executive Secretary of the Economic and Social Commission for Asia and the Pacific to pursue the establishment of a depository centre for United Nations human rights materials within the Commission at Bangkok, the function of which would include the collection, processing and dissemination of such materials in the Asian and Pacific region;

27/ A/37/422, annex.

28/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

29/ A/41/180-E/1986/20.

3. Renews its invitation to States members of the Economic and Social Commission for Asia and the Pacific that have not yet done so to communicate 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 to the Secretary-General as soon as possible and, in particular, to address themselves to the conclusions and recommendations of the report concerning the development of regional arrangements in Asia and the Pacific;

4. Invites the Secretary-General to finalize as expeditiously as possible preparations for a training course on human rights teaching to be held in the Asian and Pacific region;

5. Takes note of the efforts of United Nations development agencies in the Asian and Pacific region to promote the human rights dimension more actively and systematically in their development activities and invites them to pursue such efforts;

6. Requests the Secretary-General to submit a further report to the General Assembly at its forty-third session, through the Economic and Social Council, incorporating information on progress achieved in the implementation of the present resolution;

7. Decides to continue its consideration of this question at its forty-third session.

DRAFT RESOLUTION V

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions 32/127 of 16 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980, 36/154 of 16 December 1981, 37/171 and 37/172 of 17 December 1982, 38/97 of 16 December 1983 and 39/115 and 39/116 of 14 December 1984 concerning regional arrangements for the promotion and protection of human rights,

Recalling that in its resolution 39/115 it invited the Secretary-General to submit to the General Assembly at its forty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of that resolution,

Noting Commission on Human Rights resolutions 1985/26 of 11 March 1985 30/ and 1986/52 of 13 March 1986 31/ concerning advisory services in the field of human rights,

Noting also Commission on Human Rights resolutions 1985/48 of 14 March 1985 and 1986/57 of 13 March 1986 concerning regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights 32/ as well as the addendum thereto on the state of signatures and ratifications of the African Charter on Human and Peoples' Rights, the American Convention on Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto, 33/

Noting with satisfaction the progress achieved in the promotion and protection of human rights at the regional level and, in particular, the recent entry into force, on 21 October 1986, of the African Charter on Human and Peoples' Rights,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

1. Takes note of the report of the Secretary-General;
2. Notes with interest that contacts, in various ways, between representatives of regional bodies and United Nations bodies entrusted with the promotion of human rights, with a view to exchanging information and experience in this field, have become a regular practice and have further been strengthened through advisory services and technical assistance activities;
3. Requests the Secretary-General to continue to consider the possibility of encouraging these developments;

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

31/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

32/ A/41/274.

33/ A/41/274/Add.1.

4. Endorses the recommendations of the Commission on Human Rights in its resolution 1986/52 that Governments in need of technical assistance in the field of human rights should be encouraged:

(a) To make use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

(b) To avail themselves of the advisory services of experts in the field of human rights, for example for drafting basic legal texts in conformity with international conventions on human rights;

5. Requests the Commission on Human Rights 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;

6. Invites the Secretary-General to submit to the General Assembly at its forty-third session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

7. Decides to consider this question further at its forty-third session.

DRAFT RESOLUTION VI

Strengthening of international co-operation in the field of human rights

The General Assembly,

Recalling that the purposes of the United Nations include the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms,

Desirous of achieving further progress in international co-operation in the field of promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international co-operation should be based on the principles embodied in the Universal Declaration of Human Rights, 34/ the International Covenant on Civil and Political Rights, 35/ the International Covenant on Economic, Social and Cultural Rights 35/ and other relevant international instruments,

Deeply convinced that such co-operation should be based on a profound understanding of the economic, social and cultural realities and the variety of problems existing in different societies,

Emphasizing the necessity for the international community to continue its efforts to take practical measures to prevent mass and flagrant violations of human rights and fundamental freedoms affected by situations that jeopardize international peace and security, such as apartheid, all forms of racial discrimination, colonialism, foreign occupation and domination, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of peoples to self-determination,

1. Calls upon all Member States to base their activities to protect and promote human rights, including the development of further international co-operation in this field on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

2. Considers that such co-operation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

3. Emphasizes that co-operation in the field of human rights should be guided by justice and equality with due respect for the dignity of all peoples without any discrimination;

4. Notes the important place that the promotion and protection of human rights has secured on the international agenda and in relations between States;

5. Invites all States to communicate to the Secretary-General their views on the means and methods of strengthening international co-operation in the field of human rights;

34/ Resolution 217 A (III).

35/ Resolution 2200 A (XXI), annex.

6. Decides to consider this question at its forty-second session under the item entitled "Report of the Economic and Social Council".

DRAFT RESOLUTION VII

Situation of human rights and fundamental freedoms in Guatemala

The General Assembly,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its previous resolutions on the subject, including resolution 40/140 of 13 December 1985, by which it decided to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its forty-first session,

Taking note of the previous resolutions of the Commission on Human Rights on the subject, in particular its resolution 1986/62 of 13 March 1986,

1. Welcomes the process of democratization and return to constitutionality, which are fundamental steps towards complete and effective enjoyment of human rights and fundamental freedoms, and encourages the Government of Guatemala to continue to take measures for the effective application of the Constitution and other laws aiming to safeguard these rights and freedoms;

2. Requests the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing it with information about the situation of human rights and fundamental freedoms, in particular in regard to the application of the new legal order for the protection of these rights and freedoms;

3. Recommends that the Commission on Human Rights should continue to consider the situation of human rights and fundamental freedoms in Guatemala in accordance with Commission resolution 1986/62 and decides to continue its examination of developments in that situation at its forty-second session.

DRAFT RESOLUTION VIII

Situation of human rights in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 36/ the International Covenant on Civil and Political Rights, 37/ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 38/ and Additional Protocols I and II thereto, of 1977, 39/

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Reaffirming also the essential task of the United Nations to ensure the observance, promotion and strengthening of human rights among Member States,

Recalling that, in its resolutions 35/192 of 15 December 1980, 36/15, of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983, 39/119 of 14 December 1984 and 40/139 of 13 December 1985, the Assembly expressed its deep concern at the situation of human rights in El Salvador,

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, 40/ in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982, 41/ 1983/29 of 8 March 1983, 42/ 1984/52 of 14 March 1984 43/

36/ Resolution 217 A (III).

37/ See resolution 2200 A (XXI), annex.

38/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

39/ A/32/144, annexes I and II.

40/ See Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

41/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

42/ Ibid., 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

43/ Ibid., 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. 4, sect. A.

and 1985/35 of 13 March 1985, 44/ as well as Commission resolution 1986/39 of 12 March 1986, 45/ whereby it extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-first session and to the Commission at its forty-third session,

Noting with satisfaction that the Special Representative points out in his report 46/ that the question of human rights continues to be an important element of the current policy of the Government of El Salvador which, within the process of democratic normalization, is achieving increasingly significant and commendable results,

Expressing regret, however, that the armed conflict is persisting in El Salvador and that economic, political and social rights continue to be seriously jeopardized, and noting also that the attacks against civilians not participating in combat and against the economic infrastructure continue to be a matter of great concern,

Considering that there is an armed conflict of a non-international character in El Salvador in which the Government of that country and the insurgent forces are under an obligation to apply the minimum standards of protection of human rights and human treatment provided for in article 3 common to the 1949 Geneva Conventions and in Additional Protocol II thereto of 1977,

Bearing in mind also the praiseworthy humanitarian work carried out in El Salvador by the International Committee of the Red Cross,

Considering also, as indicated by the Special Representative, that despite the laudable and serious governmental plans and projects for the reform of the administration of justice, the capacity of the judicial system in that country continues to be notoriously unsatisfactory,

Taking note of the report which was prepared by the Special Representative, 46/ as requested by the Commission on Human Rights in its resolution 1986/39,

Concerned with the continuing situation in which a considerable number of Salvadorian citizens are obliged to leave their homes and become displaced persons or refugees,

44/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

45/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

46/ A/41/710, annex.

Recognizing that dialogue is the best way to achieve national reconciliation, and with the understanding that broad sectors of the country favour a comprehensive political negotiating process for a solution which would help to improve the human rights situation and put an end to the suffering of the Salvadorian people,

Aware that the negotiated political solution to the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue, but instead in different ways seek to spur the prolongation or intensification of the war, with ensuing grave effects on the human rights situation,

1. Commends the Special Representative of the Commission on Human Rights for his provisional report on the situation of human rights in El Salvador;
2. Takes into account with interest and emphasizes that it is important that the Special Representative had indicated in his report that the question of human rights is an important part of the policy of the Government of El Salvador which is achieving increasingly significant and commendable results;
3. Expresses, nevertheless, its deep concern at the fact that serious and numerous violations of human rights continue to take place in El Salvador owing, inter alia, to non-fulfilment of the humanitarian rules of war, and therefore requests the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict by observing scrupulously the Geneva Conventions of 1949 3/ and the Additional Protocols thereto of 1977; 4/
4. Recommends that the Special Representative should continue to observe and inform the Assembly and the Commission of the extent to which the contending parties are respecting those rules, particularly as regards respect for and humanitarian treatment of the civilian population, prisoners of war, those wounded in combat, health personnel and military hospitals of either party;
5. Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social system without interference from outside, through a democratic process, in which all sectors of the population enjoy sufficient guarantees so as to participate freely and effectively;
6. Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved;

7. Expresses deep regret that the dialogue initiated in October 1984 47/ between the Government of El Salvador and the opposing force continues to be interrupted and recommends the early resumption of open and generous talks so that through sincere dialogue they may be able, in accordance with the joint communiqué issued at La Palma, to reach a negotiated comprehensive political settlement which will contribute decisively to an improvement in the human rights situation, put an end to the armed conflict and contribute to widening and strengthening the democratic system based on the full exercise by all Salvadorians of their civil and political rights and economic, social and cultural rights;

8. Reiterates its appeal to the Government of El Salvador and to the opposing force to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country, and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by war to where they can receive needed medical attention;

9. Requests all States to co-operate, as much as possible, in the reception of refugees and to support the autonomous organizations dealing with displaced persons within El Salvador, and requests the Government of that country to grant facilities to Salvadorians wishing to return to their homes;

10. Deplores the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continues to be patently unsatisfactory and therefore urges the competent authorities to deepen the process of reform of the Salvadorian judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which have been committed and are still being committed in that country;

11. Calls upon the competent authorities in El Salvador to make the national legislation compatible with the provisions contained in the international instruments on human rights binding on the Government of that country;

12. Recommends the continuation and broadening of the reforms necessary in El Salvador, including the effective application of agrarian reform, in order to contribute to a solution of the economic and social problems which constitute the roots of the internal conflict in that country;

13. Renews its appeal to the Government of El Salvador, as well as to other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights and requests the competent bodies of the United Nations system to provide any advice and assistance which the Government of El Salvador may require to achieve the highest levels in the promotion and protection of human rights and fundamental freedoms;

47/ See A/19/636, annex, sect. II.

14. Decides to keep under consideration, during its forty-second session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council, in the hope that there will be improvement.

DRAFT RESOLUTION IX

Question of human rights and fundamental freedoms in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 48/ the International Covenants on Human Rights 49/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949, 50/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments:

Recalling Commission on Human Rights resolution 1984/55 of 15 March 1984, 51/ in which the Commission expressed its concern and anxiety at the continuing presence of foreign forces in Afghanistan, as well as Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Taking note of Commission on Human Rights resolution 1985/38 of 13 March 1985, 52/ in which the Commission expressed its profound concern at the grave and massive human rights violations in Afghanistan and urged the authorities in that country to put a stop to those violations, in particular the military repression being conducted against the civilian population of Afghanistan,

Taking note of Economic and Social Council decision 1985/147 of 30 May 1985, by which the Council approved the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur and to request him to report to the General Assembly at its fortieth session and to the

48/ Resolution 217 A (III).

49/ Resolution 2200 A (XXI), annex.

50/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

51/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II, sect. A.

52/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

Commission at its forty-second session on the situation of human rights in Afghanistan, including the human and material losses resulting from the bombardments of the civilian population,

Taking note of resolution 1985/35 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 53/ in which the Sub-Commission requested the Commission on Human Rights to ask the Special Rapporteur to look, in particular, into the fate of women and children as a consequence of the conflict in Afghanistan,

Recalling its resolution 40/137 of 13 December 1985, in which it expressed its profound concern that disregard for human rights in Afghanistan was more widespread and that the conflict continued to engender human rights violations on a large scale, endangering, as a result, not only the lives of individuals but also the existence of whole groups of persons and tribes,

Taking note of Commission on Human Rights resolution 1986/40 of 12 March 1986 54/ and Economic and Social Council decision 1986/136 of 23 May 1986, by which the Council approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan,

Having carefully examined the interim report of the Special Rapporteur on the question of human rights in Afghanistan, 55/ which reveals continuing grave and massive violations of fundamental human rights in that country,

Recognizing that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims without protection or assistance,

Deploring the continuing refusal of the Afghan authorities to co-operate with the Special Rapporteur,

1. Commends the Special Rapporteur for his report on the question of human rights and fundamental freedoms in Afghanistan.

2. Expresses once again its deep concern that the Afghan authorities, with heavy support from foreign troops, are acting with great severity against their opponents and suspected opponents without any respect for the international human rights obligations which they have assumed;

53/ See E/CN.4/1986/5-E/CN.4/Sub.2/1985/57, chap. XX, sect. A.

54/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

55/ A/41/778, annex.

3. Expresses its grave concern at the methods of warfare used, which are contrary to international humanitarian standards and the relevant instruments to which the States concerned are parties;
4. Also expresses its grave concern, in particular, at the severe consequences for the civilian population of indiscriminate bombardments and military operations primarily targeted on villages and the agricultural structure;
5. Shares the conviction of the Special Rapporteur that the duration of the conflict increases the seriousness of the gross and systematic violations of human rights already existing in the country;
6. Expresses once again its profound distress and alarm, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture and summary executions of the opponents of the régime, as well as at continuing evidence of a policy of religious intolerance;
7. Expresses its deep concern about the number of persons detained for seeking to exercise their fundamental human rights and freedoms, and their detention under conditions contrary to internationally recognized standards;
8. Notes with great concern that the educational system does not appear to respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;
9. Notes also with great concern that such widespread violations of human rights, that have already caused millions of people to flee their homes and country, are still giving rise to large flows of refugees and displaced persons;
10. Calls once again upon the parties to the conflict to apply fully the principles and rules of international humanitarian law and to admit international humanitarian organizations, in particular the International Committee of the Red Cross, and to facilitate their operations for the alleviation of the suffering of the people in Afghanistan;
11. Urges the authorities in Afghanistan to co-operate with the Commission on Human Rights and its Special Rapporteur, in particular by allowing him to visit Afghanistan;
12. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;
13. Decides to keep under consideration, during its forty-second session, the question of human rights and fundamental freedoms in Afghanistan in order to examine this question anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION X

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 56/ and the International Covenants on Human Rights, 57/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling Commission on Human Rights resolutions 1982/27 of 11 March 1982 58/ and 1983/34 of 8 March 1983, 59/

Bearing in mind Commission on Human Rights resolution 1984/54 of 14 March 1984, 60/ in which the Commission expressed deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran and requested its Chairman to appoint a special representative to make a thorough study of the situation of human rights in that country,

Recalling Commission on Human Rights resolution 1985/39 of 13 March 1985, 61/

Recalling, in particular, Commission on Human Rights resolution 1986/41 of 12 March 1986, 62/ by which the Commission decided to extend for one year the mandate of its special representative and requested him to present an interim report to the General Assembly at its forty-first session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-third session,

56/ Resolution 217 A (III).

57/ Resolution 2200 A (XXI), annex.

58/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

59/ Ibid., 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

60/ Ibid., 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II, sect. A.

61/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

62/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

Mindful of resolution 1985/17 of 29 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 63/ in which the Sub-Commission expressed its alarm at the continuing reports of gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Regretting that the Government of the Islamic Republic of Iran has still not extended its full co-operation to the Commission on Human Rights and its Special Representative, in particular by not allowing the Special Representative to visit the country,

Taking into account the transmission by the Special Representative to the Government of the Islamic Republic of Iran of a further list containing alleged violations of the right to life and certain other rights, such as those affecting the medical profession which allegedly occurred during the period October 1985 to September 1986,

1. Takes note of the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran and of the general observations contained therein; 64/

2. Expresses its deep concern over the specific and detailed allegations of violations of human rights in the Islamic Republic of Iran and, in particular, over those related to the right to life, such as summary and arbitrary executions, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression and the right of religious minorities to profess and practise their own religion;

3. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, 65/ to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant;

4. Requests the Commission on Human Rights to study carefully the final report of the Special Representative, as well as other information pertaining to the situation of human rights in the Islamic Republic of Iran, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

63/ See E/CN.4/1986/5-E/CN.4/Sub.2/1985/57, chap. XX, sect. A.

64/ A/41/787, annex.

65/ See resolution 2200 A (XXI), annex.

5. Urges the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission on Human Rights, and, in particular, to permit him to visit that country;

6. Requests the Secretary-General to give all necessary assistance to the Special Representative;

7. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-second session in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XI

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war

Aware of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Deeply alarmed at the existence of groups and organizations which still propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ones, which violate human right and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby threaten the purposes and principles laid down in the Charter of the United Nations,

Expressing its concern that the proponents of Fascist, neo-Fascist and other totalitarian ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Deeply concerned that in the contemporary world there continue to exist racist, colonialist and other forms of totalitarian ideologies, régimes and practices which entail contempt for the individual or denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial, ethnic or other exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983, 39/114 of 14 December 1984 and 40/148 of 13 December 1985,

1. Again condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies, based on racial, ethnic or other exclusiveness or intolerance, hatred and terror, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity, and expresses its determination to combat those ideologies and practices;

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights 66/ and the International Covenants on Human Rights, 67/ to prohibit or otherwise deter activities of groups or organizations or whoever is practising those ideologies;

3. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;

66/ Resolution 217 A (III).

67/ Resolution 2200 A (XXI), annex.

4. Calls upon all States, in accordance with the basic principles of international law, to refrain from practices aimed at the violation of basic human rights;

5. Appeals to States that have not yet done so to become parties to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, 68/ the International Convention on the Elimination of All Forms of Racial Discrimination, 69/ the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity 70/ and the International Convention on the Suppression and Punishment of the Crime of Apartheid; 71/

6. Invites all States and international organizations to submit to the Secretary-General their comments and information on the implementation of the present resolution;

7. Requests the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its forty-third session in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

DRAFT RESOLUTION XII

Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and determined to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Bearing in mind that the concern of the international community at the situation of human rights in Chile was expressed by the General Assembly in a number of resolutions, particularly resolution 33/173 of 20 December 1978 on disappeared persons and resolution 40/145 of 13 December 1985 in which the

68/ Resolution 260 A (III), annex.

69/ Resolution 2106 A (XX), annex.

70/ Resolution 2391 (XXIII), annex.

71/ Resolution 3068 (XXVIII), annex.

General Assembly invited the Commission on Human Rights to adopt the most appropriate measures for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur,

Considering that the Special Rapporteur proposes to submit to the Commission on Human Rights at its forty-third session a final report on the situation of human rights in Chile,

Recalling the pertinent resolutions of the Commission on Human Rights, particularly resolution 1986/63 of 14 March 1986, 72/ in which the Commission decided, inter alia, to extend the mandate of the Special Rapporteur for one year and to consider this subject, as a matter of high priority, in view of the persistence of serious violations of human rights in Chile,

Deploring once again the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities,

Considering also certain reports prepared by various non-governmental organizations which have made public the serious violations of human rights in Chile,

Noting that certain measures such as the re-introduction of the Labour Tribunals and the establishment of the Advisory Commission on Human Rights of the Ministry of the Interior are insufficient owing to the restrictions imposed on their competence and that the decision not to banish opponents and expel them from the country does not limit the existing discretionary powers,

1. Takes note with interest of the provisional report of the Special Rapporteur on the situation of human rights in Chile, 73/ submitted in accordance with Commission on Human Rights resolution 1986/63;

2. Recognizes, as a positive fact, that the Government of Chile permitted the Special Rapporteur to visit the country in December 1985, providing him with its co-operation and free access to the facilities for conducting his investigation and expresses its confidence that a further visit will be authorized on the same conditions in the immediate future. At the same time, it regrets that this co-operation of the Government of Chile with the efforts of the United Nations has not led to a substantial improvement in human rights and fundamental freedoms;

72/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

73/ A/41/719, annex.

3. Expresses its deep distress at the absence of institutional machinery which protects the unrestricted exercise of civil, political, economic, social and cultural rights, a basic condition for the free expression of the people's will;

4. Expresses its deep concern at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as deaths, abductions, temporary disappearances, torture and ill-treatment by the security forces, the climate of insecurity, the maintenance of exile and the discriminatory character of the announced register of citizens authorized to return to the country and the denial of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of emergency and the recent re-establishment of the state of siege have remained in force;

5. Expresses its concern at the denial by the Chilean authorities of the exercise of the rights of free expression, assembly and association, through the use of repressive methods and violent responses to social and political opposition demonstrations, in particular military searches of marginal settlements and university premises and acts of intimidation against religious and lay human rights bodies;

6. Again expresses its conviction that a legal and political order based on the expression of the people's will through an electoral process open, on a footing of equality, to all the citizens and on free elections, is fundamental for full respect for human rights in Chile as it is in any other country;

7. Expresses its grave concern at the ineffectiveness of the government authorities in preventing the ill-treatment of individuals by the military, police and security forces and expresses particular concern at the failure of the competent judicial authorities to take the necessary steps to conduct full investigations and prosecute those responsible for the numerous unresolved cases of murder, abduction, disappearances and torture;

8. Welcomes with satisfaction the requests from various social and political sectors for the re-establishment of a pluralist democracy;

9. Emphasizes the need for the Government of Chile to restore and respect human rights in conformity with the principles of the Universal Declaration of Human Rights 74/ and in compliance with the obligations it has assumed under various international instruments, so that the principle of legality, democratic institutions and the effective enjoyment and exercise of human rights and fundamental freedoms may be restored, and in particular:

(a) Immediately put an end to the state of siege declared in September 1986 and the arbitrary practice of declaring "constitutional states of emergency" under which serious and continuing violations of human rights are committed in the country;

(b) Amend legislation, including the laws permitting the arbitrary use of such states of emergency, so as to bring them into conformity with guarantees of human rights, as defined in international instruments;

(c) Immediately put an end to all forms of physical and psychological torture and effectively respect the right to life and to physical and moral integrity, and desist furthermore from intimidation and persecution, abductions, arbitrary arrests and detention in secret locations;

(d) Proceed as a matter of urgency, through judicial and administrative action, to investigate all reports of deaths, torture, abductions and other human rights violations by the military, police and security forces and punish those found guilty of such violations;

(e) Proceed vigorously to end the activities of bands and groups, whether private or connected with security forces, which are responsible for abductions resulting in deaths, intimidation and ill-treatment of persons;

(f) Investigate and clarify without further delay the fate of persons arrested for political reasons, who have subsequently disappeared;

(g) Reorganize the police and security forces so as to help put an end to persistent human rights violations;

(h) Ensure the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus, and prevent the intimidation of judges, defence lawyers and witnesses, and re-establish the jurisdiction of the civilian courts delegated to the military courts;

(i) Guarantee that anti-terrorist legislation shall not be used against persons who have not committed terrorist acts; that persons inculpated in acts of violence or terrorism shall be accorded due process of law and respect for their rights, and that the accusation of terrorism shall not be adduced as a justification for any abuse of authority, torture or inhumane treatment;

(j) Respect the right of nationals to live in and freely enter and leave their country, without arbitrary restrictions or conditions, and put an end to the practice of forced exile;

(k) Restore the full enjoyment and exercise of economic, social and cultural rights, particularly labour rights and freedom of information, and preserve the socio-cultural identity of ethnic minorities;

(l) Respect the activities of organizations and persons related to the protection and promotion of human rights;

10. Invites the Commission on Human Rights to consider, as a matter of high priority, the report of the Special Rapporteur, taking account of the relevant information at its disposal; to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including extending the mandate of the Special Rapporteur; and to report to the General Assembly at its forty-second session, through the Economic and Social Council, with a view to examining the human rights situation in Chile.

* * *

80. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Report of the Secretary-General on international co-operation in drug abuse control and note by the Secretary-General on strategy and policies for drug control

The General Assembly decides to take note of the report of the Secretary-General on international co-operation in drug abuse control 75/ and the note by the Secretary-General on strategy and policies for drug control. 76/

DRAFT DECISION II

Submission of the reports of special rapporteurs and special representatives of the Commission on Human Rights and of reports of the Commission's subsidiary organs

The General Assembly decides that the reports of the special rapporteurs and special representatives of the Commission on Human Rights and the reports of the Commission's subsidiary organs shall be issued in their entirety and shall be available in sufficient quantity in all the official languages of the United Nations, in accordance with the general rule established in rule 56 of its rules of procedure and in conformity with the provisions of its resolution 38/32 E of 25 November 1983.

75/ A/41/713.

76/ A/41/637 and Corr.1.

DRAFT DECISION III

Promotion of the universal recognition of, and respect for, the
rights of peoples, their equality and dignity

The General Assembly decides to defer until its forty-second session consideration of the draft resolution on the promotion of the universal recognition of, and respect for, the rights of peoples, their equality and dignity, contained in document A/C.3/41/L.91.
