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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session

WORKING DOCUMENTS OF THE THIRTY-SIXTH SESSION

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

<u>Symbol</u>	<u>Date</u>
E/CN.4/L.1483	4 February 1980
E/CN.4/L.1484	8 February 1980
E/CN.4/L.1485	8 February 1980
E/CN.4/L.1486	11 February 1980
E/CN.4/L.1486/Rev.1	27 February 1980
E/CN.4/L.1487	27 February 1980
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E/CN.4/L.1498	21 February 1980
E/CN.4/L.1499	21 February 1980
E/CN.4/L.1502	21 February 1980
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E/CN.4/L.1504	25 February 1980
E/CN.4/L.1505	27 February 1980
E/CN.4/L.1506	26 February 1980
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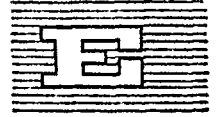
1/ Changes in the sponsors of draft resolutions or amendments contained in these documents are indicated in the main body of the report of the Commission (Official Records of the Economic and Social Council, Sixty-fifth Session, Supplement No. 3 (E/1980/13 - E/CN.4/1408)).

<u>Symbol</u>	<u>Date</u>
E/CN.4/L.1508	26 February 1980
E/CN.4/L.1509	26 February 1980
E/CN.4/L.1509/Rev.1	29 February 1980
E/CN.4/L.1511	27 February 1980
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E/CN.4/L.1518	28 February 1980
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E/CN.4/L.1525	4 March 1980
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E/CN.4/L.1535	7 March 1980
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E/CN.4/L.1537	10 March 1980
E/CN.4/L.1538	10 March 1980
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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session

France: Draft telegram to be sent to  
the Government of the USSR

The Commission on Human Rights, meeting on 5 February to begin the work of its thirty-sixth session,

Notes with concern that Andrei Sakharov, member of the Academy of Sciences of the USSR and winner of the Nobel Peace Prize, has been removed from his home in Moscow and confined to Gorki;

Requests the Government of the USSR urgently to provide the Commission on Human Rights at its thirty-sixth session with full information on the measures affecting Andrei Sakharov to assist the Commission in its consideration of this case at the present session.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda Item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE  
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Algeria, Cuba, Cyprus, Democratic Yemen,\* India, Iraq, Iran,  
Jordan, Libyan Arab Jamahiriya,\* Morocco, Nigeria, Pakistan,  
Qatar,\* Senegal, Syrian Arab Republic, Tunisia,\* Yugoslavia: draft resolution

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the protection of Civilian Persons in Time of War of 12 August 1949 and of other relevant conventions and regulations,

Recalling General Assembly resolutions, 32/5, 32/14, 32/20, 32/40, 32/42, 32/90, 32/91, 32/122, 32/161, 32/171, 33/113, and 34/90,

Taking into account that the General Assembly has, in resolution 31/20, recalled its resolution 3376 (XXX), in which it expressed grave concern that no progress has been achieved towards:

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

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

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

Recalling the Security Council resolution 452/1979 which strongly deplores the failure of Israel to abide by Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and the consensus statement by the President of the Security Council on 11 November 1976) and Security Council resolution 446/1979 and General Assembly resolution 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977 and 33/113 of 18 December 1978

\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of the reports of the United Nations organs, specialized agencies and in particular the reports of UNESCO, ILO and WHO, and international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants,

Deeply alarmed by the conclusions of the Special Committee to investigate Israeli practices affecting the human rights of the population of occupied territories contained in paragraphs 367 and 368 of its report to the United Nations General Assembly (A/34/631) which contains inter alia the following conclusions:

"... Israel's policy in the occupied territories is based on the so-called "homeland" doctrine which envisages a mono-religious (Jewish) State established on territory that includes those territories occupied by Israel in June 1967. It was this doctrine that was announced as the basis for decision of the Government of Israel to authorize purchase of land in the occupied territories by Israeli citizens and corporations.

In general it may be stated that, to the extent that the inhabitants of the occupied territories do not form part of the religious group in whose name the Government of Israel claims the right to establish itself, these inhabitants have no rights vis-à-vis the governing authorities (in this case the Government of Israel as a military occupation authority) whenever the exercise of the rights happens to run counter to the "homeland policy" ...

Reaffirming the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the occupied Arab territories;

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

2. Declares that Israel's grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are war crimes and crimes against humanity;

3. Condemns the following Israeli policies and practices:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(c) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other and most recently the expropriation of the Arab electric company of Jerusalem;

(e) The destruction and demolition of Arab houses;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population and the torture of persons under detention;

- (g) The pillaging of archaeological and cultural property;
  - (h) The interference with religious freedoms and practices as well as with family rights and customs;
  - (i) The continuous interference with and obstruction of the educational and scholastic activities and the brutal suppression of all forms of students opinion, expression and manifestation;
  - (j) The illegal exploitation of the natural wealth, resources and population of the occupied territories;
  - (k) The arming of the settlers in occupied territories to commit acts of violence against the Arab civilians;
4. Further condemns administrative and legislative measures by the Israeli authorities to encourage, promote and expand the establishment of settlers' colonies in the occupied territories, which further demonstrate Israel's determination to annex those territories;
5. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new settlers in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;
6. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 3, 4 and 5 above;
7. Demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;
8. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories, and to accord to them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war;
9. Renews its request to the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its thirty-sixth session;
10. Condemns once more the massive, deliberate destruction of Quneitra perpetrated during Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974, and considers this act a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
11. Reiterates its call upon all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War in accordance with article 1 of that Convention, and upon international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

12. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-seventh session on the implementation of paragraphs 1, 6, 7 and 8 above;

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

14. Decides to place on the provisional agenda of the thirty-seventh session as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", and requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the civilians of those territories.

The Commission on Human Rights (B)

I. Recalling its resolution 1B (XXXIV) and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91A of 13 December 1977, 33/113 of 18 December 1978, and resolutions 34/90 B;

II. Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict;

III. Recalling resolution 10, on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in the occupied territories in the Middle East, of the Twenty-third International Conference of the Red Cross held in Bucharest in October 1977;

IV. Recognizing that the failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, poses a grave threat to World Peace and Security;

V. Taking into account that States parties to the Geneva Convention of 12 August 1949 undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Conventions in all circumstances;

VI. Expresses its deep concern at the consequences of Israel's refusal to apply fully and effectively the Geneva Convention relative to the Protection of Civilian Persons in Time of War in all its provisions to all the Arab territories occupied since 1967, including Jerusalem;

VII. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

VIII. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

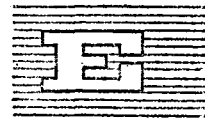
IX. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in all the Arab territories occupied since 1967, including Jerusalem;

X. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem;

XI. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.



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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION  
TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR  
FOREIGN OCCUPATION

Algeria, Cuba, Democratic Yemen,\* Iran, Iraq,  
Jordan, Libyan Arab Jamahiriya,\* Morocco,  
Pakistan, Syrian Arab Republic, Tunisia,\*  
Yugoslavia: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolutions 1514 (XV), 3236 (XXIX), 3375 (XXX),  
3376 (XXX), 32/14, 32/20, 32/40, 32/42, 33/28 and 34/65,

Recalling further Economic and Social Council resolutions 1865 (LVI) and  
1866 (LVI),

Reaffirming its resolutions 3 (XXXI), 6 (XXXI), 2 (XXXIV), 3 (XXXIV) and 2 (XXXV)

Bearing in mind the report of the Committee on the Exercise of the Inalienable  
Rights of the Palestinian People,<sup>1/</sup>

Bearing in mind further General Assembly resolution 32/40 B on the International  
Day of Solidarity with the Palestinian People,

Reaffirming that the Palestinian people are entitled to self-determination in  
accordance with the Charter of the United Nations and other relevant United Nations  
resolutions,

Expressing its grave concern that the Palestinian people have been prevented  
by force from enjoying their inalienable rights, in particular their right to  
self-determination,

<sup>\*/</sup> In accordance with rule 69, paragraph 3, of the rules of procedure of the  
functional commissions of the Economic and Social Council.

<sup>1/</sup> Official Records of the General Assembly, Thirty-fourth Session,  
Supplement No. 35 (A/34/35).

Recalling General Assembly resolution no. 34/65 B which reaffirms the declaration contained in paragraph 4 of its resolution 33/28 A of 7 December 1978, that the validity of agreements purporting to solve the problem of Palestine requires that they be within the framework of the United Nations and its Charter and its resolutions on the basis of the full attainment and exercise of the inalienable rights of the Palestinian people, including the right of return and the right to national independence and sovereignty in Palestine, and with the participation of the Palestine Liberation Organization,

Taking note of paragraphs 52 to 55 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>1/</sup>

1. Affirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine,
2. Reaffirms the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and up-rooted, and calls for their return in the exercise of their right to self-determination,
3. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations,
4. Notes with concern that the Camp David accords have been concluded outside the framework of the United Nations and without the participation of the Palestine Liberation Organization, the representative of the Palestinian people,
5. Rejects those provisions of the accords which ignore, infringe upon, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations, and which envisage and condone continued Israeli occupation of the Palestinian territories and other Arab territories occupied by Israel since 1967.
6. Strongly condemns all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue,
7. Declares that the Camp David accords and other agreements have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967.

8. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter,

9. Requests the Secretary-General to make available to the Commission on Human Rights and to Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 5

QUESTION OF HUMAN RIGHTS IN CHILE

Denmark and the Netherlands:  
draft resolution

The Commission on Human Rights,

Noting that all Governments have an obligation to respect and promote human rights in accordance with their responsibilities under various international instruments,

Recognizing that mass and flagrant violations of human rights are a matter of special concern to the international community,

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

Recalling its resolution 11 (XXXV), providing for the appointment of a Special Rapporteur on the situation of human rights in Chile, and of experts to study the question of the fate of missing persons in Chile,

Recalling also General Assembly resolution 34/179 of 17 December 1979, requesting the Commission at its thirty-sixth session to study thoroughly the report of the Special Rapporteur and the report of the expert on missing and disappeared persons, and inviting the Commission to extend the mandate of the Special Rapporteur,

Expressing its regret that the Chilean authorities refused to co-operate with the Special Rapporteur and the expert on missing and disappeared persons,

Deeply concerned about the conclusions of the Special Rapporteur that generally the situation of human rights has not improved, and in a number of areas has even deteriorated,

Expressing deep concern that the whereabouts of the numerous persons who have disappeared since 1973 are still unknown and that this has caused grief and often hardship to their relatives,

Convinced that it will not be in a position to consider terminating the mandate of the Special Rapporteur until a number of concrete steps have been taken by the Chilean authorities towards restoring full enjoyment of human rights and fundamental freedoms in that country,

1. Commends the Special Rapporteur and the expert on missing and disappeared persons for their work;

2. Reiterates its indignation at the fact that violations of human rights still take place in Chile, and concludes that on the basis of both reports its continued vigilance in that respect is warranted;

3. Expresses its grave concern that there has been a deterioration in a number of areas, as clearly shown in the conclusions of the report;

4. Strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps that would enable the Commission to consider terminating the mandate of the Special Rapporteur:

(a) Restore democratic institutions and constitutional safeguards with the object of terminating the state of emergency, which has facilitated the violation of human rights;

(b) Take effective measures to prevent torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices;

(c) Restore fully freedom of expression and information and of assembly and association;

(d) Restore fully trade union rights, especially the freedom to form trade unions which can operate freely without government control and can exercise fully the right to strike;

(e) Allow Chilean citizens freely to enter and leave the country, and provide the possibility for those who have been deprived of Chilean nationality for political reasons to regain it;

(f) Restore fully the right of amparo.

5. Requests the Chilean authorities to report to the General Assembly at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session on the implementation of the steps called for in the preceding paragraph;

6. Urges the Chilean authorities to investigate and clarify the fate of persons reported to have disappeared for political reasons, to inform relatives of the outcome of the investigation and to institute criminal proceedings against those responsible for such disappearances and punish those found guilty;

7. Calls upon the Chilean judiciary to extend its jurisdiction under habeas corpus or amparo to the full in order to cover all cases of disappeared persons;

8. Decides to extend the mandate of the Special Rapporteur for another year and requests him to report on further developments in the situation of human rights

in Chile to the General Assembly at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session;

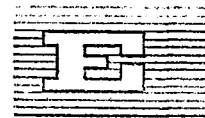
9. Requests the Special Rapporteur also to deal in his report with the problem of disappeared persons in Chile;

10. Again urges the Chilean authorities to co-operate fully with the Special Rapporteur;

11. Decides to consider at its thirty-seventh session as a matter of priority the question of human rights in Chile.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 5

QUESTION OF HUMAN RIGHTS IN CHILE

Denmark and the Netherlands:  
revised draft resolution

The Commission on Human Rights,

Noting that all Governments have an obligation to respect and promote human rights in accordance with their responsibilities under various international instruments,

Recognizing that mass and flagrant violations of human rights are a matter of special concern to the international community,

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

Recalling its resolution 11 (XXXV), providing for the appointment of a Special Rapporteur on the situation of human rights in Chile, and of experts to study the question of the fate of missing persons in Chile,

Recalling also General Assembly resolution 34/179 of 17 December 1979, requesting the Commission at its thirty-sixth session to study thoroughly the report of the Special Rapporteur and the report of the expert on missing and disappeared persons, and inviting the Commission to extend the mandate of the Special Rapporteur and to continue consideration of the most effective ways of clarifying the whereabouts and fate of the missing persons,

Expressing its regret that the Chilean authorities refused to co-operate with the Special Rapporteur and the expert on missing and disappeared persons,

Deeply concerned about the conclusions of the Special Rapporteur that generally the situation of human rights has not improved, and in a number of areas has even deteriorated,

Expressing deep concern that the whereabouts of the numerous persons who have disappeared since 1973 are still unknown and that this has caused grief and often hardship to their relatives,

Noting with particular concern that the Chilean authorities have failed to take urgent and effective measures as requested by the General Assembly in several resolutions to investigate and clarify the fate of persons accurately reported to have disappeared for political reasons,

Convinced that it will not be in a position to consider terminating the mandate of the Special Rapporteur until a number of concrete steps have been taken by the Chilean authorities towards restoring full enjoyment of human rights and fundamental freedoms in that country,

1. Commends the Special Rapporteur and the expert on missing and disappeared persons for their work;

2. Reiterates its indignation at the fact that violations of human rights still take place in Chile, and concludes that on the basis of both reports its continued vigilance in that respect is warranted;

3. Expresses its grave concern that there has been a deterioration in a number of areas, as clearly shown in the conclusions of the report;

4. Strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps that would enable the Commission to consider terminating the mandate of the Special Rapporteur:

(a) Restore democratic institutions and constitutional safeguards with the object of terminating the state of emergency, which has facilitated the violation of human rights;

(b) Take effective measures to prevent torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices;

(c) Restore fully freedom of expression and information and of assembly and association;

(d) Restore fully trade union rights, especially the freedom to form trade unions which can operate freely without government control and can exercise fully the right to strike;

(e) Allow Chilean citizens freely to enter and leave the country, and provide the possibility for those who have been deprived of Chilean nationality for political reasons to regain it;

(f) Restore fully the right of amparo;

(g) Restore the rights, in particular the economic, social and cultural rights, of the indigenous population.

5. Requests the Chilean authorities to report to the General Assembly at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session on the implementation of the steps called for in the preceding paragraph;



6. Urges the Chilean authorities to investigate and clarify the fate of persons reported to have disappeared for political reasons, to inform relatives of the outcome of the investigation and to institute criminal proceedings against those responsible for such disappearances and punish those found guilty;

7. Calls upon the Chilean judiciary to employ fully and without restriction its constitutional power under habeas corpus and amparo in order to protect individuals from arbitrary arrest and detention thereby preventing cases of disappearances;

8. Decides to extend the mandate of the Special Rapporteur for another year and requests him to report on further developments in the situation of human rights in Chile to the General Assembly at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session;

9. Requests the Special Rapporteur also to deal in his report with the problem of disappeared persons in Chile;

10. Again urges the Chilean authorities to co-operate fully with the Special Rapporteur;

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

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

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Agenda item 5

QUESTION OF HUMAN RIGHTS IN CHILE

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1486

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

1. In the draft resolution the Commission on Human Rights would decide to extend the mandate of the Special Rapporteur for another year and would request the Rapporteur also to deal with the question of disappeared persons in Chile.

2. The Special Rapporteur would be required to report to the General Assembly at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session. For this purpose, the Special Rapporteur would require the necessary arrangements to be made to permit him to gather information relevant to his mandate. The Special Rapporteur would conduct hearings of persons having knowledge and experience of the situation of human rights in Chile; in the event that the Government of Chile extends its co-operation, the Special Rapporteur would visit that country for this purpose and to collect information.

The Special Rapporteur would require an on-going system of recording information received by him or otherwise brought to his attention.

3. The Special Rapporteur would conduct consultations periodically to review the information with the purpose of establishing the facts upon which his report to the General Assembly and to the Commission on Human Rights would be based. The Special Rapporteur would envisage such consultations to take place at Geneva at the end of May 1980 for a period of five working days. The Special Rapporteur would undertake a mission to Chile during the summer of 1980 for a period of 10 working days for the purpose of collecting information on-the-spot. Immediately after the mission he would spend five working days in New York or Geneva for the purpose of gathering further information. Should the mission to Chile not take place, the Special Rapporteur would visit New York during the summer of 1980 for a period of seven working days, for the purpose of hearing testimony and collecting information. The Special Rapporteur would also visit Geneva during September 1980 for a period of 10 working days. The Special Rapporteur would spend 10 working days in New York at the time of the submission of his report to the thirty-fifth session of the General Assembly. He would visit Geneva for a period of 10 working days during January 1981 for the purpose of hearing testimony, receiving other evidence and finalizing his report to the Commission on Human Rights at its thirty-seventh session. The Special Rapporteur would visit Geneva during February/March 1981 for a period of five working days for the purpose of

presenting his report to the thirty-seventh session of the Commission on Human Rights. The Special Rapporteur would intend to conduct hearings either at Geneva, New York or elsewhere.

4. It is estimated that an average of 100 pieces of information (reports, including press reports, articles, letters, etc.) of varying size will have to be examined per month and a synthesis of them prepared for the Special Rapporteur. This would necessitate the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary for the purpose of assisting the Special Rapporteur in the gathering of information, compilation of materials and preparation of his report.

5. On the basis of the foregoing, the relevant costs are estimated at \$100,900 and \$28,000 under section 23, Human Rights, for 1980 and 1981 respectively. The related conference servicing costs, calculated on a full-cost basis would amount to \$297,303 for 1980 and \$174,147 for 1981. Details of these estimates are presented below.

1980      1981  
(US dollars)

A. Human Rights  
(Section 23)

I. Meeting in Geneva, May 1980  
(five working days)

Travel and subsistence of  
Special Rapporteur

(a) Travel 1,500

(b) Subsistence 700

Travel and subsistence  
of witnesses

(a) Travel 6,600

(b) Subsistence 2,000

Sub-total 10,800

II. Field mission to Chile  
ten working days plus five  
working days in New York  
or Geneva summer 1980 (total  
15 working days)

Travel and subsistence of  
Special Rapporteur

(a) Travel 4,100

(b) Subsistence 1,800

Travel and subsistence of staff  
of Division of Human Rights

Principal Secretary I  
Substantive officer 1  
Secretary 1

(a) Travel 8,200

(b) Subsistence 3,300

Travel and subsistence of  
witnesses

(a) Travel 3,400

(b) Subsistence 1,500

1980                      1981  
(US dollars)

II. continued

General expenses

Local transportation and  
communications; air freight  
for equipment and  
documentation; rental of  
equipment, miscellaneous  
expenses 5,000

Local staff

staff who may be provided by  
other United Nations Offices  
in Latin America without  
charge

Administrative officer  
Bilingual secretaries  
Typist

Sub-total 27,300

III. In the event that the field  
mission to Chile does not  
materialize:

Meeting in New York end June 1980  
(seven working days)

Travel and subsistence of  
Special Rapporteur

(a) Travel 1,500

(b) Subsistence 1,100

Travel and subsistence of staff  
of Division of Human Rights

Substantive officer 1  
Secretary 1

(a) Travel 2,800

(b) Subsistence 1,600

	<u>1980</u>	<u>1981</u>
	(US dollars)	
III. continued		
Travel and subsistence of witnesses		
(a) Travel	3,400	
(b) Subsistence	<u>1,900</u>	
Sub-total	<u>12,300</u>	a/
IV. Meeting in Geneva, September 1980 (10 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel	1,500	
(b) Subsistence	1,400	
Travel and subsistence of witnesses		
(a) Travel	6,600	
(b) Subsistence	<u>3,200</u>	
Sub-total	<u>12,700</u>	
V. Travel and subsistence of Special Rapporteur to Headquarters New York, at thirty-fifth session of General Assembly (ten working days)		
(a) Travel	1,500	
(b) Subsistence	<u>1,800</u>	
Sub-total	<u>3,300</u>	
VI. Meeting in Geneva, January 1981 (10 working days)		
Travel and subsistence of Special Rapporteur		
(a) Travel		1,500
(b) Subsistence		1,400

	<u>1980</u>	<u>1981</u>
	(US dollars)	
VI. continued		
Travel and subsistence of witnesses		
(a) Travel		6,600
(b) Subsistence		<u>3,200</u>
Sub-total		<u>12,700</u>
VII. Travel of Special Rapporteur to Geneva to thirty-seventh session of Commission on Human Rights (five working days)		
(a) Travel		1,500
(b) Subsistence		<u>700</u>
Sub-total		<u>2,200</u>
VIII. Supplementary staff to service Special Rapporteur		
(a) Temporary assistance for gathering information, compiling materials and preparing the report (P-2 staff member for nine months)	25,500	7,400
(b) Secretariat assistance (one G.4 staff member for nine months)	<u>19,300</u>	<u>5,500</u>
Sub-total	<u>44,800</u>	<u>12,900</u>
IX. Overtime	1,000	-
X. Press clippings and other related services required on a yearly subscription basis	<u>1,000</u>	<u>200</u>
TOTAL A	<u>100,900</u>	<u>28,000</u>

a/ Not included in total of costs.

1 US\$ = Sfr. 1.73.

B. Conference Services  
(Section 29)

I. Meeting in Geneva, May 1980

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u> \$	\$	<u>Total</u>
<u>Interpretation (E/F/S)</u>					
Salaries	9	7	206	12,978	12,978
<u>Documentation (E/F/S)</u>					
Pre-Session					
Salaries - Translation	-	56	171	9,576	
- Revision	-	19	190	3,610	
- Typing	-	70	69	4 830	18,016
In-Session					
Salaries - Translation	-	14	171	2,394	
- Revision	-	5	190	950	
- Typing	-	17	69	1,173	4,517
<u>Transcription of Testimonies</u>					
Salaries - Revision	-	7	190	133	
- Typing	-	7	69	483	1,813
<u>Other Conference Staff</u>					
Salaries					
Meeting-room attendants	1	7	45	315	
Technicians: interpretation	1	7	45	315	
sound recording	1	7	45	315	
Cleaners	1	7	24	168	1,113
TOTAL I					<u>38,437</u>



II. Field mission to Chile followed by meeting in New York or Geneva

(1) Mission in Chile (10 working days)

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u> \$	\$	<u>Total</u>
<u>Interpretation (F/S)</u>					
Salaries <sup>a/</sup>	6	12	211	15,192	
Travel <sup>b/</sup>				7,020	22,212
<u>Documentation</u>					
<u>Pre-Session (F/S)</u>					
Salaries <sup>c/</sup> - Translation	-	56	171	9,576	
Revision	-	19	190	3,610	
Typing	-	56	69	3,864	17,050
<u>In-Session (F)</u>					
Salaries <sup>d/</sup> - Translation	2	12	163	3,912	
Typing - non-local					
recruits	3	12	48	1,728	
local					
recruits	1	10	30	300	
Travel <sup>b/</sup>				5,850	11,790
<u>Reproduction</u> <sup>c/</sup>	-	8	45	360	360
<u>Distribution</u> <sup>c/</sup>	-	1	45	45	45
Sub-total II(i)					51,457

<sup>a/</sup> Including subsistence at New York rate

<sup>b/</sup> Based on economy fare New York/Santiago/New York

<sup>c/</sup> To be provided by UNOG

<sup>d/</sup> To be provided by ECLA

(ii) Meeting in New York or Geneva (5 working days)

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u> \$	\$	<u>Total</u>
<u>Interpretation (E/F/S)</u>					
Salaries	9	7	206	12,978	12,978
<u>Documentation</u>					
In-Session (E/F/S)					
Salaries - Translation	-	13	171	2,223	
Revision	-	4	190	760	
Typing	-	13	69	897	3,880
<u>Transcripts of Testimonies</u>					
Salaries - Translation	-		171		
Revision	-	14	190	2,660	
Typing	-	14	69	966	3,626
<u>Other Conference Staff</u>					
Meeting-room attendants	1	7	45	315	
Technicians: interpretation	1	7	45	315	
sound recording	1	7	45	315	
Cleaners	1	7	24	168	1,113
Sub-total II(ii)					<u>21,597<sup>i/</sup></u>
TOTAL II					<u>73,054</u>

<sup>i/</sup> Estimated at Geneva rates

III. Meeting in New York, June 1980

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u> \$	\$	Total
<u>Interpretation (E/F/S)</u> (New York)					
Salaries (including subsistence)	8	9	211	15,192	
Travel <sup>a/</sup>				8,608	23,800
<u>Documentation</u>					
Pre-Session - 400 pages (Geneva)					
Salaries - Translation	-	224	171	38,304	
Revision	-	75	190	14,250	
Typing	-	280	69	19,320	71,874
In-Session - 84 pages (New York) <sup>b/</sup>					
Salaries - Translation	2	8	163	2,608	
Revision	2	4	174	1,392	
Typing - non-local recruits	2	8	48	768	
local recruits	1	6	30	180	
Travel <sup>c/</sup>				24,743	29,696
Post-Session - 200 pages (Geneva)					
Salaries - Translation	-	280	171	47,880	
Revision	-	94	190	17,860	
Typing	-	308	69	21,252	86,992
<u>Verbatim Records (F)</u> (New York)					
Salaries - Translation	8	9	163	11,736	
Revision	1	9	174	1,566	
Typing - non-local recruits	8	9	48	3,456	16,758
<u>Reproduction and Distribution</u> (New York)					
					228
<u>Reproduction and Distribution</u> (Geneva)					
					5,310
<u>Other Conference Staff</u> (New York)					
Conference officers	1	7	30	210	
Documents clerk	1	7	30	210	420
TOTAL III					235,078

<sup>a/</sup> All non-locally recruited

<sup>b/</sup> It is assumed that pre and post-session documentation will be processed in Geneva.

<sup>c/</sup> Travel cost estimates based on language staff requirements for the production of in-session documentation and of verbatim records.

IV Meeting in Geneva, September 1980

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u> \$	\$	<u>Total</u>
<u>Interpretation</u>					
Salaries	9	7	206	12 978	12 978
<u>Documentation</u>					
Pre-Session					
Salaries - Translation	-	224	171	38 304	
Revision	-	75	190	14 250	
Typing	-	280	69	<u>19 320</u>	
					71 874
In-Session					
Salaries - Translation	-	14	171	2 394	
Revision	-	5	190	950	
Typing	-	17	69	<u>1 173</u>	
					4 517
Post-Session					
Salaries - Translation	-	280	171	47 880	
Revision	-	94	190	17 860	
Typing	-	308	69	<u>21 252</u>	
					86 992
<u>Reproduction</u>	-	113	45	5 085	5 085
<u>Distribution</u>	-	11	45	495	495
<u>Other Conference Staff</u>					
Meeting-room attendants	1	7	45	315	
Technicians : interpretation	1	7	45	315	
sound recording	1	7	45	315	
Cleaners	1	14	24	<u>336</u>	
					1 281
<u>Transcript of Testimonies</u>					
Typists		10	69	690	
Revisers		10	190	<u>1 900</u>	
					2 590
Total IV					<u>185 812</u>

VI Meeting in Geneva, January 1981

	<u>Number of staff</u>	<u>Number of days</u>	<u>Daily rate</u>	\$	\$	<u>Total</u>
<u>Interpretation</u>						
Salaries	9	7	206	12 978		12 978
<u>Documentation</u>						
Pre-Session						
Salaries - Translation	-	280	171	47 880		
Revision	-	95	190	18 050		
Typing	-	350	69	<u>24 150</u>		90 080
In-Session						
Salaries - Translation	-	28	171	4 788		
Revision	-	10	190	1 900		
Typing	-	35	69	<u>2 415</u>		9 103
Post-Session						
Salaries - Translation	-	168	171	28 728		
Revision	-	56	190	10 640		
Typing	-	196	69	<u>13 524</u>		52 892
<u>Reproduction</u>	-	115	45	5 175		5 175
<u>Distribution</u>	-	13	45	585		585
<u>Other Conference Staff</u>						
Meeting-room attendants	1	7	45	315		
Technicians : interpretation	1	7	45	315		
sound recording	1	7	45	315		
Cleaners	1	24	24	<u>576</u>		1 521
<u>Transcripts of Testimonies</u>						
Typists		7	69	483		
Revisers		7	190	<u>1 330</u>		1 813
GRAND TOTAL						<u>174 147</u>

C. SUMMARY

	<u>Human Rights</u>		<u>Conference Services</u>	
	(Section 23)		(Section 29)	
<u>Special Rapporteur on the situation of human rights in Chile</u>	<u>1980</u> (US dollars)	<u>1981</u>	<u>1980</u> (US dollars)	<u>1981</u>
I. Meeting in Geneva, May 1980 (five working days)	10 800	-	38 437	-
II. Field Mission to Chile: ten working days plus five working days in New York or Geneva, summer 1980 (fifteen working days)	27 300	-	73 054	-
III. In the event mission to Chile does not materialize, meeting in New York, summer 1980 (seven working days)	12 300 <u>a/</u>	-	235 078 <u>a/</u>	-
IV. Meeting in Geneva late summer 1980 (ten working days)	12 700	-	185 812	-
V. Travel and subsistence of Special Rapporteur of Working Group for mission to Headquarters, New York, at thirty-fifth session of General Assembly (ten working days)	3 300	-	-	-
VI. Meeting in Geneva, January 1981, (ten working days)	-	12 700	-	174 147
VII. Travel of Special Rapporteur to Geneva to thirty-seventh session on Commission on Human Rights (five working days)	-	2 200	-	-
VIII. Supplementary staff to service Special Rapporteur	44 800	12 900	-	-
IX. Overtime	1 000	-	-	-
X. Press clippings and other related services required on a yearly subscription basis	1 000	200	-	-
TOTAL	<u>100 900</u>	<u>28 000</u>	<u>297 303</u>	<u>174 147</u>

a/ Not included in total of costs.

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Thirty-sixth session  
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS  
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN  
DOMINATION OR FOREIGN OCCUPATION

Denial of the right of self-determination and other fundamental human rights of the people of Afghanistan as a consequence of the Soviet military intervention in Afghanistan and its ensuing effects

Costa Rica, Iran, Malaysia,\* / Morocco, Oman,\* / Pakistan, Philippines, Qatar,\* / Saudi Arabia,\* / Somalia,\* / Sudan,\* / Tunisia \* /: draft resolution

The Commission on Human Rights

Recalling that one of the fundamental purposes of the Charter of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples".

Noting that the exercise of the right of self-determination has enabled the vast majority of the peoples under colonial and alien domination and foreign occupation to achieve their national independence,

Reiterating the determination of Member States to reject all forms and types of foreign occupation and expansion and the race for spheres of influence, thereby strengthening the sovereignty and independence of States and the exercise of the right of peoples to self-determination,

Expressing its deep concern at the dangerous escalation of tension, intensification of rivalry and increased recourse to military intervention and interference in the internal affairs of States, which are detrimental to the interests of all nations,

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\* / In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Seriously concerned over the Soviet armed intervention in Afghanistan and the effect of this on the right of the Muslim people of Afghanistan to exercise their right to determine their political future.

Affirming that the Soviet occupation of Afghanistan constitutes a violation of that country's independence, aggression against the liberty of its people and a flagrant violation of all international covenants and norms, as well as a serious threat to peace and security in the region and throughout the world,

Considering that the continuing presence of the Soviet Union's troops in Afghanistan, its attempt to impose a fait accompli and the military operations of these troops against the Afghan people flout international covenants and norms and blatantly violate human rights,

Fully aware of the immense financial burden borne by neighbouring countries of Afghanistan, in particular the Islamic Republic of Pakistan which has provided asylum to hundreds of thousands of Afghan people, old men, women and children, driven away by the Soviet military occupation,

Recalling the resolution ES-6/2 of 14 January 1980 of the Sixth Emergency Special Session of the General Assembly which deplored the armed intervention in Afghanistan and called for the withdrawal of foreign troops from that country,

Noting the resolution adopted by the first extraordinary session of the Islamic Conference of Foreign Ministers on the Soviet military intervention in Afghanistan,

1. Condemns the Soviet military aggression against the Afghan people, denounces and deplores it as a flagrant violation of international laws, covenants, and norms, primarily the Charter of the United Nations, and calls upon all peoples and governments throughout the world to persist in condemning this aggression and denouncing it as an aggression against human rights and a violation of the freedoms of peoples;
2. Demands the immediate and unconditional withdrawal of all Soviet troops stationed on Afghan territories;
3. Reiterates that Soviet troops should refrain from acts of oppression and tyranny against the Afghan people until the complete withdrawal of Soviet forces from Afghan territory;
4. Calls upon all Member States to refrain from providing any form of recognition or assistance to the present illegal régime of Afghanistan;
5. Urges all States and people throughout the world to provide generous assistance and succour to the refugees from Afghanistan who have been driven away from their homes;

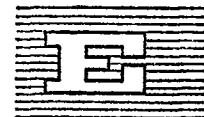


6. Recommends that all Member States affirm their solidarity with the Afghan people in their just struggle to safeguard their faith, national independence and territorial integrity and to recover their right to determine their destiny, and to provide all possible assistance to them for this purpose;

7. Solemnly declares its complete solidarity with the countries neighbouring Afghanistan against any threat to their security and well being and calls upon all States resolutely to support and extend all possible co-operation to these countries in their efforts fully to safeguard their sovereignty, national independence and territorial integrity.

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION  
TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR  
FOREIGN OCCUPATION

Algeria, Cuba, Democratic Yemen, \*/ Ghana, Libyan  
Arab Jamahiriya, \*/ Madagascar, \*/ Panama, Syrian  
Arab Republic: draft resolution

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments relating to human rights,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in resolution 1514 (XV), dated 14 December 1960,

Conscious of its responsibility to promote and encourage observance of the human rights and fundamental freedoms of all,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted by the General Assembly in resolution 3452 (XXX), dated 9 December 1975,

Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the non-aligned countries regarding the decolonization of Western Sahara and the right of the people of that Territory to self-determination and independence,

Considering the relevant resolutions of the General Assembly on the question of Western Sahara and more particularly resolution 34/37, adopted on 21 November 1979,

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\*/ In conformity with rule 69, paragraph 3, of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.

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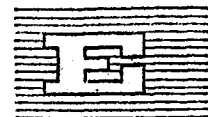
Emphasizing the importance of the reports prepared by the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, respectively, "The historical and current development of the right to self-determination" (E/CN.4/Sub.2/404) and "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination" (E/CN.4/Sub.2/405),

Recalling decision A/HG/DEC.114 (XVI) Rev.1 taken by the sixteenth Summit of Heads of State and Government of the Organization of African Unity, held at Monrovia from 17 to 20 July 1979,

Taking into account the work of the ad hoc Committee of Heads of State of the Organization of African Unity, which met at Monrovia from 4 to 5 December 1979,

Greatly concerned at the occupation of Western Sahara by Morocco and the violations of human rights and fundamental freedoms resulting from that occupation,

1. Takes note with approval of the recommendations of the Organization of African Unity and the General Assembly of the United Nations concerning exercise by the people of Western Sahara of the right to self-determination and independence, the sole means of putting an end to the violation of the fundamental rights of the Sarrawi people resulting from the foreign occupation of its territory and of restoring the dignity of that people,
  2. Decides to follow closely the developments in the situation in the light of the recommendations of the Organization of African Unity and the General Assembly of the United Nations and to consider the question of Western Sahara under the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its thirty-seventh session, as a matter of high priority.
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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS  
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN  
DOMINATION OR FOREIGN OCCUPATION

Algeria, Cuba, Ethiopia, Iraq, Libyan Arab Jamahiriya,<sup>\*/</sup>  
Senegal, Syrian Arab Republic: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1977, 33/24 of 29 November 1978 and 34/44 of 23 November 1979,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976, 3 (XXIV) of 14 February 1978, 2 (XXXV) and 3 (XXXV) of 21 February 1979,

Reaffirming the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the enjoyment of human rights,

Reiterating its profound indignation at the continued and flagrant violations of human rights of the peoples still under colonial and foreign domination and alien subjugation or foreign occupation, the perpetuation of the racist minority régime in South Africa, its illegal occupation of Namibia and persistent attempts to dismember the territory of Namibia, and the denial of the inalienable national rights of the Palestinian people,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations concerning the exercise of the right to self-determination by peoples under colonial or alien domination and foreign occupation;

<sup>\*/</sup> In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the peoples of Namibia, Zimbabwe, South Africa and the Palestinian people and of all peoples under alien and colonial domination, to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;

4. Emphasises once again that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

5. Condemns the policies of those members of the North Atlantic Treaty Organisation and of other countries whose political, economic, military, nuclear, strategic, cultural and sporting relations with the racist régimes in southern Africa encourage these régimes to persist in their suppression of the aspirations of peoples for self-determination and independence;

6. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate attempts to suppress the legitimate demands of the people;

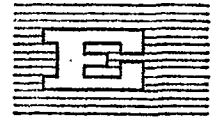
7. Reiterates its demand for the immediate and unconditional release of all people detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

8. Demands the Government of the United Kingdom to take without any delay all necessary measures to guarantee free and fair elections in Southern Rhodesia, which would bring this territory to genuine independence acceptable to the international community in accordance with the purposes of General Assembly resolution 1514 (XV), as required by the Security Council in its resolution 463 (1980) of 2 February 1980;

9. Reiterates its appreciation for the material and other forms of assistance and support which the peoples under colonial domination and foreign occupation receive from friendly Governments in their struggle to achieve their right to self-determination and independence;

10. Decides to continue to give the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-seventh session.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS  
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN  
DOMINATION OR FOREIGN OCCUPATION

Algeria, Cuba, Democratic Yemen, \*/ Ethiopia, Ghana, Iraq,  
Libyan Arab Jamahiriya, Nigeria, Senegal, Syrian Arab Republic, Yugoslavia  
revised draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1977, 33/24 of 29 November 1978,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976, 3 (XXIV) of 14 February 1978, 2 (XXXV) and 3 (XXXV) of 21 February 1979,

Reaffirming the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the enjoyment of human rights,

Reiterating its profound indignation at the continued and flagrant violations of human rights of the peoples still under colonial and foreign domination and alien subjugation or foreign occupation, the perpetuation of the racist minority régime in South Africa, its illegal occupation of Namibia and persistent attempts to dismember the territory of Namibia, and the denial of the inalienable national rights of the Palestinian people,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations concerning the exercise of the right to self-determination by peoples under colonial or alien domination and foreign occupation;

\* / In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the peoples of Namibia, Zimbabwe, South Africa and the Palestinian people and of all peoples under alien and colonial domination, to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;

4. Emphasises once again that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

5. Condemns in particular the policy of those States which, in disregard of the United Nations resolutions, continue to maintain political, economic, military and other relations with the racist régimes in southern Africa and elsewhere thus supporting, protecting and encouraging them to persist in their suppression of the aspirations of peoples for self-determination and independence;

6. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate attempts to suppress the legitimate demands of the people;

7. Reiterates its demand for the immediate and unconditional release of all people detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

8. Requests the Government of the United Kingdom to take without any delay all necessary measures to guarantee free and fair elections in Southern Rhodesia, which would bring this territory to genuine independence acceptable to the people of Zimbabwe in accordance with the purposes of General Assembly resolution 1514 (XV), as required by the Security Council in its resolution 463 (1980) of 2 February 1980;

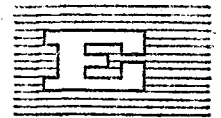


9. Reiterates its appreciation for the material and other forms of assistance and support which the peoples under colonial domination and foreign occupation receive from friendly Governments in their struggle to achieve their right to self-determination and independence;

10. Decides to continue to give the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-seventh session.

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Burundi, Egypt, Iraq, Morocco, Senegal and Yugoslavia:  
draft resolution

The Commission on Human Rights,

Guided by the Charter of the United Nations and particularly Articles 55 and 56,

Recalling its resolution 2 (XXXI) in which it decided to keep on its agenda as a standing item the question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries,

Recalling its resolution 4 (XXXIII),

Recalling also its resolution 5 (XXXV) and its recommendation in paragraph 6 of its resolution 4 (XXXV) approved by Economic and Social Council decision 1979/29 of 10 May 1979 inviting the Secretary-General, in co-operation with UNESCO and other competent specialized agencies, to follow up the study undertaken in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) (E/CN.4/1334) with a study of the "regional and national dimensions of the right to development as a human right, paying special attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right" and to make this study available for consideration by the Commission on Human Rights at its thirty-seventh session,

1. Renews its invitation to the competent economic and social organs of the United Nations to take account of the study carried out by the Secretary-General pursuant to resolution 4 (XXXIII) (E/CN.4/1334) in their respective activities and fields and, in particular, invites the Preparatory Committee for the New International Development Strategy to pay due attention to the integration of human rights in the development process;

2. Requests the Secretary-General, in the study he is invited to undertake pursuant to paragraph 6 of Commission resolution 4 (XXXV) and Economic and Social Council decision 1979/29, to stress the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, paying special attention to the following conditions:

- (a) Recognition of the duty to achieve and strengthen solidarity;
- (b) Establishment of peace and development of friendly relations among nations;
- (c) Control and constant improvement of the environment;
- (d) Establishment of a new international economic order;
- (e) Fair trading;
- (f) Equitable sharing of the common heritage of mankind;
- (g) The impeded exercise of the right of peoples to self-determination and hence their inalienable right to their natural wealth and resources;
- (h) Just and sincere co-operation among all nations;
- (i) Free choice by every people of its model for development;
- (j) Participation by the masses in the definition and application of the development policy;
- (k) Non-discrimination of any kind in the exercise of the right to development;
- (l) Existence of effective safeguards against arbitrary action and in favour of the respect for human rights, in the interests of peoples, minorities and individuals;
- (m) Conclusion of regional agreements for optimum exploitation of wealth, and effective enjoyment of human rights in the framework of real co-operation;

3. Further requests the Secretary-General to furnish all the assistance necessary to enable the study undertaken to be completed in a thoroughly satisfactory manner;

4. Stresses once again the duty of all States jointly and severally to create the necessary conditions for realization of the right to development;

5. Invites States which have not yet done so to ratify the International Covenant on Economic, Social and Cultural Rights and to carry out the commitments undertaken by them under the provisions of that Covenant.

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Agenda item 8

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN  
RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE  
DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE  
THESE HUMAN RIGHTS

Burundi, Egypt, Iraq, Ivory Coast, Morocco, Senegal and Yugoslavia:  
draft resolution revised

The Commission on Human Rights,

Guided by the Charter of the United Nations and particularly Articles 55 and 56,

Taking into account General Assembly resolution 34/152 of 17 December 1979, on  
the world social situation,

Recalling its resolution 2 (XXXI) in which it decided to keep on its agenda as  
a standing item the question of the realization of the economic, social and cultural  
rights contained in the Universal Declaration of Human Rights and in the International  
Covenant on Economic, Social and Cultural Rights, and study of special problems  
relating to human rights in developing countries,

Recalling its resolution 4 (XXXIII),

Recalling also its resolution 5 (XXXV) and its recommendation in paragraph 6 of  
its resolution 4 (XXXV) approved by Economic and Social Council decision 1979/29 of  
10 May 1979 inviting the Secretary-General, in co-operation with UNESCO and other  
competent specialized agencies, to follow up the study undertaken in pursuance of  
paragraph 4 of Commission resolution 4 (XXXIII) (E/CN.4/1334) with a study of the  
"regional and national dimensions of the right to development as a human right, paying  
special attention to the obstacles encountered by developing countries in their  
efforts to secure the enjoyment of this right" and to make this study available for  
consideration by the Commission on Human Rights at its thirty-seventh session,

1. Renews its invitation to the competent economic and social organs of the  
United Nations to take account of the study carried out by the Secretary-General  
pursuant to resolution 4 (XXXIII) (E/CN.4/1334) in their respective activities and  
fields and, in particular, invites the Preparatory Committee for the New International  
Development Strategy to pay due attention to the integration of human rights in the  
development process;

2. Requests the Secretary-General, in the study he is invited to undertake pursuant to paragraph 6 of Commission resolution 4 (XXXV) and Economic and Social Council decision 1979/29, to elaborate, with due regard to previous studies, in particular document E/CN.4/1334, on the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, paying special attention to the effects on development of the following:

- (a) Recognition of the duty to achieve and strengthen solidarity;
- (b) Establishment of peace and development of friendly relations among nations;
- (c) Control and constant improvement of the environment;
- (d) Establishment of a new international economic order;
- (e) Fair trading;
- (f) Equitable sharing of the common heritage of mankind;
- (g) The unimpeded exercise of the right of peoples to self-determination and hence their inalienable right to their natural wealth and resources;
- (h) Just and sincere co-operation among all nations;
- (i) Free choice by every people of its model for development;
- (j) Participation by the masses in the definition and application of the development policy;
- (k) Non-discrimination of any kind in the exercise of the right to development;
- (l) Existence of effective safeguards against arbitrary action and in favour of the respect for human rights, in the interests of peoples, minorities and individuals;
- (m) Conclusion of regional agreements for optimum exploitation of wealth, and effective enjoyment of human rights in the framework of real co-operation;

3. Also requests the Secretary-General in preparing this study to take into account the views expressed in the debate under this item and any written views Governments may submit to him subsequently.

4. Further requests the Secretary-General to furnish all the assistance necessary to enable the study undertaken to be completed in a thoroughly satisfactory manner;

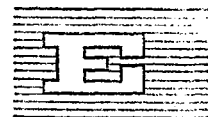
5. Stresses once again the duty of all States jointly and severally to create the necessary conditions for realization of the right to development;

6. Invites States which have not yet done so to ratify the International Covenant on Economic, Social and Cultural Rights and to carry out the commitments undertaken by them under the provisions of that Covenant.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 8

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Algeria, Argentina, Burundi, Cuba, Ethiopia, India, Iraq, Panama and Yugoslavia: draft resolution

The Commission on Human Rights,

Recalling that among the purposes and principles of the Charter 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 for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further that the Charter expresses the determination of peoples to promote social progress and better standards of life in larger freedom,

Bearing in mind that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying their freedom without fear or want can be achieved only if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Further bearing in mind General Assembly resolution 3201 (S-VI) of 1 May 1974 on the Declaration on the Establishment of a New International Economic Order, and resolution 3281 (XXIX) of 12 December 1974 on the Charter of Economic Rights and Duties of States,

Recalling its resolutions 4 (XXXIII) of 21 February 1977 and 5 (XXXV) of 2 March 1979,

Noting with interest that the Heads of State or Government of Non-Aligned Countries, at their Sixth Conference held at Havana from 3 to 9 September 1979, set as one of the essential objectives of the Non-Aligned Movement "the early establishment of the New International Economic Order with a view to accelerating the development of developing countries, eliminating the inequality between developed and developing countries and eradicating poverty, hunger, sickness and illiteracy in the developing countries", and called on the United Nations to continue working towards the comprehensive achievement of human rights, in order to ensure the dignity of human beings,

Taking into account especially General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979 and 34/211 of 19 December 1979.

1. Recognizes the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;
2. Once again reiterates that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations;
3. Further reaffirms the inalienable right of all nations to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources;
4. Recognizes that, in order to guarantee fully human rights and complete personal dignity, it is necessary to guarantee the right to work, education, health and proper nourishment through the adoption of national and international measures, including the establishment of the New International Economic Order;
5. Once again declares that the denial of the right to self-determination of peoples, foreign occupation, colonialism, apartheid, racism and racial discrimination constitute an impediment to social and economic progress;
6. Recommends to the Economic and Social Council that the seminar scheduled, within the framework of the advisory services programme, on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights, should be held in June 1980, and that the items mentioned in the annex to this resolution should be accorded priority on its agenda;

7. Decides that, as from its thirty-seventh session, the wording of this item should be expanded to read as follows:

"Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living.  
The right to development;
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms".

Annex

1. The effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms
2. The right to development as a human right. Equality of opportunity to achieve it. The right to development as a right of individuals and nations
3. The search for formulas for international co-operation which help in eliminating the existing unjust international economic order and permit the enjoyment of human rights and fundamental freedoms by all, without distinction as to race, sex, language or religion



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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Algeria, Argentina, Burundi, Costa Rica, Cuba, Ethiopia, India, Iraq, Nigeria, Panama, Pakistan, Peru, Syrian Arab Republic, and Yugoslavia: revised draft resolution

The Commission on Human Rights,

Recalling that among the purposes and principles of the Charter 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 for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further that the Charter expresses the determination of peoples to promote social progress and better standards of life in larger freedom,

Bearing in mind that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying their freedom without fear or want can be achieved only if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Further bearing in mind General Assembly resolution 3201 (S-VI) of 1 May 1974 on the Declaration on the Establishment of a New International Economic Order, and resolution 3281 (XXIX) of 12 December 1974 on the Charter of Economic Rights and Duties of States,

Recalling its resolutions 4 (XXXIII) of 21 February 1977 and 5 (XXXV) of 2 March 1979,

Noting with interest that the Heads of State or Government of Non-Aligned Countries, at their Sixth Conference held at Havana from 3 to 9 September 1979, set as one of the essential objectives of the Non-Aligned Movement "the early establishment of the New International Economic Order with a view to accelerating the development of developing countries, eliminating the inequality between developed and developing countries and eradicating poverty, hunger, sickness and illiteracy in the developing countries", and called on the United Nations to continue working towards the comprehensive achievement of human rights, in order to ensure the dignity of human beings,

Taking into account especially General Assembly resolutions 32/150 of 16 December 1977, 34/46 of 23 November 1979 and 34/211 of 19 December 1979.

1. Recognizes the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;
2. Once again reiterates that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations;
3. Further reaffirms the inalienable right of all nations to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources;
4. Recognizes that, in order to guarantee fully human rights and complete personal dignity, it is necessary to guarantee the right to work, education, health and proper nourishment through the adoption of national and international measures, including the establishment of the New International Economic Order;
5. Once again declares that the denial of the right to self-determination of peoples, foreign occupation, colonialism, apartheid, racism and racial discrimination constitute an impediment to social and economic progress;
6. Requests the Secretary-General to arrange for the seminar scheduled, within the framework of the advisory services programme, on the effect of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights, to be held at a place where there are suitable facilities for it, or at United Nations Headquarters, between the end of June and early July 1980, the items mentioned in the annex to this resolution being accorded priority on its agenda;

7. Decides that, as from its thirty-seventh session, the wording of this item should be expanded to read as follows:

"Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living.  
The right to development;
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms".

Annex

1. The effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms
2. The right to development as a human right. Equality of opportunity to achieve it. The right to development as a right of individuals and nations
3. The search for formulas for international co-operation which help in eliminating the existing unjust international economic order and permit the enjoyment of human rights and fundamental freedoms by all, without distinction as to race, sex, language or religion

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Agenda item 21

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Canada, Costa Rica, Denmark, Germany, Federal Republic of, Senegal and the United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 6(XXXV) of 2 March 1979 and General Assembly resolution 34/45 of 23 November 1979,

Bearing in mind its resolution 23(XXXV) of 14 March 1979 concerning the development of public information activities in the field of human rights, and General Assembly resolution 34/45 of 23 November 1979 which includes the question of improving the publicity for the work of the Human Rights Committee,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights,

Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in relation to the International Covenants on Human Rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Welcomes the information that the Economic and Social Council has now finalized arrangements for the consideration of reports submitted under the provisions of the International Covenant on Economic, Social and Cultural Rights, and expresses the hope that the Council will take steps to consider these reports as soon as possible;

3. Urges all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol thereto;

4. Welcomes the entry into force on 23 March 1979 of article 41 of the International Covenant on Civil and Political Rights and invites the States parties to the Covenant, which have not yet done so, to consider making the declaration provided for in article 41;

5. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto and emphasizes the importance of the strictest compliance by States parties with their obligations under the Covenant;

6. Draws the attention of States not yet parties to the Covenants to the reporting possibilities provided under Economic and Social Council resolution 1074 C (XXIX) of 23 July 1965 as amended by resolutions 1938 (LX) of 11 May 1976 and 1978/20 of 5 May 1978;

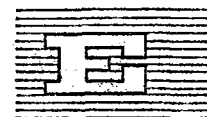
7. Takes note of paragraph 12 of resolution 34/45 of 23 November 1979 in which the General Assembly urges the Secretary-General to take all possible steps to ensure that the Division of Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/95 of 14 December 1976;

8. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights and to disseminate them and make them known as widely as possible in their territories;

9. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-seventh session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights.

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Thirty-sixth session  
Agenda item 16.

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Burundi, Cuba, Egypt, Ghana, India, Jordan, Morocco,  
Pakistan, Poland, Senegal, Syrian Arab Republic:  
draft resolution

The Commission on Human Rights

Recalling resolutions 34/24 and 34/27 of the General Assembly,

Recalling further its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII) and 12 (XXXV) by which it extended and broadened the terms of reference of that Group,

Recalling also article I of the Convention on the Suppression and Punishment of the Crime of Apartheid which declares that apartheid is a crime against humanity,

Having considered the report of the Ad Hoc Working Group of Experts drawn up pursuant to resolution 12 (XXXV), paragraph 17 of the Commission on Human Rights,

Convinced of the need to redouble its efforts to carry out its functions under the International Convention on the Suppression and Punishment of the Crime of Apartheid,

1. Takes note of the special report prepared by the Ad Hoc Working Group of Experts pursuant to paragraph 17 of Commission resolution 12 (XXXV);
2. Expresses its appreciation to the Ad Hoc Working Group of Experts for the objectivity and clarity of the work accomplished;
3. Appeals once again to those countries that have not yet done so to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay;
4. Commends those States that have submitted their reports;

5. Urges the States Parties to adopt the measures prescribed by the Convention, particularly those referred to in its articles IV and V;
6. Requests the Ad Hoc Working Group of Experts to continue, in co-operation with the Special Committee against Apartheid as appropriate, its compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention on the Suppression and Punishment of the Crime of Apartheid and of individuals, organizations, institutions, and representatives of States against whom or which legal proceedings have been undertaken;
7. Further requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and in accordance with paragraph 20 of the annex to resolution 34/24 adopted by the General Assembly on 15 November 1979, to undertake a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the said Convention;
8. Requests the Secretary-General to arrange for the publication, in the largest possible number of newspapers, of an account of each case in the list of persons allegedly guilty of the crime of apartheid under the International Convention on the Suppression and Punishment of the Crime of Apartheid, stating the individuals involved, the victim, the culpable deed and its legal definition, and to bring such accounts to the attention of the public by all other communication media;
9. Welcomes the active campaign by the Special Committee against Apartheid, in co-operation with the Commission, to give effect to the provisions of the Convention, in response to the Commission's request under article X of the Convention;
10. Reiterates the request addressed to competent United Nations organs in paragraphs 6 and 7 of its resolution 10 (XXXV);
11. Decides to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".



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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 6

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Burundi, Egypt, Ghana, India, Iraq, Jordan, Morocco,  
Nigeria, Philippines, Senegal, Syrian Arab Republic and  
Yugoslavia: draft resolution

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII) and 12 (XXXV), by which it extended and broadened the terms of reference of that Group,

Having examined the progress report of the Ad Hoc Working Group of Experts submitted in accordance with Commission on Human Rights resolution 12 (XXXV),

1. Congratulates the Ad Hoc Working Group of Experts on the excellent work accomplished and warmly thanks it;
2. Expresses its profound indignation regarding the situation prevailing in South Africa;
3. Denounces the so-called declaration of independence of the Transkei, Bophuthatswana and Venda, as well as of any other bantustan which the South African régime might establish, as a serious infringement of the principle of the right of peoples to self-determination;
4. Reaffirms the inalienable right of the people of Namibia to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declares that this right can be legally exercised only in accordance with directives given by the competent organs of the United Nations;

5. Requests the Ad Hoc Working Group of Experts to continue to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of those inquiries to the attention of the Commission on Human Rights;

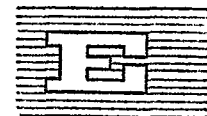
6. Requests the Ad Hoc Working Group of Experts to continue to study the policies and practices which violate human rights in South Africa, in Namibia and, as appropriate, in Zimbabwe, and immediately to bring to the attention of the Chairman of the Commission on Human Rights particularly serious violations of human rights of which it learns during that study, so that he may take whatever action he deems appropriate;

7. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid;

8. Requests the Secretary-General to prepare a one-page summary of the findings of the Ad Hoc Working Group of Experts and to publish it in the world's leading newspapers, together with the Commission's condemnation of the violations of human rights in South Africa.

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Agenda item 16

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION  
ON THE SUPPRESSION AND PUNISHMENT OF THE  
CRIME OF APARTHEID

Bulgaria, Cuba, Nigeria, Senegal and the Syrian Arab Republic  
draft resolution

The Commission on Human Rights,

Recalling its resolutions 7 (XXXIV) and 10 (XXXV),

Having considered the report of the group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Reaffirming its conviction that wider ratification of the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three, and in particular the recommendations contained in it;
2. Emphatically renews its appeal to those countries that have not yet done so to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay;
3. Commends those States parties that have submitted their reports, and in particular those that have submitted a second report, and urges the States parties which have not yet done so to submit their report as soon as possible;
4. Requests the Secretary-General to renew his invitation to the States parties to the Convention which have not yet done so to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention, and to transmit such suggestions to the Ad Hoc Working Group of Experts responsible for investigating violations of human rights in southern Africa in order that it may undertake a study on the establishment of the aforesaid international penal tribunal, in accordance with the mandate entrusted to it under resolution ... (XXXVI) of the Commission on Human Rights;

GE.80-10837

5. Again urges the States parties to the Convention to take into consideration, when submitting their reports, the guidelines laid down by the Group for the submission of the reports;
6. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

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Agenda item 7

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

Algeria, Burundi, Democratic Yemen,\*/Ethiopia, Ghana, Iraq,  
Jordan, Nigeria, Senegal, Zambia: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960,  
containing the Declaration on the Granting of Independence to Colonial Countries  
and Peoples,

Reaffirming the responsibility of the United Nations in support of the struggle  
of the people of Zimbabwe for the exercise of their inalienable rights to  
self-determination and independence,

Bearing in mind Security Council resolution 463 (1980) of 2 February 1980,

1. Takes note of the agreement reached at Lancaster House in the United  
Kingdom in December 1979 on the future of Zimbabwe;
2. Affirms that the purpose of that agreement is to enable the people  
of Zimbabwe to exercise their inalienable right to self-determination  
and independence and to enjoy those other fundamental rights which  
had been denied them by the racist minority régime in  
Southern Rhodesia;
3. Calls upon the Administering Authority, the Government of the United  
Kingdom, to implement the agreement impartially and in strict compliance  
with its terms;

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\*/ In conformity with rule 69, paragraph 3, of the Rules of Procedure of  
the Functional Commissions of the Economic and Social Council.

4. Also calls upon the Government of the United Kingdom to ensure that the forthcoming general elections in Zimbabwe are free and fair and that no political party is handicapped;
5. Urges the international community not to accord any recognition to any institution set up in Zimbabwe which is not the direct outcome of free and fair elections in Zimbabwe;
6. Demands that the apartheid régime of South Africa, which has played such a diabolical role in the violation of the rights of the people of Zimbabwe, should be prevented from further meddling in the affairs of Zimbabwe.

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

Algeria, Burundi, Democratic Yemen, \*/Ethiopia, Ghana, Iraq,  
Jordan, Nigeria, Senegal, Zambia: revised draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Reaffirming the responsibility of the United Nations in support of the struggle of the people of Zimbabwe for the exercise of their inalienable rights to self-determination and independence,

Bearing in mind Security Council resolution 463 (1980) of 2 February 1980,

1. Takes note of the agreement reached at Lancaster House in the United Kingdom in December 1979 on the future of Zimbabwe;
2. Affirms that the purpose of that agreement is to enable the people of Zimbabwe to exercise their inalienable right to self-determination and independence and to enjoy those other fundamental rights which had been denied them by the racist minority régime in Southern Rhodesia;
3. Calls upon all parties to comply with the Lancaster House Agreement;
4. Calls upon the Administering Authority, the Government of the United Kingdom, to implement the agreement impartially and in strict compliance with its terms;

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\*/ In conformity with rule 69, paragraph 3, of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.

5. Also calls upon the Government of the United Kingdom to ensure that the forthcoming general elections in Zimbabwe are free and fair and that no political party is handicapped;

6. Urges the international community not to accord any recognition to any institution set up in Zimbabwe which is not the direct outcome of free and fair elections in Zimbabwe;

7. Demands that the apartheid régime of South Africa, which has played such a diabolical role in the violation of the rights of the people of Zimbabwe, should be prevented from further meddling in the affairs of Zimbabwe.

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COMMISSION ON HUMAN RIGHTS

Thirty-sixth session

Agenda item 20 (b)

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

Algeria, Argentina, Egypt, Ghana, Nigeria, Pakistan, Senegal,  
Yugoslavia, Zambia: draft resolution

A

The Commission on Human Rights,

Recalling that in its resolution 3057 (XXVIII) of 2 November 1973 and in the Programme for the Decade for Action to Combat Racism and Racial Discrimination annexed thereto, the General Assembly called for a continuing effort by all peoples, Governments and institutions to eradicate racism, racial discrimination and apartheid,

Firmly convinced of the importance of the attainment of the objectives of the Decade,

Taking note that in conformity with paragraph 11 of the annex to resolution 34/24 of the General Assembly, regional seminars should be organized on an annual basis at the level of the regional commissions on specific subjects,

Taking into account that the violations of human rights, denial of the right of peoples under colonial or foreign domination to self-determination, economic and political oppression, social injustice and cultural contempt are among the root causes of discrimination,

Having considered the report<sup>1/</sup> of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-second session,

1. Takes note of resolutions 2 A and B (XXXII) of the Sub-Commission;<sup>2/</sup>
2. Recommends to the Economic and Social Council while evaluating the activities undertaken to implement the goals and objectives of the Decade:

<sup>1/</sup> E/CN.4/1350.

<sup>2/</sup> Ibid., chap. XVI, sect. A.

(a) To consider in particular the impact of these activities on the situation of specific groups such as migrant workers, immigrant communities, indigenous populations and persons belonging to ethnic minorities;

(b) To give special attention to the question of co-ordination and co-operation within the United Nations system with a view to ensuring an integrated approach in dealing with problems of racial discrimination;

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

"The Economic and Social Council,

"1. Decides to authorize the Sub-Commission to entrust Mr. Justice Abu Sayeed Chowdhury with the preparation of a study on the discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences including the ideologies or beliefs which contribute or lead to racism, in the light of the comments made in the Sub-Commission at its thirty-second session;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work;

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

"4. Decides also to authorize the Sub-Commission to designate a special rapporteur from amongst its members to carry out a study on political, economic, cultural and other factors underlying situations leading to racism including a survey of the increase or decline of racism and racial discrimination."

B

The Commission on Human Rights,

Bearing in mind the four-year programme of activities to be undertaken during the second half of the Decade, adopted by the General Assembly in its resolution 34/24,

1. Decides to organize a seminar in 1981, in accordance with paragraph 18 of the programme of activities,<sup>3/</sup> with a view to studying the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist régimes of southern Africa;

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<sup>3/</sup> Paragraph 18 of the Programme of activities provides inter alia that "a seminar should be organized in 1981 by the Commission on Human Rights, in co-operation with the Special Committee against Apartheid, in order to study the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist régimes of southern Africa".

2. Requests the Chairman of the Commission on Human Rights, in co-operation with the Special Committee against Apartheid, to make the necessary arrangements for the organization of the seminar and to inform the Commission at its thirty-seventh session on the steps taken;

3. Requests the Secretary-General to give the Chairman of the Commission all the assistance that he may require in his work.

C

The Commission on Human Rights,

Bearing in mind the four-year programme of activities to be undertaken during the second half of the Decade, adopted by the General Assembly in its resolution 34/24,

1. Requests the Secretary-General to consult the Commission on Transnational Corporations, the Special Committee against Apartheid, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia with a view to determining the modalities under which the study referred to in paragraph 18 of the Programme of activities<sup>4/</sup> should be carried out;

2. Further requests the Secretary-General to report to the Commission at its thirty-seventh session on specific proposals as regards the preparation of the study and the outline thereof.

D

The Commission on Human Rights,

Recalling resolution 3377 (XXX) adopted by the General Assembly on 10 November 1975 and resolution 8 (XXXIV) adopted by the Commission on 22 February 1978,

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<sup>4/</sup> Paragraph 18 of the programme of activities provides that: "The Commission on Transnational Corporations and the Commission on Human Rights should make a study in co-operation with the Special Committee against Apartheid, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia with a view to enumerating specific measures whose application by all States, intergovernmental organizations, private institutions and non-governmental organizations will make it possible to end all collaboration with the racist régimes and prevent the supply of capital, loans, credits, foreign currency and any other form of commercial, financial and technological assistance to the economies of South Africa, Southern Rhodesia and Namibia by private banks, Governments and international agencies, such as the International Bank for Reconstruction and Development, the International Finance Corporation, the International Monetary Fund and similar institutions."

Recalling also resolution 3 (XXX) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 31 August 1977, in which the Sub-Commission requested the Secretary-General to prepare a preliminary document that sets forth information from all available sources on how various United Nations instruments, including declarations and resolutions, have been used in national courts, administrative tribunals and domestic forums, including legislative forums, with suggestions for their effective future use in the specific field of racial discrimination,

Bearing in mind the programme of activities adopted by the General Assembly in its resolution 34/24 of 15 November 1979,

Requests the Sub-Commission to prepare a study on ways and means of ensuring the implementation of the United Nations resolutions on apartheid, racism and racial discrimination and submit it together with its conclusions to the Commission at its thirty-eighth session.

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

Egypt, Ethiopia, Ghana, India, Nigeria, Senegal,  
Yugoslavia, Zambia: draft resolution

The Commission on Human Rights,

Reaffirming that any political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa strengthen those régimes and obstruct the efforts aimed at the elimination of colonialism, apartheid and racial discrimination in southern Africa,

Recognizing that utmost priority must be accorded to international action to secure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and for the liberation of the people of southern Africa from racist and colonial régimes.

Recalling its resolutions 3(XXX), 6(XXXII), 7(XXXIII), 6(XXXIV) and 9(XXXV) as well as General Assembly resolution 33/25 of 29 November 1978,

Further recalling General Assembly resolution 34/93 of 12 December 1979 in particular resolution 34/93 C regarding the organization in 1980 in co-operation with the Organization of African Unity, of an International Conference on Sanctions against South Africa,

Taking note of resolution 3(XXXII) of 5 September 1979 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the revised report E/CN.4/Sub.2/425, Corr.1 and 2 and Add. 1-6 which contains a general provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial régimes of southern Africa, prepared by Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa,

Deeply concerned at the fact that foreign interests continue to support and give all forms of assistance to the racist régimes in southern Africa,

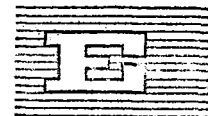
Conscious of the continuing need to mobilize world public opinion against the political, military, economic and other forms of assistance given to the racist régimes of southern Africa,

1. Expresses its appreciation to the Special Rapporteur for his revised report containing the general provisional list of banks, transnational corporations and other organizations assisting the racist régimes in southern Africa;
  2. Expresses also its full support for the International Conference on Sanctions against South Africa to be organized by the United Nations in co-operation with the Organization of African Unity;
  3. Requests all States which have not yet done so to take effective measures to end the supply of funds and other forms of assistance, including military supplies and equipment to the racist régimes which use such assistance to repress the peoples of southern Africa and their national liberation movements;
  4. Calls upon the Governments of the countries where the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put a stop to their trading, manufacturing and investing activities in the territories of the racist and colonial régimes of southern Africa;
  5. Requests the Economic and Social Council that the revised report be appended to the original report by the Special Rapporteur (E/CN.4/Sub.2/383/Rev.2) and that it be printed and disseminated on the widest scale;
  6. Requests also the Economic and Social Council to forward the revised report to the General Assembly;
  7. Calls upon all States, relevant specialized agencies, non-governmental and other organizations to give wide publicity to the report;
  8. Requests the Sub-Commission to mandate Mr. Ahmed Khalifa, Special Rapporteur to continue to update the list every year and submit through the Sub-Commission the up-dated report to the Commission;
  9. Decides to consider at its thirty-seventh session the next report, within the framework of its item on adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa.
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ECONOMIC COMMISSION FOR EUROPE  
COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 10 (b)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO  
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:  
(b) QUESTION OF MISSING AND DISAPPEARED PERSONS

France: draft resolution

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, which requested the Commission on Human Rights to consider the question of missing or disappeared persons with a view to making appropriate recommendations,

Taking into account resolution 1979/38 of the Economic and Social Council, which requested the Commission to consider the question as a matter of priority, and resolution 5 B (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that the elimination of enforced or involuntary disappearances requires a systematic effort on the part of the international community and on the part of Governments,

1. Invites the Secretary-General to appoint, in consultation with its Chairman, three experts of international standing in their individual capacities, to study and examine all reports and information which come to their attention concerning enforced or involuntary disappearances of persons in any part of the world;

2. Requests the experts to seek all available information concerning enforced or involuntary disappearances from the Governments and families concerned, and to take appropriate action, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the situation of missing or disappeared persons;

3. Decides that the experts should choose their working methods in such a way as to ensure the necessary speed and flexibility of action in responding to urgent situations;

4. Requests the experts to submit to the Commission at each session a report on their activities, together with their conclusions and recommendations;

5. Requests all Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations to co-operate with and assist the experts in the performance of their task;

6. Further requests Governments, at the request of the experts:

(a) To inform the experts without delay of cases in which they are unable to locate immediately or following a brief investigation either a person whose abduction or arrest has been reported to them or a person who has been reported missing and may be presumed to have been the victim of such acts;

(b) To inform the experts without delay of any facts established and any progress made and conclusions drawn in the course of investigations opened in cases of enforced or involuntary disappearances;

7. Also requests Governments, when they are presented with reliable reports on cases of enforced or involuntary disappearances, to undertake without delay impartial investigations into the whereabouts or fate of the missing or disappeared person and the identity of the abductors;

8. Urges the Secretary-General to continue to use his good offices in cases of enforced or involuntary disappearances of persons;

9. Urgently requests the Secretary-General to provide the experts with all necessary assistance in particular the staff and resources they require in order to perform their functions in an effective and expeditious manner;

10. Decides to continue consideration of this question at its thirty-seventh session.

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COMMISSION ON HUMAN RIGHTS  
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Agenda item 8

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION  
OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH  
DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE  
HUMAN RIGHTS

Administrative and financial implications of the draft resolution  
contained in document E/CN.4/L.1491/Rev.1

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

1. Under the terms of draft resolution E/CN.4/L.1491/Rev.1, the Commission would recall its resolution 5 (XXXV) and its recommendation in paragraph 6 of its resolution 4 (XXXV) approved by Economic and Social Council decision 1979/29 of 10 May 1979 inviting the Secretary-General, in co-operation with UNESCO and other competent specialized agencies, to follow up the study undertaken in pursuance of paragraph 4 of Commission resolution 4 (XXXIII) (E/CN.4/L.1334) with a study of the "regional and national dimensions of the right to development as a human right, paying special attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right" and to make this study available for consideration by the Commission on Human Rights at its thirty-seventh session. In operative paragraph 4 of the revised draft resolution the Commission would further request the Secretary-General to furnish all the assistance necessary to enable the study undertaken to be completed in a thoroughly satisfactory manner.

2. The Secretary-General considers that he will need additional staffing resources under temporary assistance to continue with the preparation of this study.

3. On the basis of the foregoing, the relevant costs are estimated as follows:

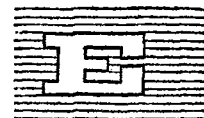
I.	Human Rights (Section 23)	1980 (US dollars)			
	- 6 months of temporary assistance at the P.3 level	26,800			
II.	Conference Servicing Costs: Translation of Study (Section 29)				
		Total			
	<u>Number of</u>	<u>Number of</u>	<u>Daily</u>		<u>1980</u>
	<u>staff</u>	<u>days</u>	<u>rate</u>		<u>1980</u>
			\$	\$	\$
	<u>Documentation (E,F,R,S)</u>				
	Pre-session				
	Salaries - Translation	84	171	14,364	
	Revision	28	190	5,320	
	Typing	98	69	6,762	26,446
	Reproduction	50	45	2,250	2,250
	Distribution	3	45	135	135
	Total				<u>28,831</u>

\$US 1 = Sfr. 1.73  
1979 salary rates

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

Syrian Arab Republic: amendment to draft resolution E/CN.4/L.1499

Add the following additional preambular paragraph after the seventh preambular paragraph of the draft resolution

"Deeply alarmed at recent reports that South Africa with Israeli co-operation has detonated a nuclear explosive device."

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Agenda item 10 (b)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO  
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:  
(b) QUESTION OF MISSING AND DISAPPEARED PERSONS

Cyprus, Iraq, Senegal, Yugoslavia: amendment to draft resolution E/CN.4/L.1502

1. Replace the third preambular paragraph by the following:

Convinced of the need to take appropriate action, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing and disappeared persons;

2. Replace operative paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 by the following:

1. Decides to establish for a period of one year a Working Group consisting of five of its members, to serve as experts in their individual capacities, to examine the question of enforced or involuntary disappearances of persons;

2. Requests the Chairman of the Commission to appoint the members of the group;

3. Decides that the Working Group, in carrying out its mandate, shall seek and receive information from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources;

4. Requests the Secretary-General to appeal to all Governments to co-operate with and assist the Working Group in the performance of its tasks and to furnish all information required;

5. Further requests the Secretary-General to provide the Working Group with all necessary assistance, in particular staff and resources they require in order to perform their functions in an effective and expeditious manner;

6. Invites the Working Group, in establishing its working methods, to bear in mind the need to be able to respond effectively to information that comes before it and to carry out its work with discretion;

7. Requests the Working Group to submit to the Commission at its thirty-seventh session a report on its activities, together with its conclusions and recommendations;

8. Further requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, as envisaged in its resolution 5 B (XXXII) and to report thereon to the Commission at its thirty-seventh session;

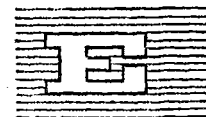
3. Renumber operative paragraph 10 and reword as follows:

9. Decides to consider this question again at its thirty-seventh session under a sub-item entitled "Question of Missing and Disappeared Persons".

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Denmark, Ghana, Italy,<sup>\*/</sup> Pakistan, Zambia: draft resolution

The Commission on Human Rights,

Recalling its resolution 22 (XXXV) as well as resolution 1979/36 of the Economic and Social Council on the further promotion and encouragement of human rights and fundamental freedoms,

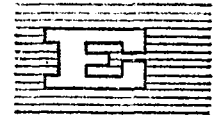
Bearing in mind previous resolutions of the General Assembly, the Economic and Social Council and the Commission on the need for adequate infrastructure, staff and resources for carrying out the human rights programme of the United Nations,

Mindful of General Assembly decision 34/417 and resolution 34/47 on the services of the Secretariat concerned with human rights:

Joins in the request of the General Assembly to the Secretary-General to consider the re-designation of the Division of Human Rights into a Centre for Human Rights and also requests the Secretary-General to pay particular attention to providing the Centre with adequate infrastructure, staff and resources needed for carrying out the human rights programme of the United Nations efficaciously.

<sup>\*/</sup> In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 20 (b)

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

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1498 of  
21 February 1980

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

1. Under the terms of operative paragraph 3 of part A of draft resolution E/CN.4/L.1498 the Commission would recommend to the Economic and Social Council the adoption of a draft resolution which would authorize the Sub-Commission to entrust Mr. Justice Abu Sayeed Chowdhury with the preparation of a study on the discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences including the ideologies or beliefs which contribute or lead to racism, in the light of the comments made in the Sub-Commission at its thirty-second session. In operative paragraph 2 of the recommended draft resolution the Secretary-General would be requested to give the Special Rapporteur all the assistance he may require in his work, and in operative paragraph 3 the Special Rapporteur would be requested to submit his report to the Sub-Commission at its thirty-fourth session.

2. On the basis of the foregoing, the financial implications of the resolution are as follows:

I. Human Rights  
(Section 23)

	<u>1980</u> (US dollars)	<u>1981</u> (US dollars)
- One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Dacca/Geneva/Dacca, including subsistence for five working days)	3,050	

	<u>1980</u> (US dollars)	<u>1981</u> (US dollars)
- One round-trip (economy class) of Special Rapporteur for consultations with Division of Human Rights (Dacca/Geneva/Dacca, including subsistence for five working days)		3,050
- If no longer a member of Sub-Commission, one round-trip (economy class) of Special Rapporteur to present his report (Dacca/Geneva/Dacca, including subsistence for three working days)		2,850
	<u>3,050</u>	<u>5,900</u>

II. Conference Servicing Costs: Translation of Study (Section 29)

	<u>Number of</u> <u>staff</u>	<u>Number of</u> <u>days</u>	<u>Daily</u> <u>rate</u> \$	\$	<u>Total</u> <u>1980</u> \$
<u>Documentation</u> (E,F,R,S)					
Pre-session					
Salaries - Translation		84	171	14 364	
Revision		28	190	5 320	
Typing		98	69	6 762	26 446
Reproduction		50	45	2 250	2 250
Distribution		3	45	135	135
Total					<u>28 831</u>

\$US 1 = Sfr. 1.73.

1979 salary rates



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COMMISSION ON HUMAN RIGHTS

Thirty-sixth session  
Agenda item 7

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

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1499

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

1. Under the terms of operative paragraph 5 of the draft resolution the Commission would request the Economic and Social Council that the revised report by the Special Rapporteur (Mr. Ahmed Khalifa) (E/CN.4/Sub.2/425 and Corr.1 and 2 and Addenda) be appended to the original report by the Special Rapporteur (E/CN.4/Sub.2/383/Rev.2) and that it be printed and disseminated on the widest scale. In operative paragraph 6 of the draft resolution the Commission would request also the Economic and Social Council to forward the revised report to the General Assembly.
2. On the basis of the foregoing, the draft resolution would have the following financial implications under the section 29 B (Conference Services) of the programme budget:

1980  
(US dollars)

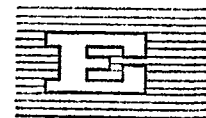
Editing and preparation of the report  
for printing; printing of report in  
English, French, Russian and Spanish

41,100

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,  
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM  
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Canada and Federal Republic of Germany: draft resolution

The Commission on Human Rights

Recalling that the Universal Declaration on Human Rights was adopted by the General Assembly for the purpose of ensuring that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for the rights and freedoms contained therein.

Noting that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the Covenants,

Recalling also that the Economic and Social Council and the Commission on Human Rights have repeatedly and consistently emphasized the importance of the role of individuals and groups in the promotion and protection of human rights,

Bearing in mind its resolution 23 (XXXV) of 14 March 1979 in which it expressed the belief that progress in the promotion of respect for and protection of human rights is assisted by a favourable world public opinion, and that a prerequisite for such development is a high level of knowledge, understanding and acceptance of the requirements of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the relevant covenants and conventions,

1. Re-emphasizes the call of the Universal Declaration of Human Rights to all individuals and all groups to strive by teaching and education to promote respect for the rights and freedoms contained in the Universal Declaration of Human Rights;
2. Appeals to all Governments to encourage and support individuals and groups exercising their rights and responsibilities to promote the effective observance of human rights;
3. Emphasizes that restrictions and obstacles, placed in the way of, or persecution of individuals and groups striving for the promotion and protection of human rights is at variance with the obligations of States under the Charter to work for the full and effective enjoyment of human rights and fundamental freedoms;
4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine at its thirty-third session the question of restrictions of various kinds imposed on individuals and groups engaged in the promotion of human rights and to report to the Commission its conclusions and recommendations;
5. Decides to consider at its thirty-seventh session during its examination of the question of ways and means for further promoting and protecting human rights, methods by which the international community can support the activities of Governments in encouraging the implementation of the right of all individuals and groups to promote respect for human rights.

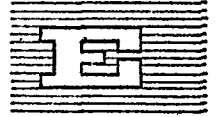
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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,  
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM  
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Canada and Federal Republic of Germany: revised draft resolution

The Commission on Human Rights

Recalling that the Universal Declaration on Human Rights was adopted by the General Assembly for the purpose of ensuring that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for the rights and freedoms contained therein.

Noting that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the Covenants,

Recalling also that the Economic and Social Council and the Commission on Human Rights have repeatedly and consistently emphasized the importance of the role of individuals and organs of society in the promotion and protection of human rights,

Bearing in mind its resolution 23 (XXXV) of 14 March 1979 in which it expressed the belief that progress in the promotion of respect for and protection of human rights is assisted by a favourable world public opinion, and that a prerequisite for such development is a high level of knowledge, understanding and acceptance of the requirements of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the relevant covenants and conventions,

Bearing in mind also the International Convention on the Elimination of all Forms of Racial Discrimination,

1. Re-emphasizes the call of the Universal Declaration of Human Rights to all individuals and all organs of society to strive by teaching and education to promote respect for the rights and freedoms contained in the Universal Declaration of Human Rights in accordance with the provisions of the Charter of the United Nations;
2. Appeals to all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights;
3. Emphasizes that in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined in the Charter of the United Nations, the Universal Declaration on Human Rights and the Covenants on Human Rights and other relevant instruments and that unlawful limitations or persecution of anyone exercising his human rights and fundamental freedoms is at variance with the obligations of States under these instruments to work for the full and effective enjoyment of human rights and fundamental freedoms;
4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to examine the question of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights and to report to the Commission on its conclusions and recommendations;
5. Decides to pay due attention to the above-mentioned aspects of the question during its examination at its thirty-seventh session of the question of ways and means for further promoting and protecting human rights, including the programme and working methods of the Commission with a view to promoting and encouraging respect for human rights and fundamental freedoms for all.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 5

QUESTION OF HUMAN RIGHTS IN CHILE

Algeria, Cuba, Yugoslavia: Amendments to draft  
resolution E/CN.4/L.1486/Rev.1

1. Replace the ninth paragraph of the preamble by the following:

"Convinced of the necessity to maintain the mandate of the Special Rapporteur until a number of concrete steps have been taken by the Chilean authorities resulting in the restoration of the full enjoyment of human rights and fundamental freedoms in that country."

2. Replace operative paragraph 3 by the following:

"3. Expresses also its grave concern that there has been a deterioration in a number of areas, as clearly shown in the conclusions of the report, notably in relation to:

- (i) An increase in the arbitrary powers of security agencies,
- (ii) Cases of torture, ill-treatment and unexplained deaths,
- (iii) Freedom of assembly and association.
- (iv) Trade union rights,
- (v) The presumption of innocence of accused persons,
- (vi) The treatment of indigenous people,
- (vii) New cases of persecution in the universities;"

3. Replace operative paragraph 4 by the following:

"4. Strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps:

- (a) Cease the state of emergency, under which continued violations of human rights occur and restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people,

(b) Ensure efficient action to prevent torture and other forms of inhuman or degrading treatment, and prosecute and punish those responsible for such practices,

(c) Restore fully freedom of expression and information, and of assembly and association,

(d) Restore fully trade union rights, especially as regards the freedom to form trade unions which can operate freely, without government control, and can exercise fully the right to strike,

(e) Allow Chilean citizens freely to enter and leave the country and to live in it, and restore Chilean nationality to those who have been deprived of it for political reasons,

(f) Restore fully the right of amparo (habeas corpus),

(g) Respect the rights, in particular the economic, social and cultural rights, of the indigenous population,

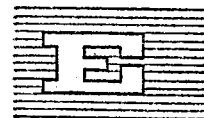
(h) Ensure action to improve the enjoyment of economic and social rights by the population at large;"

4. Delete operative paragraph 5.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE  
PROGRAMME AND METHODS OF WORK OF THE COMMISSION:  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE  
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT  
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (Item 11)

United States of America: draft resolution

The Commission on Human Rights,

Recalling its resolution 22 (XXXV) which was subsequently endorsed by the  
Economic and Social Council in its resolution 1979/36,

Noting the request of the Economic and Social Council contained in paragraph 6  
of its resolution, that the Commission prepare suggestions on the possibility of  
convening meetings of the officers of the Commission in intersessional periods in  
exceptional circumstances,

Desiring to improve the capacity of the Commission to deal more effectively  
with human rights problems of an exceptional nature which may occur between the  
regular annual sessions of the Commission,

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

The Economic and Social Council,

Noting that under its existing procedures the Commission on Human Rights is  
unable to deal promptly with emergency situations of grave human rights violations  
occurring during the period between the regular annual sessions of the Commission,

Desiring to provide procedures which the Commission might follow in  
intersessional periods in exceptional circumstances,

1. Authorizes the Bureau of the latest session of the Commission (the Bureau  
being composed of the Chairman, the three Vice Chairmen, and the Rapporteur) to meet  
at the request of any **three** of its members whenever in their judgement there  
has occurred a situation involving a mass and flagrant violation of human



rights requiring urgent consideration. The Bureau members desiring a meeting of the Bureau shall notify the Secretary-General of the United Nations, who in turn shall summon all Bureau members to meet at the United Nations Office in Geneva. The time of the Bureau meeting shall be fixed by the Secretary-General within a period of no more than 48 hours after receipt of the request of the meeting from the Bureau member. The presence of three of the five members of the Bureau shall constitute a quorum.

2. Whenever an exceptional intersessional meeting of the Bureau is held, the Bureau shall proceed in the following manner:

(a) The Bureau may decide by a decision supported by at least three of the five Bureau members to request the Secretary-General of the United Nations to take appropriate measures to deal with the situation of mass and flagrant violations.

(b) In the alternative, the Bureau may decide, in a decision supported by at least three of the five Bureau members, that an emergency special session of the Commission on Human Rights should be convened. The Bureau shall so inform the Secretary-General of the United Nations, who shall immediately convene the emergency special session of the Commission to meet at the United Nations Office in Geneva. The meeting shall be convened within a period of no more than 48 hours after receipt by the Secretary-General of the request made by the Bureau.

(c) If the Secretary-General receives a request to take measures from the Bureau pursuant to subparagraph (a) above, and the Secretary-General judges that either before or after the taking of such measures an emergency special session of the Commission on Human Rights should be held, he shall take steps to convene an emergency special session to be held at the United Nations Office in Geneva.

3. When the Commission on Human Rights meets in emergency special session pursuant to this resolution, it shall proceed pursuant to the Rules of Procedure of the Functional Commissions of the Economic and Social Council.

4. In the case of death or incapacity of a Bureau member, the Government of which such Bureau member was a national shall, upon notification by the Secretary-General of the United Nations, immediately designate a substitute.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 13

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Poland: draft resolution

The Commission on Human Rights,

Having in mind the draft convention on the rights of the child submitted by Poland on 7 February 1978 and the amended version submitted on 5 October 1979 (E/CN.4/1349\*),

Taking into account the report of the Secretary General (E/CN.4/1324 and Corr. 1 and Add. 1-5) on the views, observations and suggestions on the question of the convention on the rights of the child submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations, which served as a basis for the amended draft convention,

Noting the progress in the further elaboration of the final draft of the convention on the rights of the child made by the working group set up at the 36th session of the Commission on Human Rights,

Recalling Economic and Social Council resolution 1978/18 of 5 May 1978 and General Assembly resolution 33/166 of 20 December 1978,

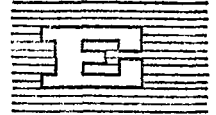
Convinced that, in connexion with the International Year of the Child which was celebrated during the year 1979, it would be desirable to adopt an international convention on the rights of the child,

1. Decides to continue at its 37th session, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing the elaboration of the convention at that session for transmission to the General Assembly through the Economic and Social Council;
2. Invites the Secretary General to consider again the possibility of organizing, within the framework of advisory services in the field of human rights, a two-week seminar on the rights of the child in the light of international instruments concerning human rights and the questions of their implementation and progressive development,
3. Requests the Economic and Social Council to authorize a three-day session of an open-ended working group prior to the 37th session of the Commission on Human Rights to facilitate completion of the work on a draft convention on the rights of the child.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 13

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Poland: revised draft resolution

The Commission on Human Rights,

Having in mind the draft convention on the rights of the child submitted by Poland on 7 February 1978 and the new amended version of the draft submitted on 5 October 1979 (E/CN.4/1349\*),

Taking into account the report of the Secretary-General (E/CN.4/1324 and Corr.1 and Add.1-5) on the views, observations and suggestions on the question of the convention on the rights of the child submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations, which served as a basis for the amended draft convention,

Noting the progress in the further elaboration of the final draft of the convention on the rights of the child made by the working group set up at the thirty-sixth session of the Commission on Human Rights,

Recalling Economic and Social Council resolution 1978/18 of 5 May 1978 and General Assembly resolution 33/166 of 20 December 1978, as well as General Assembly resolution 34/4 of 18 October 1979 by which the Assembly had borne in mind the question of a convention of the rights of the child.

Convinced that, in connexion with the International Year of the Child which was celebrated during the year 1979, it would be desirable to adopt an international convention on the rights of the child,

1. Decides to continue at its thirty-seventh session, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing the elaboration of the convention at that session for transmission to the General Assembly through the Economic and Social Council;
2. Requests the Economic and Social Council to authorize a one week session of an open-ended working group prior to the thirty-seventh session of the Commission on Human Rights to facilitate completion of the work on a draft convention on the rights of the child.

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Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE  
PROGRAMME AND METHODS OF WORK OF THE COMMISSION;  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE  
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE  
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Costa Rica, India, Nigeria, Yugoslavia: draft resolution

Development of Public Information Activities in the  
Field of Human Rights

The Commission on Human Rights,

Recalling its resolution 23 (XXXV) on the development of public information  
activities in the field of human rights,

Recommends the following draft resolution for adoption by the Economic and Social  
Council:

Development of Public Information Activities in the Field of Human Rights

The Economic and Social Council,

Mindful of resolution 34/132 of the General Assembly on questions relating to  
information,

Recalling resolution 23 (XXXV) of the Commission on Human Rights on the  
development of public information activities in the field of human rights,

Taking note of the report of the Secretary-General on this subject which was  
submitted to the Commission on Human Rights (E/CN.4/1363),

Conscious of the importance of teaching, education, research, training and  
information in the promotion and protection of human rights,

Reiterating its belief that progress in the promotion of respect for and  
protection of human rights is assisted by a favourable world public opinion,

1. Urges all Governments to consider action to facilitate publicity regarding  
United Nations activities in the field of human rights, with particular reference to  
the work of the Commission on Human Rights;

2. Draws the attention of Governments, to the importance of encouraging the dissemination of international instruments on human rights as widely as possible, including texts in their own languages;

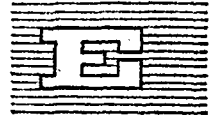
3. Requests the Secretary-General, in co-operation with UNESCO and ILO to draw up and implement a World-wide Programme for the Dissemination of international instruments on Human Rights in as many languages as possible and to report on the implementation of this programme to the Commission on Human Rights at its thirty-seventh session.

4. Requests the Secretary-General to inform the Committee to Review United Nations Public Information Policies and Activities of the strong hopes of the Committee will make suitable recommendations for developing public information activities in the field of human rights;

5. Requests the Secretary-General to bring this resolution to the attention of Governments, regional Governmental organizations, non-Governmental organizations and United Nations Information Centres with a view to inviting their comments on its implementation.

6. Requests the Secretary-General to report to the Commission at its thirty-seventh session on the measures taken to enhance public information activities in the field of human rights, including any proposals made to this end by the Committee to Review United Nations Public Information Policies and Activities, and to include in his report information on the implementation of the plans mentioned in document E/CN.4/1368, as well as information received pursuant to paragraph 5 of this resolution.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 24

QUESTION OF INTERNATIONAL LEGAL PROTECTION OF THE HUMAN RIGHTS OF  
INDIVIDUALS WHO ARE NOT CITIZENS OF THE COUNTRY IN WHICH THEY LIVE

Cyprus, Egypt, Greece, Senegal, United Kingdom of Great Britain  
and Northern Ireland, Uruguay: draft resolution

The Commission on Human Rights,

Recalling its resolutions 8 (XXIX) and 11 (XXX) and Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Noting resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which transmitted to the Commission the study and the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Baroness Elles, Special Rapporteur, as amended in the light of suggestions made in the Sub-Commission,

Recalling also its resolution 16 (XXXV) in which it requested the Economic and Social Council to consider the text of the draft declaration of the Sub-Commission with a view to submitting it to the General Assembly for its consideration,

Bearing in mind that the Economic and Social Council in its decision 1979/36 decided to print and disseminate as widely as possible the study prepared by the Special Rapporteur of the Sub-Commission, and also to transmit the draft declaration to member States for their comments and to the Commission on Human Rights at its thirty-sixth session so that it might consider it, in conjunction with comments received, with a view to transmitting a report on the subject to the Council at its first regular session in 1980,

Having considered once again the draft declaration on the human rights of individuals who are not citizens of the country in which they live, together with comments received from member States,

(1) Reiterates its deep appreciation to the Special Rapporteur, the Baroness Elles, for her work;

(2) Welcomes the decision of the Economic and Social Council to print and widely disseminate the study prepared by the Special Rapporteur;

(3) Recommends to the Economic and Social Council the adoption of the following resolution:

"The Economic and Social Council,

Recalling its resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 and its decision 1979/36 concerning the question of international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Noting resolutions 8 (XXIX), 11 (XXX), 16 (XXXV) and (XXXVI) of the Commission on Human Rights on the same subject,

Noting also resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission, Baroness Elles, and amended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, together with the comments on the text received from member States in response to its decision 1979/36;

2. Recommends that the General Assembly consider the adoption of a declaration on the human rights of individuals who are not citizens of the country in which they live, taking appropriate account of the above-mentioned comments."

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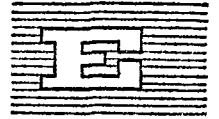
FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Syrian Arab Republic: amendment to draft resolution E/CN.4/L.1509

1. Add a fifth preambular paragraph as follows:  
"Bearing in mind also the International Convention on the Elimination of all Forms of Racial Discrimination,"
2. Operative paragraph 1  
At the end of the paragraph, add:  
"in accordance with the provisions of the Charter of the United Nations;"
3. Operative paragraph 2  
At the end of the paragraph, add:  
"without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights;"
4. Operative paragraph 3  
Replace the words:  
"restrictions and obstacles, placed in the way of, or persecution of individuals and groups striving for the promotion and protection of human rights"  
by the following:  
"in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society and that unlawful limitations or persecution of anyone exercising his human rights and fundamental freedoms"



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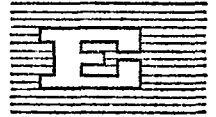
Bulgaria: amendment to draft resolution E/CN.4/L.1509

Operative paragraph 4

Replace the words "restrictions of various kinds imposed on individuals and groups engaged in the promotion of human rights" by the following:

"the interrelationship between rights and duties of everyone as indicated in articles 29 and 30 of the Universal Declaration on Human Rights".

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

Byelorussian SSR: amendment to draft resolution E/CN.4/L.1509

1. Third preambular paragraph, and

Operative paragraphs 1, 2, 3, 4 and 5:

Replace the word "groups" by the words "organs of society".

2. Operative paragraph 5:

Replace the word "consider" by the words "pay due attention".

3. Operative paragraph 5:

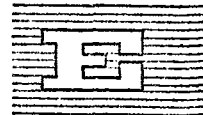
Replace the words,

"methods by which the international community can support the activities  
of Governments in encouraging the implementation of the right of all  
individuals and groups to promote respect for human rights"

by the words,

"including the programme and working methods of the Commission, to the  
above-mentioned aspects of the question with a view to promoting and  
encouraging respect for human rights and fundamental freedoms for all".

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Syrian Arab Republic: draft resolution

The Commission on Human Rights

Having been informed of resolution 1979/69 of the Economic and Social Council on control of documentation by which the Council suspended for an experimental period of two years the provision of summary records for the Commission,

Recalling its resolution 2 (XXV) of 21 February 1969 in which it recommended to the Economic and Social Council that the summary records of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities be maintained,

Recalling further its decision 2 (XXXVI) by which it informed the President of the Economic and Social Council that the Commission had examined the implications of the suspension of summary records and had been unable to find any manner in which it could carry out its work without summary records without causing serious prejudice to its work,

Mindful of the fact that the deliberations of the Commission involve issues of great concern to Member States and to the international community,

Having experienced at its thirty-sixth session that Member States insist on having their positions recorded in annexes to the Commission's report,

Believing that the work of the Commission would be greatly assisted by the reinstatement of summary records,

1. Urgently requests the Economic and Social Council to take the necessary measures so that summary records are re-introduced for the Commission and for the Sub-Commission on Prevention of Discrimination and Protection of Minorities commencing with the thirty-seventh session of the Commission and the thirty-third session of the Sub-Commission;

2. Requests the Secretary-General to report to the Commission at its thirty-seventh session on the action taken by the Economic and Social Council upon the request of the Commission.

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INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM  
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Cuba : draft resolution

The Commission on Human Rights,

Taking into account General Assembly resolutions 32/130 of 16 December 1977,  
33/104 and 33/105 of 16 December 1978 on alternative approaches and ways and means  
within the United Nations system for improving the effective enjoyment of human  
rights and fundamental freedoms,

Recalling its resolution 22 (XXXV) which contained appropriate recommendations  
approved by the Economic and Social Council in its resolution 1979/36 and noted with  
satisfaction by the General Assembly,

Referring to General Assembly resolutions 34/46, 34/47 and 34/48 of  
23 November 1979,

Convinced that the concepts envisaged in General Assembly resolution 32/130 can  
be implemented through the existing system of the United Nations bodies,

Having assumed the important responsibilities to work actively for the fullest  
possible implementation of the steps outlined in General Assembly resolution 32/130,

Bearing in mind that in this regard it has already taken comprehensive and  
far-reaching steps the significance of which deserve to be evaluated in the course of  
its forthcoming work,

1. Decides to continue at its thirty-seventh session its ongoing work on the  
over-all analysis with a view to further promoting and encouraging human rights and  
fundamental freedoms, including the question of the Commission's programme and working  
methods, and on the over-all analysis of the alternative approaches and ways and means  
for improving the effective enjoyment of human rights and fundamental freedoms, as  
expected by the General Assembly.

2. Decides further to establish, at the very beginning of its thirty-seventh session, an open-ended sessional working group to undertake the work outlined in para. I above and to elaborate appropriate recommendations for consideration by the Commission at its XXXVII session.

3. Deems it necessary, while carrying out its task, to pay special attention to the preparation of a broadly balanced long-term programme of work with the aim, first of all, of putting into effect the concepts of General Assembly resolution 32/130.

4. Authorizes, subject to the approval of the Economic and Social Council, its Bureau, elected on the basis of equitable geographic distribution, to meet, with the agreement of all its members, to discuss prompt measures that are required to be taken or envisaged in exceptional circumstances with regard to situations of mass and flagrant violations of human rights as defined in General Assembly resolution 32/130. States members of the Commission shall be consulted immediately on the measures to be taken in the above-mentioned situations.

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COMMISSION ON HUMAN RIGHTS  
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO  
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:  
(b) QUESTION OF MISSING AND DISAPPEARED PERSONS

Administrative and financial implications of the draft resolution  
contained in document E/CN.4/L.1502 as amended in document E/CN.4/L.1505

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

1. Under the draft resolution contained in document E/CN.4/L.1502, as amended by document E/CN.4/L.1505, which was again orally sub-amended the Commission on Human Rights would decide to establish for a period of one year a Working Group consisting of five of its members to serve as experts in their individual capacities, to examine the question relevant to enforced or involuntary disappearances of persons, (paragraph 1). The Commission on Human Rights would also decide that the Working Group, in carrying out its mandate shall seek and receive information from governments, intergovernmental organizations, humanitarian organizations and other reliable sources (paragraph 3). Under this draft resolution the Working Group would be invited, in establishing its working methods, to bear in mind the need to be able to respond effectively to information that comes before it and to carry out its work with discretion (paragraph 6). The Working Group would also be requested to submit to the Commission at its thirty-seventh session a report on its activities together with its conclusions and recommendations (paragraph 7). The Secretary-General would be requested to provide the Working Group with all necessary assistance, in particular staff and resources they require in order to perform their functions in an effective and expeditious manner (paragraph 5).

2. In accordance with the provisions of the draft resolution as amended the Working Group would choose its methods of work. Without prejudice to the future decisions of the Group concerning their methods of work the Secretary-General is required to present the financial and administrative implications of the draft resolution as amended prior to its adoption by the Commission. The following estimates have been prepared by the Secretary-General with a view to enabling him, in accordance with paragraph 5 of the draft resolution as amended, to respond to the eventual requests by the Group for the assistance it requires in order to perform its functions in an effective and expeditious manner. In preparing these financial implications, the Secretary-General has based himself on experience with working methods and needs of other groups and on the volume of information which may likely be before the Group.

3. The Secretary-General envisages that the group might wish to hold the following meetings:

- Meeting to adopt methods of work - May/June 1980, Geneva, five working days;
- Meeting to review available information - September 1980, Geneva - ten working days;
- Meeting to review further information and prepare report to the Commission on Human Rights at its thirty-seventh session, December 1980, Geneva - ten working days.

4. The Group may also wish to establish contacts with governments. Provision has therefore been made for travel for this purpose.

5. The Secretary-General would require one professional officer at the P-3 level in order to provide basic services in connexion with the activities of the Working Group and carry out other tasks in connexion with the meetings of the Group and in order to enable the Group to report to the thirty-seventh session of the Commission on Human Rights.

6. With regard to the information which the Group may seek and receive from governments; intergovernmental organizations, humanitarian organizations and other reliable sources, three functions on the secretariat level would have to be carried out in order to put the Group in a position to carry out their activities. The information would have to be subject to an initial screening and classification, the information would have to be analysed and prepared in a usable form for the Group and finally correspondence with those concerned in the procedure would have to be maintained. The Secretary-General estimates that a total of 900 man days - or 45 man months - might be required to carry out these functions which equals five staff members working full-time during the expected available period of nine months, i.e., July 1980 to February 1981. It is proposed that these tasks be accomplished by three professional staff at the P-2 level, assisted by two general service clerk/typists.

7. In making the above estimates the Secretary-General has foreseen the use of computer services as an indispensable means to reduce staff and costs.

8. On the basis of the foregoing, the estimated costs would amount to \$203,000 and \$36,800 under Section 23, Human Rights for 1980 and 1981 respectively. In addition, the computer services costs - estimated after consultations with the International Computing Centre - would be \$75,000 and would have to be financed partly under section 23 Human Rights and partly under section 28G Electronic Data Processing and Informatic System Division (United Nations share of ICC Geneva cost). The related conference servicing costs, which would be incurred in 1980 are calculated on a full cost basis and would amount to \$200,487. Details of the financial implications of the resolution are as follows:



## A. HUMAN RIGHTS (Section 23)

1980                      1981  
(US dollars)

Group on Missing Persons

I. Meeting in Geneva, May/June 1980 (five working days)		
Travel and subsistence of experts		
(a) Travel	8 000	-
(b) Subsistence	3 700	-
Sub-total	<u>11 700</u>	<u>-</u>
II. Five separate round-trips for one member of group accompanied by one substantive officer for consultations with governments		
(calculated on a notional basis for a period of five working days for each visit)		
Travel cost of group 5 x \$2,500	10 000	2 500
Travel cost of staff 5 x \$2,300	9 200	2 300
Sub-total	<u>19 200</u>	<u>4 800</u>
III. Meeting in Geneva, September 1980, (ten working days)		
Travel and subsistence of group		
(a) Travel	8 000	-
(b) Subsistence	7 400	-
Sub-total	<u>15 400</u>	<u>-</u>
IV. Meeting in Geneva, December 1980, (ten working days)		
Travel and subsistence of group		
(a) Travel	8 000	-
(b) Subsistence	7 400	-
Sub-total	<u>15 400</u>	<u>-</u>

HUMAN RIGHTS  
(Section 23)

	<u>1980</u>	<u>1981</u>
V. Supplementary staff to service group (temporary assistance including common staff costs - July 1980 to February 1981)		
- one staff member at the P-3 level	31 200	9 000
- three staff members at the P-2/1 level	76 500	22 000
- two staff members at the G.S. level	38 600	11 000
Sub-total	<u>146 300</u>	<u>32 000</u>
Total	<u>208 000</u>	<u>36 800</u>

## B. Conference Services (Section 29 B)

Meetings May/June (5 working days)

	Number of staff	Number of days	Daily rate \$	\$	Total \$
<u>Interpretation</u>					
Salaries	9	7	206	12 978	12 978
<u>Documentation</u>					
Pre-Session					
Salaries - Translation	-	11	171	1 881	
Revision	-	4	190	760	
Typing	-	14	69	966	3 607
In-Session					
Salaries - Translation	-	28	171	4 788	
Revision	-	10	190	1 900	
Typing	-	35	69	2 415	9 103
Post-Session					
Salaries - Translation	-	84	171	14 364	
Revision	-	28	190	5 320	
Typing	-	105	69	7 245	26 929
<u>Reproduction</u>	-	71	45	3 195	3 195
<u>Distribution</u>	-	10	45	450	450
<u>Other Conference Staff</u>					
Conference officers			77		
Meeting-room attendants	1	7	45	315	
Technicians: interpretation	1	7	45	315	
sound recording	1	7	45	315	
Messengers			45		
Guards			45		
Cleaners	1	7	24	168	1 113
<u>Grand Total</u>					<u>57 375</u>

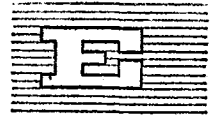
Meetings September 1980 (ten working days)

	Number of staff	Number of days	Daily rate \$	\$	Total \$
<u>Interpretation</u>					
- Salaries	9	14	206	25 956	25 956
<u>Documentation</u>					
Pre-Session					
Salaries - Translation	-	11	171	1 881	
Revision	-	4	190	760	
Typing	-	14	69	966	3 601
In-Session					
Salaries - Translation	-	28	171	4 788	
Revision	-	10	190	1 900	
Typing	-	35	69	2 415	9 103
Post-Session					
Salaries - Translation	-	84	171	14 364	
Revision	-	28	190	5 320	
Typing	-	105	69	7 245	26 929
<u>Reproduction</u>	-	73	45	3 285	3 285
<u>Distribution</u>	-	10	45	450	450
<u>Other Conference Staff</u>					
Conference officers			77		
Meeting-room attendants	1	14	45	630	
Technicians: interpretation	1	14	45	630	
sound recording	1	14	45	630	
Messengers			45		
Guards			45		
Cleaners	1	14	24	336	2 226
<u>Grand Total</u>					<u>71 556</u>

Meetings December 1980 (ten working days)

	Number of staff	Number of days	Daily rate \$	\$	Total \$
<u>Interpretation</u>					
Salaries	9	14	206	25 956	25 956
<u>Documentation</u>					
Pre-Session					
Salaries - Translation	-	11	171	1 881	
Revision	-	4	190	760	
Typing	-	14	69	966	3 601
In-Session					
Salaries - Translation	-	28	171	4 788	
Revision	-	10	190	1 900	
Typing	-	35	69	2 415	9 103
Post-Session					
Salaries - Translation	-	84	171	14 364	
Revision	-	28	190	5 320	
Typing	-	105	69	7 245	26 929
<u>Reproduction</u>	-	73	45	3 285	3 285
<u>Distribution</u>	-	10	45	450	450
<u>Other Conference Staff</u>					
Conference officers			77		
Meeting-room attendants	1	14	45	630	
Technicians: interpretation	1	14	45	630	
sound recording	1	14	45	630	
Messengers			45		
Guards			45		
Cleaners	1	14	24	336	2 226
<u>Grand Total</u>					71 556

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France: draft resolution

Individualization of prosecution and penalties, and repercussions of violations of human rights on families

The Commission on Human Rights

Mindful of the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Considering that everyone has the right to security of person,

Considering that all are equal before the law and are entitled without any discrimination to equal protection of the law,

Considering that everyone who is charged with an offence is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him,

Deeply concerned by the fact that the families (and particularly the spouses, parents and children) of persons detained or wanted for any reason are often exposed, on account of their connexion with such persons, to persecution, harassment and other infringements of their rights and freedoms,

1. Reaffirms the principles governing the fundamental safeguards of the individual set forth, in particular, in articles 3, 6, 7 and 10 of the Universal Declaration of Human Rights;

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2. Calls upon Governments to see to the strict application of those provisions, particularly so that no one can be prosecuted, persecuted or disturbed merely because of his connexion, family or other, with a suspect, an accused person or a person who has been convicted;
3. Requests the Sub-Commission on Prevention of Discrimination and the Protection of Minorities to study this question at its next session and submit general recommendations to the Commission for consideration at its thirty-seventh session.

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DRAFT

Report of the informal Working Group established by  
the Commission at its meeting

Chairman-Rapporteur: Mr. Abdoulaye Diéye (Senegal)

1. At its 1526th meeting, the Commission decided to establish an informal Working Group, open to all its members, to continue the consideration of a draft declaration on the elimination of all forms of intolerance and discrimination based on religion or belief.
2. The informal Working Group held eight meetings on 13, 14, 18, 20, 21, 25 February and 3 March 1980. At its first meeting on 13 February 1980, the informal Working Group unanimously elected Mr. Abdoulaye Diéye (Senegal) as its Chairman-Rapporteur.
3. It should be recalled that the informal Working Group established by the Commission on Human Rights had completed its consideration of the text of the preamble of the draft declaration at its thirty-third session<sup>1/</sup> and by resolution 20 (XXXV) of 14 March 1979<sup>2/</sup> the Commission on Human Rights had adopted the first three articles of the draft declaration.
4. The Group proceeded to consider paragraph IV of the operative part of the draft declaration on the basis of article IV of the text prepared by the Working Group set up by the Commission on Human Rights at its thirtieth session (E/CN.4/1145, para. 30).

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<sup>1/</sup> Official Records of the Economic and Social Council, sixty-second session, Supplement No. 6 (E/5927), para. 197.

<sup>2/</sup> Official Records of the Economic and Social Council, Supplement No. 6 (E/1979/36, p. 127).



5. Several representatives expressed their wish to have the texts of the Draft and Preamble and the first three operative articles of the **Draft Declaration** as adopted in previous sessions available in all languages. The Chairman agreed to the suggestion and asked the Secretariat to circulate these texts at the next meeting.

6. One representative said that although he agreed with the text of article IV as contained in document E/CN.4/1145, para. 30, he would like the first paragraph to end at the word "fields". The text of the first paragraph would thus read:

"All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields".

7. The Observer for the Holy See proposed as a text for article IV, paragraph (a) of document E/CN.4/NGO/273, which reads as follows:

"particularly in their work or profession, where they should not be deprived of better positions or promotion on the grounds of their religion or belief";

He also observed that the Ukrainian text contained in paragraph 31 (c) of document E/CN.4/1145 gave a precise definition of the areas where discrimination should be eliminated and that these areas were also well defined in article 3 of the Convention Against Racial Discrimination.

8. Several representatives expressed their support for the Moroccan proposal as contained in document E/CN.4/1145, para. 31 (b).

9. One representative suggested that in article IV, paragraph 1, the words "religious intolerance" should be replaced by the words "intolerance in the matter of religion or belief". Another representative was of the opinion that the words "religious intolerance" should be eliminated altogether.

10. The representative of the United Kingdom suggested the following text:

"Particular efforts shall be made to prevent discrimination based on religion or belief especially (i) in the obtaining of any work, or the joining of any profession, or in promotion in either case and (ii) in the fields of civil rights [access to] citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment".

11. One representative expressed the view that the second sentence of article IV, starting with the words "to enact or rescind", were too categorical and that another wording should be found; he also thought that the terms "religion" or "conviction" should be more specific. Another representative expressed his disagreement with that proposal.

12. The following changes were suggested by a representative: (i) in the first paragraph of article IV (E/CN.4/L.1145, para. 30) substitute "ils s'efforceront d'adopter" for "ils devront adopter" and delete completely the words "les préjugés dominant naissance à ..."; (ii) in the second paragraph of the same article, delete the words between brackets.

13. The Chairman suggested that the representatives should, for discussion purposes, consolidate their proposals in one text.

14. At the second meeting, the following text, as a consensus of six delegations - Cuba, France, Holy See, Philippines, United Kingdom and Madagascar - was circulated:

"Effective measures shall be taken by all States to prevent and to eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, especially in the obtaining of any employment or the joining of any profession, or in promotion in either case.

All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance based on religion or beliefs."

15. The representative of Cuba pointed out that he preferred the wording "or other types of belief". He felt that the impasse could be solved by adding the words "other beliefs in the matter of religion". Another representative expressed support for this concept.

16. One representative felt that the text as presented was singling out work and employment, which was inappropriate, and also that the words "theistic, non-theistic and atheistic belief" were more explicit than "religion or beliefs".

17. The representative of Brazil suggested that the words "in the matter" should be added at the end of the final sentence of article IV, as proposed by a consensus of representatives.

18. At the third meeting of the Working Group, the second sentence of article IV was adopted by consensus. The text reads as follows:

"All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter".

19. The representative of the United Kingdom submitted a proposal for the first paragraph of article IV containing the various suggestions made during the discussions. The text reads as follows:

"Effective measures shall be taken by all States and particular efforts shall be made by everyone to prevent and eliminate discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms, in all aspects of civil, political, economic, social and cultural life, particularly where citizenship, education, employment (and, in the exercise thereof, recruitment and promotion) and housing are concerned".

20. The USSR representative objected to the reference to individuals as this formulation had no precedent in other international instruments; he suggested the deletion of the words which come after "particularly" in the text proposed by the United Kingdom, as they would just overburden the text.

21. The representative of the Byelorussian SSR suggested the following text for paragraph 1 of article IV:

"All States shall take effective measures to prevent and eliminate discrimination based on religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life".

He also felt that the nature of "religion or belief" should be explained or, perhaps, that for the time being, those words should be put between brackets.

22. The Chairman reminded him that the words "religion or belief" had already been used in articles 1, 2 and 3, which had been adopted.

23. Some representatives reminded the Working Group that specific provisions to cover individuals were perfectly acceptable, as, for example, in the Declaration on the Elimination of Racial Discrimination and in the International Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

24. The USSR representative observed that the Working Group was talking about obligations to be taken by the State and he proposed the deletion of the words starting from "and particular efforts shall be made by everyone ...". The representative of Brazil observed that although he agreed with the USSR on this

phrase he also felt that this deletion would make the article relate only to actions of governments and that it was also important to adopt provisions applicable to individuals. He suggested the following text, which consisted of the wording in document E/CN.4/1145 and reflected the observations of two representatives who had suggested the replacement of the words "based on" by the words "on the grounds of":

"All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life".

25. The representative of the Netherlands stated that he understood the problems of some delegations regarding the insertion of obligations of both States and individuals in one article. He therefore suggested the following text for insertion as a separate article, which could be discussed at a later stage:

"All individuals, in accordance with the duties and responsibilities attributed to them by United Nations Human Rights Instruments, shall make particular efforts to prevent and eliminate discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all aspects of civil, political, economic, social and cultural life, particularly where education, employment, occupation and housing are concerned."

26. After discussion the text suggested by the USSR mentioned in paragraph 24 above was adopted by consensus on the understanding that at a later stage, a separate article would be adopted concerning the obligations of individuals with respect to religion or belief.

27. The representative of Cuba insisted that in the Spanish version of article IV the word "conviciones" should be used in place of "creencia" at the end of the article. It was so agreed.

28. The Chairman suggested as a point of departure for the Working Group's discussion of article V the text contained in document E/CN.4/1145, paragraph 33.

29. Two proposals were submitted by the representative of Canada and the Byelorussian SSR for article V. The proposal submitted by the representative of Canada reads as follows:

Article V

1. Parents or legal guardians have the right to decide upon the religion or beliefs in which a child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or beliefs in accordance with the wishes of his parents and shall not be compelled to receive religious education inconsistent with the wishes of his parents or legal guardians.
3. In the case of a child who has been deprived of his parents their expressed or presumed wish in the matter of religion or belief shall be duly taken into account, the best interests of the child being the guiding principle.
4. The child shall be brought up with respect for freedom of religion or beliefs and a spirit of mutual tolerance.
5. When a child has reached an appropriate age, he shall have freedom of choice in all matters of religion or beliefs.

The proposal submitted by the Byelorussian SSR reads as follows:

Article V

1. Parents and, where applicable, legal guardians shall have the liberty to ensure in a manner consistent with the procedures followed in the State for the application of its legislation the religious and moral education of the children in conformity with their own convictions; no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction.
  2. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
30. The representative of Argentina suggested for paragraph 1 of article V the text contained in paragraph 33 of E/CN.4/1145 with the deletion of the last two paragraphs. The text reads as follows:

"Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up."

31. On the second paragraph the representative of Argentina suggested that the words "its interest or" be deleted and the second phrase be reformulated as follows:

"The decision concerning the religion or belief in which a child should be brought up must not be injurious to his health, and must not do him physical or moral harm, nor inculcate any discrimination based on religion or beliefs".

32. There was a discussion as to which text should be adopted as the basic text for discussion. One representative pointed out that the first sentence of article V of the Canadian proposal and the text contained in E/CN.4/1145, paragraph 33 were exactly the same. Another representative added that the Byelorussian proposal introduced the concept of "national legislation" into article V.

33. One observer said that there were basic differences in paragraphs 1 and 2 of article V, for paragraph 1 dealt with the freedom and the right of parents to give religious instruction of their own choice to their children and paragraph 2 dealt with the problem of religious education and he felt that it was important that any person or group should be able to refuse any instruction incompatible with their beliefs. Another representative felt that the text being discussed ignored other aspects which might affect a child such as, for example, the environment.

34. The representative of Bulgaria proposed that article V should be split in two: (a) the first part would keep the wording of the first paragraph of E/CN.4/1145, paragraph 33 and, (b) the second part would provide for the right not to give the child religious education as not to give the impression that religious education was in any way compulsory.

35. The representative of Brazil made the following proposal for paragraph 2 of article V:

Article V

"2. No child shall be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians."

36. The representative of the Soviet Union said he felt that the concept of religious belief should be defined. The following text was suggested by the USSR:

"The Working Group decides that the draft declaration should include a definition of the term "religion or belief" either in a separate article or in one of the agreed articles. The expression 'religion or beliefs' includes theistic, non-theistic and atheistic beliefs".

37. At the fifth meeting of the Working Group, the observer for the Holy See suggested a new paragraph to replace paragraph 1 of the text proposed by the representative of Canada (see para. 27 above). The new text reads:

"Parents have the right to organize freely in accordance with their religion or beliefs, the life of the family and in particular to decide upon the moral and religious education in which a child should be brought up."

38. Some delegations expressed support for this proposal while others thought it failed to take into account the role of legal guardians. In this connexion one representative cited article V, subparagraph (b) of the Convention against Discrimination in Education adopted by UNESCO in 1960 which says "parents and, where applicable, legal guardians". Another representative felt the text failed to clarify whether it was dealing with life inside the family or outside the family.

39. It was also felt by one representative that a more concise text would be preferable while other representatives felt that the Canadian text as it stood would make all points concerning the subject clearer. The need was felt for a more precise reference to the observance of national legislation.

40. The representative of Bulgaria suggested the addition of the words "non-religious". The second part of the first paragraph of article V would thus read:

"to decide upon the education, moral, religious and non-religious, in which the child should be brought up, in conformity with national legislation".

41. The discussion centred around trying to reach a compromise text that would take into account all the different suggestions made by the representatives.

42. The first compromise text reads as follows:

"Parents and, where appropriate, legal guardians, have the right to organize freely in accordance with their religion or beliefs the life of the family and in particular to decide upon the moral and religious education in which a child should be brought up."

43. No consensus could be obtained on the above-mentioned text. The view was expressed that the words "within the family" would be a better expression in the Spanish version of the text while another representative felt that these words would be restrictive even in Spanish.

44. Some representatives felt that the words "non-religious" were very difficult to accept.

45. A new compromise text read:

"Parents and, where appropriate, legal guardians have the right to organize freely, in accordance with their religion or beliefs, the life of the family and in particular to decide upon the moral and religious education in which the child should be brought up in a manner consistent with national legislation."

46. The representative of Madagascar proposed the following text for the preambular paragraph of the draft Declaration.

"All States undertake to develop and apply a national policy which will tend to promote equality of opportunity and of treatment in the matter of education in accordance with the provisions of the first paragraph below."

47. At the last meeting of the Working Group a new revised text for article V was proposed by the Observer for the Holy See. The text reads as follows:

"1. The parents or, where applicable, the guardians shall have primary responsibility for organizing family life and, in particular, shall have the right to decide the religion or belief in which the child is to be raised, as well as its moral upbringing."

48. Some representatives felt that the above-mentioned text was a new text and that they preferred the compromise text contained in paragraph 42 above, while others felt it was very important not to omit reference to the words "within the family" and to document E/CN.4/1145.

49. The representative of Cuba proposed the following text:

"1. The parents or the legal guardians of the child have the right to organize, in accordance with their religion or belief and in the light of the moral education in which they believe the child should be brought up, within the life of the family."

50. The representative of the United States suggested a change in the order of the words in the last line to "the life within the family" and to place it after the word "organize".

51. After discussion, the text for paragraph 1 of article V, as amended, was adopted and reads as follows:

"1. The parents or the legal guardians of the child have the right to organize the life within the family, in accordance with their religion or belief and in the light of the moral education in which they believe the child should be brought up."

52. The following text suggested by the representative of the United States for article VI was circulated:

"Every person and every group or community has the right to manifest their religion or beliefs in public or in private, without being subjected to any discrimination on the grounds of religion or beliefs. This right includes, in particular:



(a) Freedom to worship, to assemble and to establish and maintain places of worship or assembly;

(b) Freedom to teach, to disseminate at home and abroad, and to learn their religion or beliefs, and also its sacred languages or traditions;

(c) Freedom to practice their religion or beliefs by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or beliefs in public life;

(d) Freedom to observe the rites or customs of their religion or beliefs;

(e) Freedom to write, publish, and disseminate publications relating to their religion or beliefs;

(f) Freedom to solicit and receive financial and other contributions in support of their religion or beliefs from institutions and individuals, provided, however, that such contributions shall not be compelled by governmental or other authorities."

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DRAFT

Report of the informal Working Group established by  
the Commission at its meeting

Chairman-Rapporteur: Mr. Abdoulaye Diéye (Senegal)

1. At its 1526th meeting, the Commission decided to establish an informal Working Group, open to all its members, to continue the consideration of a draft declaration on the elimination of all forms of intolerance and discrimination based on religion or belief.
2. The informal Working Group held meetings on 13, 14, 18, 20, 21, 25 February and 3 March 1980. At its first meeting on 13 February 1980, the informal Working Group unanimously elected Mr. Abdoulaye Diéye (Senegal) as its Chairman-Rapporteur.
3. It should be recalled that the informal Working Group established by the Commission on Human Rights had completed its consideration of the text of the preamble of the draft declaration at its thirty-third session<sup>1/</sup> and by resolution 20 (XXXV) of 14 March 1979<sup>2/</sup> the Commission on Human Rights had adopted the first three articles of the draft declaration.
4. The Group proceeded to consider paragraph IV of the operative part of the draft declaration on the basis of article IV of the text prepared by the Working Group set up by the Commission on Human Rights at its thirtieth session (E/CN.4/1145, para. 30).

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<sup>1/</sup> Official Records of the Economic and Social Council, sixty-second session, Supplement No. 6 (E/5927), para. 197.

<sup>2/</sup> Official Records of the Economic and Social Council, Supplement No. 6 (E/1979/36, p.127).

5. Several representatives expressed their wish to have the texts of the Draft and Preamble and the first three operative articles of the Draft Declaration as adopted in previous sessions available in all languages. The Chairman agreed to the suggestion and asked the Secretariat to circulate these texts at the next meeting.

6. One representative said that although he agreed with the text of article IV as contained in document E/CN.4/1145, para. 30, he would like the first paragraph to end at the word "fields". The text of the first paragraph would thus read:

"All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields".

7. The Observer for the Holy See proposed as a text for article IV, paragraph (a) of document E/CN.4/NGO/273, which reads as follows:

"particularly in their work or profession, where they should not be deprived of better positions or promotion on the grounds of their religion or belief";

He also observed that the Ukrainian text contained in paragraph 31 (c) of document E/CN.4/1145 gave a precise definition of the areas where discrimination should be eliminated and that these areas were also well defined in article 3 of the Convention Against Racial Discrimination.

8. Several representatives expressed their support for the Moroccan proposal as contained in document E/CN.4/1145, paragraph 31 (b).

9. One representative suggested that in article IV, paragraph 1, the words "religious intolerance" should be replaced by the words "intolerance in the matter of religion or belief". Another representative was of the opinion that the words "religious intolerance" should be eliminated altogether.

10. The representative of the United Kingdom suggested the following text:

"Particular efforts shall be made to prevent discrimination based on religion or belief especially (i) in the obtaining of any work, or the joining of any profession, or in promotion in either case and (ii) in the fields of civil rights [access to] citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment".

11. One representative expressed the view that the second sentence of article IV, starting with the words "to enact or rescind", were too categorical and that another wording should be found; he also thought that the terms "religion" or "conviction" should be more specific. Another representative expressed his disagreement with that proposal.

12. The following changes were suggested by a representative: (i) in the first paragraph of article IV (E/CN.4/1145, para. 30) substitute "ils s'efforceront d'adopter" for "ils devront adopter" and delete completely the words "les préjugés donnant naissance à ..."; (ii) in the second paragraph of the same article, delete the words between brackets.

13. The Chairman suggested that the representatives should, for discussion purposes, consolidate their proposals in one text.

14. At the second meeting, the following text, as a consensus of six delegations - Cuba, France, Holy See, Philippines, United Kingdom and Madagascar - was circulated:

"Effective measures shall be taken by all States to prevent and to eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, especially in the obtaining of any employment or the joining of any profession, or in promotion in either case.

All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance based on religion or beliefs."

15. The representative of Cuba pointed out that he preferred the wording "or other types of belief". He felt that the impasse could be solved by adding the words "other beliefs in the matter of religion". Another representative expressed support for this concept.

16. One representative felt that the text as presented was singling out work and employment, which was inappropriate, and also that the words "theistic, non-theistic and atheistic belief" were more explicit than "religion or beliefs".

17. The representative of Brazil suggested that the words "in the matter" should be added at the end of the final sentence of article IV, as proposed by a consensus of representatives.

18. At the third meeting of the Working Group, the second sentence of article IV was adopted by consensus. The text reads as follows:

"All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter".

19. The representative of the United Kingdom submitted a proposal for the first paragraph of article IV containing the various suggestions made during the discussions. The text reads as follows:

"Effective measures shall be taken by all States and particular efforts shall be made by everyone to prevent and eliminate discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms, in all aspects of civil, political, economic, social and cultural life, particularly where citizenship, education, employment (and, in the exercise thereof, recruitment and promotion) and housing are concerned".

20. The USSR representative objected to the reference to individuals as this formulation had no precedent in other international instruments; he suggested the deletion of the words which come after "particularly" in the text proposed by the United Kingdom, as they would just overburden the text.

21. The representative of the Byelorussian SSR suggested the following text for paragraph 1 of article IV:

"All States shall take effective measures to prevent and eliminate discrimination based on religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life".

He also felt that the nature of "religion or belief" should be explained or, perhaps, that for the time being, those words should be put between brackets.

22. The Chairman reminded him that the words "religion or belief" had already been used in articles 1, 2 and 3, which had been adopted.

23. Some representatives reminded the Working Group that specific provisions to cover individuals were perfectly acceptable, as, for example, in the Declaration on the Elimination of Racial Discrimination and in the International Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

24. The USSR representative observed that the Working Group was talking about obligations to be taken by the State and he proposed the deletion of the words starting from "and particular efforts shall be made by everyone ...". The representative of Brazil observed that although he agreed with the USSR on this

phrase he also felt that this deletion would make the article relate only to actions of governments and that it was also important to adopt provisions applicable to individuals. He suggested the following text, which consisted of the wording in document E/CN.4/1145 and reflected the observations of two representatives who had suggested the replacement of the words "based on" by the words "on the grounds of":

#### Article IV

"All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life".

25. The representative of the Netherlands stated that he understood the problems of some delegations regarding the insertion of obligations of both States and individuals in one article. He therefore suggested the following text for insertion as a separate article, which could be discussed at a later stage:

"All individuals, in accordance with the duties and responsibilities attributed to them by United Nations Human Rights Instruments, shall make particular efforts to prevent and eliminate discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all aspects of civil, political, economic, social and cultural life, particularly where education, employment, occupation and housing are concerned."

26. After discussion the text suggested by the USSR mentioned in paragraph 24 above was adopted by consensus on the understanding that at a later stage, a separate article would be adopted concerning the obligations of individuals with respect to religion or belief.

27. The representative of Cuba insisted that in the Spanish version of article IV the word "conviciones" should be used in place of "creencia" at the end of the article. It was so agreed.

28. The Chairman suggested as a point of departure for the Working Group's discussion of article V the text contained in document E/CN.4/1145, paragraph 33.

29. Two proposals were submitted by the representative of Canada and the Byelorussian SSR for article V. The proposal submitted by the representative of Canada reads as follows:

#### Article V

1. Parents or legal guardians have the right to decide upon the religion or beliefs in which a child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or beliefs in accordance with the wishes of his parents and shall not be compelled to receive religious education inconsistent with the wishes of his parents or legal guardians.
3. In the case of a child who has been deprived of his parents their expressed or presumed wish in the matter of religion or belief shall be duly taken into account, the best interests of the child being the guiding principle.
4. The child shall be brought up with respect for freedom of religion or beliefs and a spirit of mutual tolerance.
5. When a child has reached an appropriate age, he shall have freedom of choice in all matters of religion or beliefs.

The proposal submitted by the Byelorussian SSR reads as follows:

Article V

1. Parents and, where applicable, legal guardians shall have the liberty to ensure in a manner consistent with the procedures followed in the State for the application of its legislation the religious and moral education of the children in conformity with their own convictions; no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction.
2. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
30. The representative of Argentina suggested for paragraph 1 of article V the text contained in paragraph 33 of E/CN.4/1145 with the deletion of the last two paragraphs. The text reads as follows:

"Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up."

31. On the second paragraph the representative of Argentina suggested that the words "its interest or" be deleted and the second phrase be reformulated as follows:

"The decision concerning the religion or belief in which a child should be brought up must not be injurious to his health, and must not do him physical or moral harm, nor inculcate any discrimination based on religion or beliefs".

32. There was a discussion as to which text should be adopted as the basic text for discussion. One representative pointed out that the first sentence of article V of the Canadian proposal and the text contained in E/CN.4/1145, paragraph 33 were exactly the same. Another representative added that the Byelorussian proposal introduced the concept of "national legislation" into article V.

33. One observer said that there were basic differences in paragraphs 1 and 2 of article V, for paragraph 1 dealt with the freedom and the right of parents to give religious instruction of their own choice to their children and paragraph 2 dealt with the problem of religious education and he felt that it was important that any person or group should be able to refuse any instruction incompatible with their beliefs. Another representative felt that the text being discussed ignored other aspects which might affect a child such as, for example, the environment.

34. The representative of Bulgaria proposed that article V should be split in two: (a) the first part would keep the wording of the first paragraph of E/CN.4/1145, paragraph 33 and, (b) the second part would provide for the right not to give the child religious education as not to give the impression that religious education was in any way compulsory.

35. The representative of Brazil made the following proposal for paragraph 2 of article V:

Article V

"2. No child shall be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians."

36. The representative of the Soviet Union said he felt that the concept of religious belief should be defined. The following text was suggested by the USSR:

"The Working Group decides that the draft declaration should include a definition of the term 'religion or belief' either in a separate article or in one of the agreed articles. The expression 'religion or beliefs' includes theistic, non-theistic and atheistic beliefs".

37. At the fifth meeting of the Working Group, the observer for the Holy See suggested a new paragraph to replace paragraph 1 of the text proposed by the representative of Canada (see para. 27 above). The new text reads:

"Parents have the right to organize freely in accordance with their religion or beliefs, the life of the family and in particular to decide upon the moral and religious education in which a child should be brought up."



38. Some delegations expressed support for this proposal while others thought it failed to take into account the role of legal guardians. In this connexion one representative cited article V, subparagraph (b) of the Convention against Discrimination in Education adopted by UNESCO in 1960 which says "parents and, where applicable, legal guardians". Another representative felt the text failed to clarify whether it was dealing with life inside the family or outside the family.

39. It was also felt by one representative that a more concise text would be preferable while other representatives felt that the Canadian text as it stood would make all points concerning the subject clearer. The need was felt for a more precise reference to the observance of national legislation.

40. The representative of Bulgaria suggested the addition of the words "non-religious". The second part of the first paragraph of article V would thus read:

"to decide upon the education, moral, religious and non-religious, in which the child should be brought up, in conformity with national legislation".

41. The discussion centred around trying to reach a compromise text that would take into account all the different suggestions made by the representatives.

42. The first compromise text reads as follows:

"Parents and, where appropriate, legal guardians, have the right to organize freely in accordance with their religion or beliefs the life of the family and in particular to decide upon the moral and religious education in which a child should be brought up."

43. No consensus could be obtained on the above-mentioned text. The view was expressed that the words "within the family" would be a better expression in the Spanish version of the text while another representative felt that these words would be restrictive even in Spanish.

44. Certain representatives felt that the words "non-religious" were very difficult to accept.

45. A new compromise text read:

"Parents and, where appropriate, legal guardians have the right to organize freely, in accordance with their religion or beliefs, the life of the family and in particular to decide upon the moral and religious education in which the child should be brought up in a manner consistent with national legislation."

46. The representative of Madagascar proposed the following text for the preambular paragraph of the draft Declaration.

"All States undertake to develop and apply a national policy which will tend to promote equality of opportunity and of treatment in the matter of education in accordance with the provisions of the first paragraph below."

46 bis. At the last meeting of the Working Group, the representative of the International Association for Religious Freedom had occasion to call attention to his written statement presented in document E/CN.4/NGO/259.

47. At the last meeting of the Working Group a new revised text for article V was proposed by the Observer for the Holy See. The text reads as follows:

"1. The parents or, where applicable, the guardians shall have primary responsibility for organizing family life and, in particular, shall have the right to decide the religion or belief in which the child is to be raised, as well as its moral upbringing."

48. Some representatives felt that the above-mentioned text was a new text and that they preferred the compromise text contained in paragraph 42 above, while others felt it was very important not to omit reference to the words "within the family" and to document E/CN.4/1145.

49. The representative of Cuba proposed the following text:

"1. The parents or the legal guardians of the child have the right to organize, in accordance with their religion or belief and in the light of the moral education in which they believe the child should be brought up, within the life of the family."

50. The representative of the United States suggested a change in the order of the words in the last line to "the life within the family" and to place it after the word "organize".

51. After discussion, the text for paragraph 1 of article V, as amended, was adopted and reads as follows:

"1. The parents or as the case may be the legal guardians of the child have the right to organize the life within the family, in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up."

52. During the discussion of draft paragraph 1 of article V many delegations raised the question of reference to national legislation. A consensus was reached on this question and the members of the Working Group generally agreed that this reference would be made in another paragraph of the Declaration.

53. The following text for article V was proposed by the representative of the Byelorussian SSR:

Article V

The child shall be protected from practices which may foster any form of discrimination on the ground of religion or beliefs. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

54. The following text suggested by the representative of the United States for article VI was circulated and was not discussed due to lack of time:

"Every person and every group or community has the right to manifest their religion or beliefs in public or in private, without being subjected to any discrimination on the grounds of religion or beliefs. This right includes, in particular:

(a) Freedom to worship, to assemble and to establish and maintain places of worship or assembly;

(b) Freedom to teach, to disseminate at home and abroad, and to learn their religion or beliefs, and also its sacred languages or traditions;

(c) Freedom to practice their religion or beliefs by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or beliefs in public life;

(d) Freedom to observe the rites or customs of their religion or beliefs;

(e) Freedom to write, publish, and disseminate publications relating to their religion or beliefs;

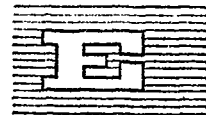
(f) Freedom to solicit and receive financial and other contributions in support of their religion or beliefs from institutions and individuals, provided, however, that such contributions shall not be compelled by governmental or other authorities."

55. During the discussion on the draft report of the Working Group some representatives expressed the view that they were sure that consensus had been achieved with regard to the following text contained in paragraph 36 of the draft report:

"The Working Group decides that the draft declaration should include a definition of the term "religion and belief", either in a separate article or in one of the agreed articles".

56. The Chairman said that consensus had not been achieved.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Bulgaria, Byelorussian Soviet Socialist Republic, Cuba,  
Czechoslovakia, \*/ Democratic Yemen, \*/ Ethiopia,  
German Democratic Republic, \*/ Hungary, \*/ Mongolia,  
Poland, Ukrainian Soviet Socialist Republic,\*/  
Union of Soviet Socialist Republics and Viet Nam: \*/  
draft resolution

Question of the violations of human rights  
committed in Democratic Kampuchea

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration on Human Rights,

Having considered the analysis of the situation of human rights in Democratic Kampuchea prepared by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities submitted to the Commission on Human Rights at its thirty-fifth session (E/CN.4/1335),

1. Notes with appreciation the above-mentioned analysis and condemns the revealed flagrant and mass violations of human rights and fundamental freedoms in Democratic Kampuchea.
2. Declares its complete sympathy with and appeals to all States to support, the Kampuchean people in their efforts to normalize their life and to recover their human rights and fundamental freedoms.

\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1512

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

1. By paragraph 1 of draft resolution E/CN.4/L.1512, the Commission would authorize the Bureau of the latest session of the Commission (the Bureau being composed of the Chairman, the three Vice Chairmen, and the Rapporteur) to meet at the request of any three of its members whenever in their judgement there has occurred a situation involving a mass and flagrant violation of human rights requiring urgent consideration. By operative paragraph 2 (b) of the draft resolution, the Bureau may decide, in a decision supported by at least three of the five Bureau members, that an emergency special session of the Commission on Human Rights should be convened.

2. The related costs calculated on a full cost basis, are estimated at \$290,510 under section 29 B, Conference Servicing, and \$112,000 under section 23, Human Rights for the biennium 1980-1981. Details of these estimates are presented below:

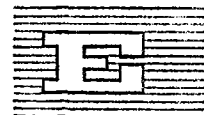
<u>Conference Servicing Costs</u> (Section 29 B)	<u>1980</u> (US dollars)	<u>1981</u> (US dollars)
I. Meeting of the members of the Bureau, Geneva (five working days)	11,143	11,143
II. Meeting of the Commission (emergency special session), Geneva (five working days)	134,112	134,112
	<u>145,255 1/</u>	<u>145,255 1/</u>
<u>Human Rights</u> (Section 23)		
I. Travel of members of Commission	50,000	50,000
II. Travel of members of Bureau	6,000	6,000
	<u>56,000 1/</u>	<u>56,000 1/</u>

1/ Should further intersessional meetings be required during the biennium 1980-1981, it is estimated that the same amounts would be required.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1520

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

1. By operative paragraph 2 of draft resolution E/CN.4/L.1520 the Commission would decide to establish, at the very beginning of its thirty-seventh session, an open-ended sessional working group to undertake the work outlined in paragraph 1 of the draft resolution and to elaborate appropriate recommendations for consideration by the Commission at its XXXVII session. By operative paragraph 4 of the draft resolution, the Commission would authorize, subject to the approval of the Economic and Social Council, its Bureau, elected on the basis of equitable geographic distribution, to meet, with the agreement of all its members, to discuss prompt measures that are required to be taken or envisaged in exceptional circumstances with regard to situations of mass and flagrant violations of human rights as defined in General Assembly resolution 32/130.

2. The related costs, calculated on a full cost basis, are estimated at \$145,255 under section 29 B Conference Servicing, and \$12,000 under section 23 Human Rights for the biennium 1980-1981. Details of these estimates are presented below:

<u>Conference Servicing Costs</u> (Section 29 B)	<u>1980</u> (US dollars)	<u>1981</u> (US dollars)
I. Commission on Human Rights (open-ended sessional working group, Geneva five working days)		134,112
II. Meeting of members of the Bureau, Geneva five working days	11,143	11,143 <sup>1/</sup>
	<u>11,143<sup>1/</sup></u>	<u>145,255</u>
 <u>Human Rights</u> (Section 23)		
Travel of members of the Bureau	6,000 <sup>1/</sup>	6,000 <sup>1/</sup>

<sup>1/</sup> Should further additional meetings of the Bureau be required during the biennium 1980-1981, it is estimated that these same amounts would be required.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE  
PROGRAMME AND METHODS OF WORK OF THE COMMISSION;  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE  
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE  
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Cyprus, Egypt, Ghana, Greece, Pakistan, Panama, United Kingdom  
of Great Britain and Northern Ireland, Yugoslavia, Zambia:  
draft resolution

Good offices role of the Secretary-General  
in the field of Human Rights

The Commission on Human Rights,

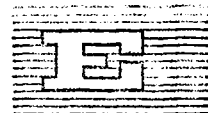
Bearing in mind General Assembly resolution 34/175 on the need for effective action by the United Nations against mass and flagrant violations of human rights, which, inter alia, stressed the important role that the Secretary-General can play in such situations,

Recalling that the Economic and Social Council in its resolution 1979/36 expressed its appreciation to the Secretary-General for his efforts to continue rendering the good offices envisaged in the Charter of the United Nations in the field of human rights,

Welcoming the statement of the Secretary-General in his Report on the Work of the Organization submitted to the General Assembly at its thirty-fourth session that he has continued to exert his best endeavours on behalf of human rights whenever he considers that his actions may be of assistance to the persons or groups concerned,

(1) Requests the Secretary-General to continue and intensify his good offices role in the field of human rights;

(2) Invites the Secretary-General to consider attending and addressing the opening meeting of the Commission at its thirty-seventh session.



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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 17

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,  
INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION  
TO MILITARY SERVICE

Canada, Costa Rica, Denmark and The Netherlands: draft resolution

The question of conscientious objection to military service

The Commission on Human Rights,

- (1) Recalling articles 3 and 18 of the Universal Declaration of Human Rights, which proclaimed the right to life, liberty and the security of person and the right to freedom of thought, conscience and religion,
- (2) Bearing in mind General Assembly resolution 33/165 of 20 December 1978, which recognized the right of all persons to refuse service in military or police forces used to enforce apartheid,
- (3) Noting the need to elaborate further internationally recognized principles, applicable to circumstances under which military service may be objected to on the grounds of conscience or profound moral conviction,
- (4) Mindful that the report of the Secretary-General, prepared in pursuance of its resolution 11 B (XXVII) of 19 March 1971 and relating to conscientious objection to military service and alternative service, may be in need of updating in order fully to reflect the present state of affairs,
  1. Requests the Secretary-General to seek once again from Member States up-to-date information on national legislation and other measures and practices relating to conscientious objection to military service and alternative service, together with any comments they may wish to transmit on the matter;



2. Further requests the Secretary-General to report on the information provided by Member States to the Commission at its thirty-seventh session with a view to further consideration of this question at that session;
3. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to discuss the question of conscientious objection to military service and of alternative service at its thirty-third session in the light of any comments the Secretary-General may have received from Member States, with a view to making appropriate recommendations to the Commission at its thirty-seventh session.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 10 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO  
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:  
(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT

Cuba, Denmark, Egypt, Greece, Netherlands, Norway, \*/ Senegal, Sweden: \*/  
draft resolution

The Commission on Human Rights,

Having in mind General Assembly resolution 32/62 of 8 December 1977 by which the Commission was requested to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, and resolution 1979/35 of 10 May 1979 by which the Economic and Social Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-sixth session of the Commission to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that such a draft convention has been discussed in a working group prior to and during the thirty-sixth session of the Commission but that it was not found possible to complete the work during that session,

Noting with satisfaction the progress made by the open-ended working group on the draft convention during the thirty-sixth session,

Desiring to make arrangements to expedite the work on the draft convention with a view to its early adoption,

1. Recognizes that it is advisable to continue the work on the draft convention in a working group which should meet before the thirty-seventh session of the Commission,
2. Decides to accord high priority to the consideration of this question at its thirty-seventh session,
3. Recommends that the Economic and Social Council should adopt the following resolution:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

The Economic and Social Council,

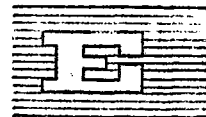
Recalling General Assembly resolution 32/62 of 8 December 1977 by which the Commission on Human Rights was requested to draw up a draft convention on torture and other cruel, inhuman or degrading treatment, or punishment, and resolution 1979/35 of 10 May 1979 by which the Economic and Social Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-sixth session of the Commission to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment,

Considering that it was not found possible to complete the work on the convention during the thirty-sixth session of the Commission,

Taking note of Commission on Human Rights resolution - (XXXVI),

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-seventh session of the Commission on Human Rights to complete the work on a draft convention against torture,
  2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-seventh session all relevant materials relating to the draft convention.
-

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Canada, Costa Rica, Pakistan, Panama, Philippines, Senegal,  
United States of America and Zambia: draft resolution

The Commission on Human Rights,

Mindful of its mandate under the United Nations Charter to promote and encourage respect for human rights and for fundamental freedoms for all,

Disturbed by the scale and magnitude of exoduses of populations involving hundreds of thousands of men, women and children in many regions of the world,

Conscious of the human sufferings that result from such large-scale exoduses,

Noting the immense burden imposed on countries and territories of first asylum which receive the victims of these sudden and massive movements of population,

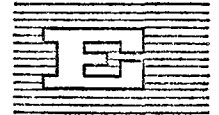
Concerned by indications that such large exoduses of persons and groups are frequently the result of violations of human rights,

Considering the responsibility of the international community to render protection and assistance to victims of such exoduses and to share in the burden being imposed on first asylum countries,

Considering further the responsibility of the international community to help in alleviating the conditions which cause these exoduses,

1. Calls upon all States to promote and encourage respect for human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations and with the relevant international instruments, particularly the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination;
  2. Further calls upon all States, intergovernmental and humanitarian organizations to provide relief and assistance to refugees and displaced persons in various parts of the world and to share in the burden imposed upon first asylum countries by large-scale exoduses;
  3. Urges those States which are the source of the exodus or the place of refuge of persons and groups involved in large-scale exoduses to co-operate fully among themselves and with other States, intergovernmental and humanitarian organizations, in rendering protection and assistance to victims, in searching for enduring solutions for these situations, and in helping to prevent and eliminate conditions which may precipitate such exoduses;
  4. Requests the Secretary-General, in cases where any such large-scale exoduses becomes a matter of international concern and solidarity to consider establishing direct contacts with appropriate governments, including on-site visits with their permission, to assess the relationships between the situation and full enjoyment of human rights and to make concrete recommendations for ameliorating such situations;
  5. Requests the Secretary-General, where warranted, to submit to the Commission, or to the General Assembly as appropriate, at its next sitting, a summary of his findings and recommendations to assist governments in restoring full enjoyment of human rights;
  6. Decides to consider at its thirty-seventh session the question "Human Rights and Massive Exoduses" when considering item 12 of the agenda.
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Thirty-sixth session  
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE  
PROGRAMME AND METHODS OF WORK OF THE COMMISSION:  
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE  
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE  
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Bulgaria, Iraq, Netherlands and Yugoslavia: draft resolution

The Commission on Human Rights,

Taking into account General Assembly resolutions 32/130 of 16 December 1977,  
33/104 and 33/105 of 16 December 1978 on alternative approaches and ways and means  
within the United Nations system for improving the effective enjoyment of human  
rights and fundamental freedoms,

Recalling its resolution 22 (XXXV) which contained appropriate recommendations  
approved by the Economic and Social Council in its resolution 1979/36 and noted  
with satisfaction by the General Assembly,

Recalling also General Assembly resolution 34/49 of 23 November 1979 in regard  
to national institutions for the promotion and protection of human rights,

Recalling that the Commission on Human Rights has been requested to prepare  
suggestions on the possibility of convening meetings of the Bureau of the  
Commission in intersessional periods in exceptional circumstances,

Noting that in its resolution 22 (XXXV) the Commission foresaw the possibility  
of setting up a sessional working group at its thirty-seventh session to make  
appropriate proposals for the co-ordination of specific human rights activities  
and programmes within the United Nations system,

Referring to General Assembly resolutions 34/46 and 34/48 of 23 November 1979, as well as 34/175 of 17 December 1979,

Desiring to pursue its ongoing work on the over-all analysis with a view to the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Bearing in mind that in this regard the Commission has already taken comprehensive and far-reaching steps, the significance of which deserves to be evaluated in the course of its ongoing work,

1. Decides to continue at its thirty-seventh session its ongoing work on the over-all analysis of further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

2. Decides further to establish at the very beginning of its thirty-seventh session an open-ended sessional working group to continue the over-all analysis as decided in paragraph 1 and also to consider the question of the co-ordination of specific human rights activities within the United Nations system as well as to elaborate appropriate recommendations with respect to the over-all analysis for consideration by the Commission at its thirty-seventh session;

3. Deems it necessary, while carrying out its task, to pay attention to the preparation of a broadly balanced long-term programme of work, in conformity with the Charter of the United Nations, the Universal Declaration of Human Rights, and relevant international instruments, taking into account the concepts enumerated in General Assembly resolution 32/130;

4. Requests the Secretary-General to seek the views of governments on the possibility of the creation of an intersessional role for the Commission's Bureau and on the possible need for convening emergency sessions of the Commission in order to consider responding to reports of mass and flagrant violations of human rights of an urgent nature and to report thereon to the Commission at its thirty-seventh session;

5. Requests the Secretary-General to submit to the Commission at its thirty-seventh session:

(a) available information on intersessional roles performed by the Bureaux of other bodies in the United Nations system,

(b) information on the means available, including financial implications, for the convening of intersessional meetings of the Bureau as well as of emergency sessions of the Commission,

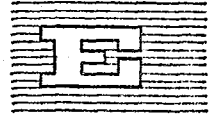
(c) any other information relevant to the subject;

6. Further requests the Secretary-General to place before the working group referred to in paragraph 2 above the reports of the working groups established with regard to the present item at its thirty-fourth and thirty-fifth sessions, along with any other information relevant to this item;

7. Decides to consider this item again at its thirty-seventh session;

8. Requests the Secretary-General to bring the present resolution to the attention of the General Assembly at its thirty-fifth session.





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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN  
ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Canada, Pakistan, Panama, Philippines, Thailand,\*/  
United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on Human Rights,

Recalling its decision 9 (XXXIV) of 8 March 1978 concerning the human rights situation in Democratic Kampuchea,

Bearing in mind resolution 11 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 15 September 1978 which recommended that the Commission give this matter highest priority, and also resolution 4 B (XXXII) of the Sub-Commission,

Having considered the analysis of the Chairman of the Sub-Commission of materials and information furnished in accordance with Commission decision 9 (XXXIV) relating to the human rights situation in Democratic Kampuchea,

Recalling also General Assembly resolution 34/175 in which the Commission is urged to take timely and effective action in cases of mass and flagrant violations of human rights,

Noting with deep concern that in January 1979 Democratic Kampuchea was invaded by foreign forces, leading to further human suffering including a large-scale exodus of refugees,

Recalling further General Assembly resolution 34/22 on the situation in Kampuchea which called on the parties to the conflict to cease all hostilities forthwith and for the immediate withdrawal of all foreign forces from Kampuchea,

Seriously concerned that Kampuchea is still under foreign occupation and that the conflict continues, thus preventing the people of Kampuchea from exercising their right to self-determination,

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Expresses its appreciation for the efficient manner in which the Sub-Commission under its dedicated Chairman discharged its responsibilities, and endorses its report;
2. Condemns all the gross and flagrant violations of human rights which have occurred in Kampuchea;
3. Condemns further the invasion and occupation of parts of Kampuchea by foreign forces and the violation of human rights which have ensued;
4. Calls on the parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate withdrawal of all foreign forces from Kampuchea;
5. Urges the parties to observe fully the fundamental principles of human rights and pending cessation of the hostilities, in particular to:
  - (a) Cease all attacks against the civilian population of the war-affected areas;
  - (b) Ensure the safety of displaced persons and refugees;
  - (c) Ensure the adequate supply and distribution of food and medical care to the civilian population, and non-interference with all activities which are essential for the survival of the civilian population;
  - (d) Spare the lives of those enemy combatants who surrender or are captured and treat them humanely;
6. Commends the humanitarian efforts of the International Committee of the Red Cross, of various agencies of the United Nations system and of national and international non-governmental organizations in bringing emergency supplies to the people of Kampuchea;
7. Calls on the parties to co-operate fully with the relief agencies;
8. Commends the efforts of the United Nations High Commissioner for Refugees and neighbouring countries, particularly the Kingdom of Thailand, in providing relief and assistance to large numbers of Kampuchean who have been forced to flee and urges Governments and non-governmental organizations to continue generously to co-operate in the provision of this relief and assistance;
9. Recommends that the people of Kampuchea be granted their fundamental freedoms and human rights including the right to decide their own future through free and fair elections without outside interference, subversion or coercion;
10. Decides to keep the human rights situation in Kampuchea under review at its thirty-seventh session as a matter of priority, and to this end requests a member of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its next session to review any further material on the subject which may become available and to submit it together with appropriate recommendations to the Commission.

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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Canada, Costa Rica, Philippines, Portugal, United Kingdom  
of Great Britain and Northern Ireland and Uruguay:  
draft resolution

The Commission on Human Rights,

Recalling the provisions of Articles 100, 101, 103, 104 and 105 of the Charter of the United Nations, and the Convention on the Privileges and Immunities of the United Nations,

Concerned at reports of infringements of the human rights of United Nations staff members and the abrogation of rights conveyed under the Convention on the Privileges and Immunities of the United Nations,

1. Appeals to Member States of the United Nations to respect their obligations under the Charter, the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights and the Convention on the Privileges and Immunities of the United Nations;

2. Requests the Secretary-General to take such action as may be necessary to ensure the full enjoyment of human rights by United Nations staff members and the enjoyment of rights conveyed under the Convention on the Privileges and Immunities of the United Nations.

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COMMISSION ON HUMAN RIGHTS  
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Costa Rica, Federal Republic of Germany, Netherlands, Panama, Portugal,  
United Kingdom of Great Britain and Northern Ireland:  
draft decision

MESSAGE ON THE QUESTION OF  
SAKHAROV

The Commission on Human Rights decides to authorize its Chairman to communicate the following message to the Government of the Soviet Union:

"The Commission on Human Rights, meeting in Geneva for its thirty-sixth session, decided to give priority under agenda item 12 to the case of Academician Andrei Sakharov, spokesman for human rights, thereby expressing concern about the administrative measures taken in regard to him. The Commission decided to request the Government of the Soviet Union to provide information on this case to the Commission, and to consider the question again at its thirty-seventh session."

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER  
DEPENDENT COUNTRIES AND TERRITORIES

Canada, Cuba, Denmark, Iraq, Netherlands and Yugoslavia:  
draft resolution

The Commission on Human Rights

Bearing in mind the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its decision 12 (XXXV) of 14 March 1979 concerning the assassination in Guatemala of Dr. Alberto Fuentes Mohr,

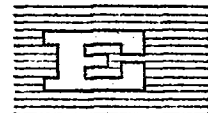
Noting the response of the Government of Guatemala to Commission decision 12 (XXXV),

Taking into account the fact that since the adoption of its decision 12 (XXXV) there have been serious reports of further events of a similar nature which testify to the climate of insecurity and unrest afflicting the people of Guatemala,

Considering that in addition the reported actions of the Guatemalan authorities in putting down demonstrations of popular discontent indicate a deterioration of the situation and lack of due respect for human rights and fundamental freedoms and have contributed to the occurrence of events which have disturbed and concerned international public opinion.

1. Expresses its profound concern at the situation of human rights and fundamental freedoms in Guatemala;
2. Urges the Government of Guatemala to take the necessary measures to ensure full respect for the human rights and fundamental freedoms of the people of Guatemala;
3. Decides to keep the situation of human rights and fundamental freedoms in Guatemala under review at its thirty-seventh session and, to that end, requests the Secretary-General to bring this resolution to the attention of the Government of Guatemala and report on the results of this contact to the Commission at that session.

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COMMISSION ON HUMAN RIGHTS

Thirty-sixth session

Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Union of Soviet Socialist Republics: draft resolution

The Commission on Human Rights,

Recalling that the Charter of the United Nations proclaims the determination of the peoples to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling that the international instruments on human rights proclaim the right of everyone to life, liberty and security of person, and also the right not to be subjected to arbitrary arrest, detention, torture or cruel, inhuman or degrading treatment or punishment,

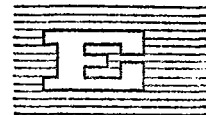
Bearing in mind resolution 32/130 of the General Assembly, in which it is stated, in particular, that in approaching human rights questions within the United Nations system, the international community should accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons,

Seriously disturbed by the communications concerning flagrant and mass violations of human rights in Northern Ireland,

1. Expresses its deep concern that flagrant and mass violations of human rights and fundamental freedoms have long been occurring in Northern Ireland;
2. Expresses its special concern over the continuance in Northern Ireland of such flagrant violations of human rights as the killing of peaceful citizens by British soldiers, arbitrary arrest and detention, the beating of arrested and detained persons, torture, including the use of physically and mentally exhausting methods of interrogation, and of intimidation and degrading treatment, and the inhuman treatment of prisoners.

3. Expresses also its special concern over the fact that such acts of the United Kingdom as the introduction of legislation on special powers have practically established in Northern Ireland a régime of military occupation and have created the foundation for systematic and uncontrolled abuses of power by the army and police;
4. Calls upon the Government of the United Kingdom without delay to restore and guarantee the fundamental human rights of the people of Northern Ireland, and also fully to observe the provisions of the international instruments on human rights, to which the United Kingdom is a party;
5. Requests the Government of the United Kingdom to supply the Commission immediately with information on the action it takes to stop the flagrant and mass violations of human rights in Northern Ireland.

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Thirty-sixth session  
Agenda item 13

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Administrative and financial implications of the draft resolution  
contained in document E/CN.4/L.1513/Rev.1

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

1. By operative paragraph 2 of draft resolution E/CN.4/L.1513/Rev.1, the Commission would request the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the thirty-seventh session of the Commission on Human Rights to facilitate completion of the work on a draft convention on the rights of the child.
2. On the basis of the foregoing, the relevant costs are estimated on a full cost basis at \$30,165 under Section 29 B, Conference Servicing. These estimates are presented below.

1981  
(US dollars)

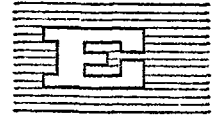
Conference Servicing Costs  
(Section 29 B)

Open-ended Working Group  
(Geneva 1981, five working days)

30,165



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Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1519


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

- By operative paragraph 1 of draft resolution E/CN.4/L.1519 the Commission would urgently request the Economic and Social Council to take the necessary measures so that summary records are re-introduced for the Commission and for the Sub-Commission on Prevention of Discrimination and Protection of Minorities commencing with the thirty-seventh session of the Commission and the thirty-third session of the Sub-Commission.
- On the basis of the foregoing the relevant costs are estimated on a full cost basis at \$472,249 under Section 29 B, Conference Servicing, for the biennium 1980-1981. These estimates are presented below.

	<u>1980</u> (US dollars)	<u>1981</u>
<u>Conference Servicing Costs</u> (Section 29 B)		
Re-introduction of summary records for the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (thirty-third and thirty-fourth sessions)	134 279	134 279
Re-introduction of summary records for the Commission on Human Rights (thirty-seventh session)		203 691
	<u>134 279</u>	<u>337 970</u>

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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER  
DEPENDENT COUNTRIES AND TERRITORIES

Bulgaria, Byelorussian SSR and Mongolia: Amendments to  
draft resolution E/CN.4/L.1530

1. After the third preambular paragraph, insert a new paragraph reading: "Noting with serious concern the continuing great distress of refugees and displaced persons in various regions of the world".
2. At the end of the preamble, insert a new paragraph reading: "Noting the active role played by the United Nations High Commissioner for Refugees in providing assistance to refugees and displaced persons and the purely humanitarian nature of his activities".
3. At the end of operative paragraph 1, add the words: "the International Convention on the Suppression and Punishment of the Crime of Apartheid".
4. In operative paragraph 2, after the word "organizations", insert the words "and in particular the United Nations High Commissioner for Refugees".
5. In the third line of paragraph 3, after the word "organizations", insert the words "on the basis of the principles of the Charter of the United Nations".
6. At the end of paragraph 4, delete the last part beginning with the words "including on-site visits", and replace it by the following: "with a view to discussing related questions with those Governments within the framework of the Charter of the United Nations".
7. In paragraph 5, delete the words "where warranted" and the words "or to the General Assembly as appropriate", and replace the text beginning with the words "a summary of ..." by "a regular report of the United Nations High Commissioner for Refugees".
8. In paragraph 6, replace the words "the question" by "this question", delete the words "Human Rights and Massive Exoduses", and at the end of the paragraph insert the words: "in the light of the aforementioned report of the United Nations High Commissioner for Refugees".

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Agenda item 23

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,  
RELIGIOUS AND LINGUISTIC MINORITIES

Report of the informal working group set up by  
the Commission on agenda item 23

Chairman-Rapporteur: Mr. I. Toševski (Yugoslavia)

1. At its thirty-fourth session, the Commission established an informal working group, open to all its members, to consider questions connected with the drafting of a declaration on the rights of members of national, ethnic, religious and linguistic minorities. A draft declaration on such rights which was proposed by Yugoslavia (E/CN.4/L.1367/Rev.1), and which was meant to serve as a starting point for an exchange of views, was referred to the Working Group.
2. The Commission in its resolution 14 A (XXXIV) of 6 March 1978, after having taken note of resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977 recommending that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights, and having taken cognizance of the report of the above-mentioned working group (E/CN.4/L.1282, paragraph 302), requested the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission and the thirty-fourth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the Member States for their comments, and decided to consider the item at its thirty-fifth session.
3. At its thirty-fifth session the Commission had before it the comments received from Governments pursuant to Commission resolution 14 A (XXXIV) (E/CN.4/L.1298).
4. By its resolution 21 (XXXV) of 14 March 1979 the Commission, taking into consideration that most of the Governments of Member States had not yet submitted the comments requested by its resolution 14 A (XXXIV), and having taken cognizance of the report of the Working Group established during the session of the Commission (E/CN.4/L.1467), requested the Secretary-General to transmit to the Governments of Member States the relevant documents of the thirty-fifth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic,

religious and linguistic minorities, and to ask those Governments which had not yet done so to submit their comments on the subject-matter for consideration by the Commission, requested the Sub-Commission to submit its opinion on the draft declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) for consideration by the Commission at its thirty-sixth session, taking into account all relevant documents, and decided to consider at its thirty-sixth session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

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

6. At its thirty-sixth session the Commission had before it the draft declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1), comments from Governments (E/CN.4/1298 and Add.1 to 8), the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-second session (E/CN.4/1350, paras. 221-227 and decision 1 (XXXII)), the summary records of the 850th meeting of the Sub-Commission (E/CN.4/SR.850) and documents E/CN.4/NGO. 272 and 275.

7. The Commission at its thirty-sixth session set up an open-ended Working Group to continue its consideration of this matter. The Group held meetings on 4, 5 and 6 March 1980. At its first meeting, the Group elected Mr. Toševski of Yugoslavia as its Chairman-Rapporteur.

8. In the course of the first meeting and at the Chairman's proposal, it was agreed without objection that the Working Group would hear general statements and comments on the draft declaration, in particular from those representatives who were participating in the work of the Group for the first time. The Working Group would then examine in more detail the various provisions contained in the draft declaration.

9. The representative of Australia hoped that after a general debate there would be time for comments and specific proposals on the Yugoslav proposals regarding the draft declaration. The Working Group could then conclude its work this year by entrusting its Chairman with the task of examining the different proposals and including them in a comprehensive document which might become a negotiating document for future sessions which could be looked at in a detailed manner, article by article. He thought that work could probably not be advanced very much under existing time constraints and it might be possible to do more effective work next year, particularly if, through a resolution of the Commission, the Sub-Commission could be requested to pay detailed attention to this subject. He referred to document E/CN.4/1298/Add.8 embodying Australia's views. He stated that the idea of a Declaration was of potential benefit to minorities in many countries and pointed out that his Government would carefully examine all proposals made by Governments, international organizations, and non-governmental organizations and, in particular, the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as any further proposals by the Government of Yugoslavia. Keeping his specific comments for the next stage of the debate, he stated that it would be useful if the Secretary-General were to prepare and provide to the Commission for future work a comparative document showing the various provisions now in existence in international instruments and relating to minorities. Finally, he drew attention to a new instrument relevant to the

general question of elimination of discrimination, the Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice, proclaimed by Heads of Government of Commonwealth countries at their meeting in Lusaka, 1-7 August 1979.

10. The representative of Argentina stated that the preparation of the Declaration on minorities was to be viewed in connexion with article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Argentina was a party. She supported the proposals relating to a consolidated text which should contain revised and up-to-date proposals by Governments, to which the Argentine Government would submit specific comments during the following year. The proposed comparative text would also be extremely helpful.

11. The observer for Norway stated that his Government recognized the need for greater international efforts for the protection of minorities and therefore supported the general principles included in the draft submitted by Yugoslavia. This had been reflected in recent proposals by his Government both at the World Conference to Combat Racism and Racial Discrimination (Geneva, August 1979) and in respect of the draft Declaration under consideration, in the form of comments contained E/CN.4/1298, pages 13-15, aimed at broadening the scope of the draft Declaration so as to include indigenous populations as a separate category and to pay attention to their specific needs and rights. In 1979 and 1980 the Governments of Norway and other Nordic countries had agreed to make special efforts in respect of indigenous peoples. They were also looking forward to the submission to the Sub-Commission of the final report on the study on indigenous populations, which they hoped would be at its next session, in September 1980. The comments submitted by Norway in connexion with the draft declaration on minorities should perhaps be taken out of that framework and kept for whatever follow-up may result from the study on indigenous populations.

12. The representative of the United Kingdom referred to the basic question whether the draft declaration was to be considered within the framework of article 27 of the International Covenant of Civil and Political Rights or, whether it should also encompass indigenous populations. This matter was not at all clear. In article 27 of the Covenant "ethnic, religious and linguistic minorities" were mentioned while in the title of the item now under discussion the word "national" was also included. He was not suggesting that "national minorities" or "indigenous populations" should not be included. He was, rather, referring to the need to determine whether or not to depart from the text of article 27 of the Covenant.

13. The representative of the Netherlands expressed support for the efforts by the Yugoslav delegation aimed at the adoption of a United Nations Declaration on Minorities. However, the draft as it stood posed certain problems which should be considered carefully. He pointed out that a limited approach to some questions could lead to a greater measure of acceptability resulting in larger support for the text. This would be achieved by keeping the Declaration closer to the terms of article 27 of the International Covenant on Civil and Political Rights. Some obligations included in the text seemed to be too far-reaching, especially inasmuch as they could apply "regardless of the size of the minority" concerned. The Declaration should in no way inhibit efforts by the Commission, the Sub-Commission or other United Nations bodies effectively to protect the rights of minorities. He expressed support for the idea of the preparation of a consolidated text by the Chairman. He requested the Chairman to prepare this text in time for its consideration by the Sub-Commission at its next session, as the views of that body of experts was particularly valuable.

14. The representative of Greece stated that there were numerous bilateral and multilateral instruments dealing with the rights of minorities wherein the relevant

historical, geographic and economic circumstances were fully taken into account. In the Working Group general texts should be considered, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; in particular, article 27 of the Covenant, which had been drafted with considerable wisdom, and that should guide work on this matter, which should be viewed as an effort to help States in carrying out tasks and duties arising from these texts. If, however, there was a laudable and serious effort to expand horizons and make it possible to see beyond article 27 he would accept them. There was, however, a difficulty frequently encountered in all these efforts, namely how to define the term minority and, indeed, there were different kinds of minorities. A decision should be made as to whether all kinds of minorities should be covered in the text.

15. The representative of Bulgaria supported the views of the representatives of Australia, the United Kingdom and the Netherlands. He noted further that the draft did not deal with indigenous populations or with the possibility of their voluntary integration with the rest of the populations. Difficulties arose from the fact that not all Governments had sent their comments on the Yugoslav draft and that the Sub-Commission had not expressed its final views on this matter. He drew attention to the interpretation of the question of the right to self-determination and the rights of persons belonging to minorities as these apparently were also an important part of the principles on this matter. Lastly, there was the question of the scope of this matter, whether to adhere only to article 27 of the Covenant or also to include other proposals.

16. In the course of the second meeting, the observer for the Holy See stated that he thought integration and autonomy were aspects of a dynamic bilateral process in the life of persons and societies. Willingness is essential, as no social group would gain anything through forced integration. Even gradual integration should not mean destruction or pure and simple abandonment of the values of the original society but, on the contrary, the contribution of those values to the new society. Everyone should always keep the right to be true to his own culture and ethnic origin. The aim should be to attain variety in unity and unity in variety as the result of the encounter of cultures, with a mutual enrichment. No renunciation of its own characteristics by any group nor its isolation should be sought, but harmonization of diverse elements. Minorities as such had rights but they also had obligations, in a combination of forces aiming at conditions of social life conducive to the development of persons, families and groups in a fuller and easier manner.

17. The representative of the Syrian Arab Republic made four points. First, the Sub-Commission in its resolution 5 (XXX) of 31 August 1977 had recommended that the Commission should consider drafting a declaration on the rights of members of minorities within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights. That article only mentions three categories of minorities, namely ethnic, religious and linguistic. The draft declaration under consideration includes, in addition, "national" minorities. Second, the title of the draft declaration referred to the rights of persons belonging to minorities but the provisions related to the rights of minorities as groups, not to the individuals forming them. This was not in conformity with the provisions of article 27 of the Covenant. Third, when the draft referred to the rights of national minorities in absolute terms, this might be interpreted as entailing the right to secede or the right to have separate, privileged groups or the development of certain groups as separate entities, thus socially harming the national unity of certain countries and endangering their territorial integrity. This would be contrary to the spirit and the wording of article 27 of the Covenant as well as to the relevant

provisions of the Charter of the United Nations. Fourth, the content of article 3 of the draft declaration went beyond the concept of protection of the cultural or linguistic characteristics of minorities. The United Nations should concentrate on efforts to guarantee the human rights and fundamental freedoms of people under colonial domination, under apartheid or other racist systems, as well as those under foreign occupation. The Commission should be careful not to encourage separatism or prejudice, which were contrary to the Charter of the United Nations and to international instruments on human rights. It should be remembered that the Zionist movement had resorted and continued to resort to dubious means to create prejudice and to enhance the dismantling of societies in certain countries. The Working Group should make proposals aiming at the creation of equality of groups within societies.

18. The representative of India stated that his country had already submitted comments in writing. He added that it was not possible or desirable to treat all minorities in the same way or to follow, in their regard, the same policies, as there were vast differences among different minorities. Each minority had its own characteristics, its own problems in given particular social or national contexts. It was important to ensure that no minority would be discriminated against just because it was a minority. This should be achieved by the declaration.

19. The representative of Iraq stated that if the declaration was based on article 27 of the Covenant, it should use terminology restricted to ethnic, religious and linguistic minorities; it should not include "national" minorities. The text should safeguard the rights of minorities and not include other groupings that were different from minority groups as, for instance, indigenous populations. The purpose of the declaration should be to safeguard and develop the rights of minorities as part of the struggle against racial discrimination and not to give privileges to these people.

20. The representative of Morocco commended the efforts of Yugoslavia to secure adoption of the declaration on minorities. He had, however, a number of reservations on the draft, although he fully agreed with the need to have such a declaration. He could not agree that the declaration should apply to ethnic, religious and linguistic groups, which, even in the case of States with heterogeneous populations, may be described as national minorities closely linked to other groups in the country. In his country the national community consisted of Moroccan people belonging to the Islamic faith and to the great Arab community. The Moroccan Jewish community was the only one that could be considered as separate, but that community, while maintaining its attachment to Judaism, was also a part of the national community. It was unacceptable to speak of the rights of groups. As the representative of Iraq had said, the Working Group should only deal with the rights of individuals belonging to ethnic, religious or linguistic minorities but who form part of the single people of the country. It would be dangerous to emphasize differences between groups. Instead efforts should be made to harmonize relations between them. These rights of groups might be misinterpreted and undermine the national unity of States. Morocco reserved its position on this matter until a more suitable text, taking into account the objectives he had just outlined had been prepared.

21. The representative of the Soviet Union said his delegation would present detailed comments and proposals later on. For the present he had some preliminary comments. It would be expedient to consider the inclusion of a definition of the concept of minorities in the text of the draft declaration. A number of delegations had expressed a similar view. The concept of minorities in article 1 required clarification in order to avoid misunderstandings. He had considerable difficulties with the concept of religious minority. This concept was highly amorphous. In his

country, for example, most of the population was atheist, but there were quite a number of people belonging to the Orthodox or Muslim faiths. He wondered whether they should be considered as religious minorities, as this might be offensive to them: in the USSR the term minority was not used; instead reference was made to persons of certain origin or to nationalities or to smaller national groups. It should also be taken into account that another Working Group of the Commission was currently discussing the elaboration of a declaration on the elimination of all forms of intolerance and discrimination based on religion or belief. This could create problems as there was a certain degree of coincidence of purpose between that draft and the one under discussion in this Working Group.

22. The representative of Iraq proposed that in the title the term "national" should be deleted, in order to keep the text within the purview of article 27 of the International Covenant on Civil and Political Rights.

23. The representative of Australia considered that the preamble of the draft declaration was satisfactory. He realized that there was a serious problem relating to the definition of "minorities", "national minorities", "religious minorities". There were also difficulties as regards the dividing line between a minority and a group and the status of very small groups. The size of the minorities seemed to be important as attitudes and policies towards smaller minorities might differ from those adopted as regards larger groups. He suggested that in the further work on the preamble some provisions of UNESCO's Declaration on Race and Racial Prejudice, in particular articles 5 (1) and 1 (2), should be taken into account, as well as the Lusaka Declaration to which he had made reference earlier.

24. The representative of the Netherlands concurred with the statement of Australia regarding the preamble. While the concept of ethnic minority or religious minority posed few problems to his delegation he had difficulties with that of "national minorities" which seemed to refer to sub-national groups or to marginal groups. The size of the minority was also important. It was difficult to consider very small groups or sects as a real minority.

25. The representative of India proposed that reference should be made, in the second preambular paragraph, to the International Covenant on Economic, Social and Cultural Rights. The development of the whole society was essential while at the same time the rights of all groups within that society, including those of minorities, should be guaranteed. The ultimate goal should not be to accentuate differences but rather to harmonize all groups in an over-all national context. In all these aspects the Covenant on Economic, Social and Cultural Rights was very pertinent.

26. The representative of the Netherlands wondered whether the reference to "national minorities" was compatible with the International Covenant on Civil and Political Rights, which did not mention this concept. The definition of the meaning of "national" was important.

27. During the third meeting the representative of the Syrian Arab Republic stated that he wished to associate himself with the proposal of Iraq to delete the word "national" from the title of the draft declaration as that word has not yet been defined and it did not appear in article 27 of the International Covenant on Civil and Political Rights.

28. The representative of the United States of America said that the United States Federal Constitution and the fifty State constitutions protected rights of minority



groups. It nevertheless remained true that ethnic, religious and linguistic minorities sometimes suffered from discrimination. Much progress had been made over the past years. The United States delegation accepted the ideals included in the draft declaration. Presenting comments on the draft as a whole, he had two questions. One concerned the meaning of the term "national minority". In the United States this concept did not appear in the Constitution or in the laws. There was need to define this term. The second question concerned the meaning of the word "promote" used in the first operative paragraph. If it meant the establishment of an environment conducive to the development of minorities he would agree, but if promotion meant a preferential status, that would create difficulties.

29. The representative of the Romani Union stated that his organization gathered together all gypsies throughout the world - a total of over 10 million people - with the main aim of combating open racial discrimination against them, which, unfortunately, continued to exist. His organization had been following with great interest the activities of the Commission and the Sub-Commission relating to respect for national minorities, and also appreciated the initiative taken by Yugoslavia.

30. The representative of the World Student Christian Federation said that the concept of "minority rights" was insufficient to address the complex nature of the problems facing the indigenous peoples of the world. The rights of indigenous peoples could most effectively be protected by an instrument and mechanisms exclusively devoted to their situation. This was an important question of the rights of peoples. The study now in progress under the responsibility of a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities raised hopes that it would lead to the creation of an international instrument on the rights of indigenous peoples. He urged that any action in this regard be reserved pending the publication of this study.

31. The representative of the International Indian Treaty Council, believed that the inclusion of indigenous peoples in the draft declaration under discussion was misleading and wrong in its basic assumptions. The draft, and attempts to include in it the indigenous populations of the Western Hemisphere, were made with the best of intentions but in ignorance of basic facts, such as the existence today of 371 treaties between various Indian nations and the Government of the United States. These treaties acknowledged the sovereignty and territorial integrity of these Indian nations. The ultimate goal of their colonizers would be achieved by referring to indigenous peoples as minorities. The Indian people of the Western Hemisphere had distinct cultures, languages, religions and forms of government which could never be assimilated into the character of their colonizers. To classify the indigenous peoples of the Western Hemisphere as their oppressor would classify them would be a serious blow to Indian people in their struggle for self-determination and recognition of their sovereign rights as independent Indian nations.

32. The representative of Bulgaria stated that the revised text to be submitted next year by the delegation of Yugoslavia should be drafted in accordance with article 27 of the International Covenant on Civil and Political Rights avoiding any discrepancies in this connexion. In the preamble, first the rights of persons belonging to minorities were discussed but, at the end of the preamble, the rights of minorities were dealt with. It was necessary to bring the approach into line with the provisions of article 27 of the Covenant, the Charter of the United Nations and other international instruments. The declaration should call for the implementation, in full equality, of rights of individuals belonging to these minorities and not for any privileges. Attention should be paid also to rights enshrined in the International Covenant of Economic, Social and Cultural Rights.

33. The representative of the Philippines said that the word minority was a difficult term to define. In normal language, minority meant a group of persons living in a community who were fewer in numbers than the other members of that community. No inferiority in quality was necessarily implied. The aim of a draft was to protect the minority vis-à-vis the majority; to prevent the majority from depriving the minority of the same rights which the majority enjoyed. In the preparation of the declaration three points should be taken into account: (1) the minority should be protected so that the majority should not oppress the minority or deprive it of the benefits given to the members of the majority; (2) the minority should be placed on an equal level so far as rights were concerned; (3) the minority should not consider itself a privileged group with special entitlements. Under these conditions all persons would be equal before the law and have equal opportunities before the law.

34. The representative of the United States of America made reference to the fact that the problems of indigenous populations were different from those of minorities as had been noted by several speakers. This was true in the United States, in part because of the existence of treaties with some of those nations. For these reasons it might perhaps be agreed not to cover indigenous peoples in the draft to be submitted next year. This would be in line with the suggestion made by Australia on page 2 of its comments (E/CN.4/1298/Add.8).

35. The representative of Greece stated that it would be important to include in next year's documents a definition of "minorities". This was admittedly a difficult task. Work in connexion with this declaration next year should begin with a definition on the basis of article 27 of the International Covenant on Civil and Political Rights, the implementation of which should be among the fundamental aims of this work. It should be ensured that people belonging to the minority had their rights protected. No attempts should be made to create new minorities or raise obstacles to integration. Legal equality had to be protected by appropriate instruments, whether national or international. Real equality meant a balance of rights and obligations. This was to be achieved within the same State. Specific international instruments dealing with given particularities should not be neglected. Situations that did not really resemble each other should not be heaped together into the same basket. Striking a balance between the general and the particular was hard. The problem of differentiating national from ethnic minorities was especially difficult.

36. The representative of Norway agreed that it would be desirable to deal with the problems of indigenous populations separately. He requested that the amendments submitted in 1978 by Norway (E/CN.4/1298) should be held in abeyance; then might later be taken up in connexion with the study on indigenous populations in the Sub-Commission, which might decide to set up a working group to work exclusively on the question of indigenous peoples.

37. The representative of Iraq stated, in connexion with the need for a specific definition of the term minority, that in the preparatory work on article 27 of the International Covenant on Civil and Political Rights this question of definition had been avoided. This question involved socio-political concepts and therefore no precise and unanimous definition could be prepared in an international instrument. Professor Capotorti had tried to define this term in his study, and for the purposes of that study had defined it as a group which was numerically smaller than the rest

of the population of the State to which it belonged and possessed cultural, physical or historical characteristics, a religion or a language which were different from those of the rest of the population. This definition had been circulated to Governments and many replies and comments had been received. In his view it was not possible to establish a precise definition in a very complex and sensitive instrument such as the one under consideration.

38. The representative of Australia made reference to the proposal of his Government (E/CN.4/1298/Add.8) which aimed at strengthening the importance of the right to existence already included in the draft declaration, by providing for a special article aimed at providing a better opportunity fully to reject genocide and the expulsion of minorities. As regards indigenous populations, the study carried out under the responsibility of Mr. Martinez Cobo as Special Rapporteur of the Sub-Commission should be taken into account. It was essential that that study be indeed a satisfactory one from the point of view of these populations themselves. The work of this Working Group should in no way pre-empt or prejudice the very important work entrusted to Mr. Martinez Cobo. He requested the Chairman-Rapporteur to take into account the specific proposals contained in the Australian Government's comments which could not be studied at this juncture.

39. The representative of Argentina wondered what was the precise scope of the declaration under discussion, in particular whether it had been intended to include indigenous populations or not.

40. The representative of Cyprus requested the Chairman-Rapporteur to ensure that, when revising the draft, consideration is given not only to rights but also to duties. No abuse or irresponsibility should be allowed which would impede or obstruct the smooth ruling by the majority in accordance with the Constitution and legislation of the country. As was recognized by the General Assembly, as regards States, upon the proposal of the International Law Commission in connexion with the Draft Declaration on the Rights and Duties of States, minorities should also clearly understand that they not only have the same rights but also the same duties as the rest of the population. Thus, no evasion of military duties should be permitted on the ground that minority religious belief does not permit military service.

41. The representative of Yugoslavia said that he greatly appreciated the comments and suggestions made either during the discussions in the Working Group or submitted by Governments in reply to the request of the Secretary-General. When the draft declaration was submitted to the Commission, her delegation had explained the motives and purposes of its provisions, indicating that it was a working paper open to proposals and suggestions for further improvement, so as to make it acceptable to all States in its final form. At the time the draft was presented it had been made clear that it was the intention of the drafters to promote the rights of minorities based upon strict respect for the sovereignty, territorial integrity and political independence of countries in which minorities lived, as well as upon non-interference in the internal affairs of those countries. Finally, the rights of minorities should be used only for their protection and not to foster separatism but, on the contrary, to foster the unity of the countries concerned. All suggestions had been carefully noted and most of them could be accommodated in the revised text to be prepared. The Yugoslav delegation remained open to any new suggestions, whether in bilateral or other forms of contact, aimed at further improving the text of the draft declaration.

42. The Working Group transmits the following draft resolution to the Commission on Human Rights:

Draft resolution - Working Group on a Draft Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (Item 23 of the agenda)

(XXXVI). Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978 and 21 (XXXV) of 14 March 1979,

Having taken cognizance of the report of the Working Group,

1. Requests the Chairman-Rapporteur of the Working Group, Mr. Toševski to prepare a revised and consolidated text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1367/Rev.1), taking into account all views expressed orally and in writing in connexion with the present draft as a basis for future work of the Commission and to transmit the revised draft to the Secretary-General in time for consideration by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-third session;
2. Requests the Secretary-General to prepare a document incorporating all provisions relevant to the rights of persons belonging to national, ethnic, religious or linguistic minorities as contained in international instruments in time for the submission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-third session;
3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make a thorough and detailed examination of the revised draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities as referred to in paragraph 1 above and to submit its views on this revised draft to the Commission on Human Rights at its thirty-seventh session, taking into account all relevant documents, including the document mentioned in paragraph 2, above;
4. Decides to consider at its thirty-seventh session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Canada: draft resolution

The Commission on Human Rights,

Recalling its resolution 15 (XXXV) of 13 March 1979 in which it recommended that a Special Rapporteur be appointed to make a thorough study of the situation of human rights in Equatorial Guinea,

Considering the important changes that have occurred in the country since 3 August 1979, which indicate a desire on the part of the new régime to restore and guarantee enjoyment of human rights in Equatorial Guinea,

Noting that a change of Government has taken place in Equatorial Guinea since the adoption of the above-mentioned resolution,

Bearing in mind its responsibilities for co-ordination in the human rights field conferred by Economic and Social Council resolution 1979/36,

Mindful of the developmental measures to be considered by concerned bodies in the United Nations system as a result of General Assembly resolution 34/123 of 14 December 1979, and of the need to take due account of human rights concerns in the adoption and implementation of such measures,

Taking note with appreciation of the report submitted by the Special Rapporteur on the situation of human rights in Equatorial Guinea,

Noting with appreciation the interest of the Government of Equatorial Guinea in the co-operation of the United Nations in order to ensure the effective enjoyment of fundamental rights by the citizens of Equatorial Guinea,

1. Decides to request the Secretary-General to appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms, keeping in mind the recommendations of the Special Rapporteur and the economical, political and social realities of that country,

2. Requests the Secretary-General, in consultation with the expert, to provide, within the framework of United Nations technical assistance programmes, the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country;

3. Invites the Government of Equatorial Guinea to extend its co-operation to the expert in the implementation of his mandate;

4. Requests the expert to submit a report on the implementation of this resolution to the Commission for consideration at its thirty-seventh session;

5. Invites all States, specialized agencies and other organs associated with the United Nations system, humanitarian organizations and non-governmental organizations to extend their help and assistance to Equatorial Guinea with a view to helping that country in its desire fully to restore human rights and fundamental freedoms;

6. Recommends the following draft decision for adoption by the Economic and Social Council:

"The Economic and Social Council approves the decision of the Commission on Human Rights in resolution (XXXVI) of to request the Secretary-General:

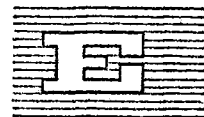
(a) To appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms, keeping in mind the recommendations of the Special Rapporteur and the political economic and social realities of that country;

(b) To provide, in consultation with the expert, within the framework of United Nations technical assistance programmes, the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country."

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COMMISSION ON HUMAN RIGHTS  
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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Report of the Working Group

Chairman-Rapporteur: Mr. Adam Lopatka (Poland)

1. The open-ended Working Group held meetings on 22, 25, 26, 27, 28 and 29 February and 7 March 1980. At its first meeting, Mr. Adam Lopatka (Poland) was elected Chairman-Rapporteur by acclamation. The Working Group adopted this report at its last meeting, held on 7 March 1980. By consensus decision of the Working Group, that meeting was chaired by Mr. Andrzej Olszówka (Poland).
2. The Working Group had before it the text of a draft Convention on the Rights of the Child annexed to Commission resolution 20 (XXXIV) of 8 March 1978 and the report of the Secretary-General on the views, observations and suggestions on the question submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324 and Corr.1 and Add.1-5). In addition, the Working Group had before it the text of a revised draft Convention submitted by Poland on 5 October 1979 (E/CN.4/1349). The Working Group also had before it a number of Sub-Commission documents relating to the exploitation of child labour which the Sub-Commission, by operative paragraph 4 of resolution 7 B (XXXII), had recommended be taken into account in drafting the appropriate articles of the Convention (E/CN.4/Sub.2/433; E/CN.4/Sub.2/434; E/CN.4/Sub.2/SR.835 and 836). Two non-governmental organizations in consultative status also submitted written statements for consideration by the Commission (E/CN.4/NGO/265 and 276).
3. At its first meeting, following the proposal of the Chairman, the Working Group took up the revised draft Convention contained in document E/CN.4/1349, which incorporated the four preambular paragraphs adopted by the Working Group the previous year, as its basic working document.

4. In the course of the general discussion at that meeting, some representatives suggested that the term "child" should be clearly defined, and perhaps replaced by a more precise term with greater juridical significance, such as "minor", before proceeding with the adoption of further paragraphs. It was also pointed out that, at the previous session, the Working Group had adopted the title of the Convention on the understanding that it might later decide to change it. However, other representatives expressed support for the idea of proceeding with the discussion and formulation of the rest of the preamble immediately. It was therefore decided to postpone the discussion of the definition until the Working Group considered article 1 of the draft Convention.

Fifth preambular paragraph

5. At its second meeting, the Working Group began its consideration of the rest of the preamble.

6. The representative of the Holy See, in accordance with other delegations, suggested that the text of the fifth preambular paragraph should be amended by inserting the words, taken from the Declaration of the Rights of the Child, "before as well as after birth" after the words "particular care and assistance". A number of delegations argued in support of the amendment on the grounds that their national legislation contained provisions protecting the rights of the unborn child from the time of conception. They stated that the purpose of the amendment was not to preclude the possibility of abortion, since many countries had adopted legislation providing for abortion in certain cases, such as a threat to the health of the mother. Some delegations referred to the fact that the Declaration of the Rights of the Child of 1959 contained the sentence proposed.

7. Other delegations, however, opposed the amendment. In their view, this preambular paragraph should be indisputably neutral on issues such as abortion. They stated that the definition of "child" should be contained in article 1 and that nothing in the Preamble should prejudge or slant the definition formulated in article 1.

8. Some representatives appealed to the proponents of the amendment not to insist on it at that stage, and to accept the text contained in the draft on the understanding that the Working Group could revert to it at a later stage. The representative of Ireland suggested that the amendment could be inserted in the text in square brackets and the Working Group could make a final decision after having discussed article 1. The representative of the Holy See expressed agreement with the proposed solution, which was supported by a number of other delegations. The fifth preambular paragraph was therefore adopted with the proposed amendment in square brackets, on the understanding that the final language would be agreed upon after the adoption of article 1.

9. Subsequently, at the third meeting, the representative of Greece suggested that the words "physical and mental" before the word "development" at the beginning of the paragraph should be deleted since they were already contained later on in the paragraph. It was decided that the Working Group should consider this proposal when it came back to this paragraph to decide on its final formulation.



10. Debate on the amendment proposed by the Holy See was resumed at the fourth meeting, after adoption of article 1. Several delegations argued that the text inserted in square brackets should be deleted in order to ensure the neutrality of the preamble. One representative expressed the view that, since article 1 had been adopted with a neutral wording, the Convention should not appear to give a different interpretation in the preamble. It was also stated that since national legislation differed greatly on the question of abortion, the Convention could be widely ratified only if it did not take sides on the issue.

11. Other delegations, speaking in support of the amendment, stated that, in their view, the wording was sufficiently neutral since it did not specify the length of the period before birth which was covered. They again argued that all national legislations included provisions for the protection of the child before birth. One delegation considered that the proposal could be extended to cover legal protection in view of the fact that most legislations protected, for example, the inheritance rights of children who had not even yet been born.

12. A number of representatives expressed the view that, if agreement could not be reached at the current session, discussion should proceed on the rest of the Convention in the hope that the group might achieve a consensus after further consultations. One delegate pointed out that a compromise might be possible on the basis of the fact that all delegations agreed that some kind of protection and assistance before birth was necessary: in his view, the disagreement lay in the precise definition of what kind of protection and assistance should be specified in the Convention.

13. The observer of the International Union for Child Welfare, supported by some delegations, suggested that, since the seventh preambular paragraph of document E/CN.4/1349 made reference to the Declaration on the Rights of the Child of 1959, the Holy See amendment could be deleted on the understanding that the Declaration (including its third preambular paragraph containing a wording similar to the proposed amendment) remained in force under the proposed Convention. Other delegations, however, opposed returning to the original text.

14. At the same meeting, the Working Group decided on a further postponement of the issue until an acceptable compromise could be found.

15. At the fifth meeting of the Working Group, the Chairman announced that a compromise text had been elaborated following consultation. The new text would amend the beginning of the paragraph to read:

"Recognizing that, as stated in the Declaration on the Rights of the Child, the child due to the needs of his physical and mental development ...".

The rest of the original preambular paragraph would remain, without the insertion in square brackets proposed by the Holy See.

16. Further discussion ensued, in the course of which the delegate of Australia proposed that the reference to the Declaration on the Rights of the Child be made more specific by adding the words "adopted in 1959".

17. The delegate of the United States proposed that the words "as stated in" be changed to "as indicated in"; that a semi-colon be inserted after the words "moral and social development" and that the words "as well as legal protection" be changed to read "and also requires legal protection".

18. Some delegations objected to the amendment proposed by the United States, indicating that they needed time to reflect on its legal significance. Others were not satisfied by that delegation's explanation that the amendment was necessary in order to ensure the complete neutrality of the text, and expressed concern that the draft Convention would be slanted in favour of legalizing abortion. They re-emphasized their contention that the draft Convention should ensure protection for children both before and after birth. In reply, the delegate of the United States argued that any attempt to institutionalize a particular point of view on abortion in the draft Convention would make the Convention unacceptable from the outset to countries espousing a different point of view. Accordingly, he insisted that the draft Convention must be worded in such a manner that neither proponents nor opponents of abortion can find legal support for their respective positions in the draft Convention.

19. After further discussion, a compromise text was adopted which read as follows:

"Recognizing that, as indicated in the Declaration on the Rights of the Child adopted in 1959, the child due to the needs of his physical and mental development requires particular care and assistance with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security."

Sixth preambular paragraph

20. At the second meeting of the Working Group, the representative of the Netherlands proposed that the word "happiness" be inserted immediately before the words "love and understanding" at the end of the paragraph.

21. The Working Group then adopted the sixth preambular paragraph with the proposed amendment.

Seventh preambular paragraph

22. The Working Group adopted the seventh preambular paragraph without changes at its second meeting.

Eighth preambular paragraph

23. At the second meeting of the Working Group, the representative of the Netherlands proposed to insert the word "individual" before the word "freedom" in the last part of the paragraph.

24. Some delegations, however, opposed the amendment on the grounds that it detracted from the notion of freedom contained in the text. One representative stated that the text could be approved as it stood, on the understanding that the Working Group could return to it at a later stage if it was felt that the concept of individual freedom was not sufficiently covered by other articles of the draft Convention.

25. The eighth preambular paragraph was then adopted without changes on the above-mentioned understanding.

New preambular paragraph

26. At the third meeting, the representative of the United Kingdom repropoed a new preambular paragraph which had been submitted by his Delegation the year before but had not been considered owing to lack of time. The new paragraph, which he suggested should be inserted between the third and fourth preambular paragraphs of the new draft, read as follows:

"Recalling that in the Universal Declaration of Human Rights, the United Nations had proclaimed that childhood is entitled to special care and assistance,".

27. Several delegations expressed support for this proposal. Some delegations pointed out that they did not oppose the insertion of the new paragraph although, in their view, it was somewhat repetitious of preambular paragraph five. The new paragraph was therefore adopted for insertion into the preamble as proposed. Subsequently, one delegation observed that the order of the paragraphs in the preamble could be rearranged at a later stage for the sake of logical consistency.

Article 1

28. At its third meeting, the Working Group considered Article 1 of the draft Convention. There was considerable debate concerning the initial and terminal points which define the concept of child, as contained in the Article.

29. Some delegates opposed the idea that childhood begins at the moment of birth, as stated in the draft article, and indicated that this is contrary to the legislation of many countries. They argued that the concept should be extended to include the entire period from the moment of conception. Other delegates asserted that the attempt to establish a beginning point should be abandoned and that wording should be adopted which was compatible with the wide variety of domestic legislation on this subject.

30. The representative of Morocco proposed that the words "from the moment of his birth" should be deleted from the article in order to solve the difficulty. Several delegations supported the proposed amendment.

31. The first part of the article was therefore adopted with the amendment proposed by Morocco.

32. Concerning the terminal point of the concept of child as defined in the article, some delegates pointed out that the age of 18 appeared to be quite late in light of some national legislations and that a lower age limit should be recommended. It was suggested that, since the General Assembly had set the age limit at 15 in connexion with the International Year of the Child, the same position should be adopted in the draft Convention. It was also pointed out that 14 was the age of the end of compulsory education in many countries, and the legal marriage age for girls in many parts of the world. In this view, setting the age limit at 14 would also establish a clear distinction between the concept of minor and that of child, since the former was protected under many national legislations while the latter was not.

33. Other delegates, however, opposed the lowering of the age limit to 15 because their domestic legislation embodied protective measures for children beyond that age, and they believed that the draft Convention should apply to as large an age group as possible. They argued in favour of retaining the wording of the draft article which, in any event, is qualified by the reference to national legislation.

34. The observer for the International Union for Child Welfare, a non-governmental organization in consultative status, suggested that reference to an upper age limit could be eliminated by amending the text of the article to read:

"According to the present Convention a child is every human being who has not attained the age of majority in conformity with the law of his state".

35. A number of delegations, however, opposed the idea of making the definition depend on the concept of majority age, since this varied widely between countries and also within national legislations, according to whether the civil, penal, political or other aspects of majority were at issue. Others, while not opposing this formulation, pointed out that the original text took care of the objections raised by making reference to national legislation.

36. At the fourth meeting of the Working Group, the second part of Article 1 was adopted in its original version. One representative recalled that he had expressed reservations concerning the specifying of the age of 18 in Article 1 and said that his delegation might consider it necessary to refer again to this matter, including in the plenary of the Commission. Another delegation reserved its position on the number "18", stating that a person at that age is not a child.

#### Article 2

37. At the fourth meeting, the Working Group considered Article 2 (1) of the draft Convention. The representative of the United States of America proposed that the wording of the article should be amended to read:

"1. In accordance with the laws or practices of each Contracting State, the child shall have the right from his birth to acquire a name and a nationality."

He pointed out that the proposed amendment would bring the draft Convention in line with Article 24 of the International Covenant on Civil and Political Rights and would help to prevent difficulties under the immigration and nationality laws of various States. In particular, he maintained that the amendment would avoid any implication that the draft Convention would automatically entitle stateless children entering the territory of a State party to the nationality of that State.

38. Some delegations opposed the amendment on humanitarian grounds, in order to provide protection for stateless children. It was also argued that the wording of article 2 (1) was of a general nature, while the second paragraph would include more specific provisions.

39. On the suggestion of the Chairman, the Working Group adopted the following compromise text:

"1. The child shall have the right from his birth to a name and to acquire a nationality."

40. At the fifth meeting, the delegation of Australia submitted the following amendment to Article 2 (2):

"2. The States parties to the present Convention shall ensure that their legislation recognizes the principle according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws."

41. The representative of Australia explained that the first part of his amendment was meant to remove the implication in the original draft that the principle in question was not already contained in most national legislations; the second, and most important, part was aimed at bringing the draft Convention as close as possible to the general principles of the Convention on the Reduction of Statelessness of 1961.

42. Discussion on the proposed amendment began at the fifth meeting of the Working Group. Some delegations expressed their opposition on the grounds that the law of their countries did not provide for automatic granting of nationality to children of foreign parents born there.

43. The Working Group, however, was unable to continue consideration of Article 2 (2) because of lack of time.

#### Other provisions of the draft Convention

44. In addition, the Working Group had before it the following amendments which were not discussed by the Working Group owing to lack of time;

(a) A proposal by the representative of Australia to amend Article 3 as follows:

"Replace Article 3 (2) by:

"The States parties to the present Convention undertake to ensure the child such protection and care as is necessary for his well-being, taking into account the rights and responsibilities of his parents and the stage of the child's development towards full responsibility and, to this end, shall take all necessary legislative and administrative measures.

"Replace Article 3 (3) by:

"The States parties to the present Convention shall ensure competent supervision of persons and institutions directly responsible for the care of children."

(b) A proposal submitted by the delegation of the United States of America to replace Article 3 by the following:

"Article 3

"1. In all official actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, or administrative authorities, the best interests of the child shall be a primary consideration.

"2. In all judicial or administrative proceedings affecting a child that has reached the age of reason, an opportunity for the views of the child to be heard as an independent party to the proceedings shall be provided, and those views shall be taken into consideration by the competent authorities.

"3. Each State party to this Convention shall support special organs which shall observe and make appropriate recommendations to persons and institutions directly responsible for the care of children.

"4. The States parties to this Convention undertake, through passage of appropriate legislation, to ensure such protection and care for the child as his status requires."

(c) A proposal by the representative of Australia to amend Article 4 as follows:

"Delete Article 4 (2).

"Insert new Article 4 bis:

"The States parties to the present Convention shall take all appropriate measures, individually or jointly within the framework of international co-operation, for the full and effective implementation of the rights recognized in the Convention."

45. Several delegations expressed the view that the Working Group should ask the Commission to request the Economic and Social Council to authorize the Working Group to meet for one week prior to the next session of the Commission in order to facilitate completion of the work on the draft Convention. Several other delegations, however, opposed this view.

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Annex

Paragraphs of the draft Convention on the Rights of the Child  
adopted by the working group

The States Parties to the Convention

Considering that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations have, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that in the Universal Declaration of Human Rights, the United Nations had proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the basic unit of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that, as indicated in the Declaration on the Rights of the Child adopted in 1959, the child due to the needs of his physical and mental development requires particular care and assistance with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security,

Recognizing that the child, for the full and harmonious development of his personality, should grow up in family environment, in an atmosphere of happiness, love and understanding,

Bearing in mind that the need for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration on the Rights of the Child adopted by the United Nations in 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in the articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom and brotherhood,

Have agreed as follows:

Article 1

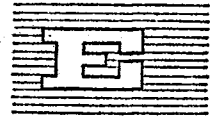
According to the present Convention a child is every human being to the age of 18 years unless, under the law of his state, he has attained his age of majority earlier.

Article 2

1. The child shall have the right from his birth to a name and to acquire a nationality.



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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER  
DEPENDENT COUNTRIES AND TERRITORIES

Australia, Netherlands and Zambia: draft resolution

The Commission on Human Rights,

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

The Economic and Social Council,

Noting Commission on Human Rights resolution (XXXVI) of 1980  
(on Equatorial Guinea),

Bearing in mind the desirability of encouraging special attention to the need  
for reconstruction assistance in the field of human rights in those countries  
seeking to restore full respect for human rights and fundamental freedoms.

Mindful of the responsibilities of the Commission on Human Rights for  
co-ordination in the human rights field conferred by its resolution 1979/36,

1. Requests the Secretary-General to ensure that United Nations technical assistance programmes pay due account to the need for assistance in the field of human rights for those countries seeking to restore full respect for human rights and fundamental freedoms;
2. Invites all States, specialized agencies and other organs associated with the United Nations system, humanitarian organizations and non-governmental organizations to consider the possibility of extending special assistance to countries seeking to restore full respect for human rights and fundamental freedoms;

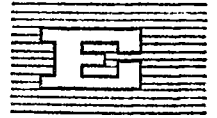
3. Requests the Secretary-General to draw this resolution to the attention of all States and concerned organizations, with an invitation to them to report to the Commission on Human Rights at its thirty-seventh session on measures they have taken in co-operation with other countries aimed at assisting those countries in the restoration of human rights and fundamental freedoms;

4. Requests the Commission on Human Rights to consider reports reaching it pursuant to this resolution at its thirty-seventh session under an appropriate item with a view to framing recommendations for the better integration of human rights concerns in United Nations programmes for reconstruction and assistance.

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COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 10 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO  
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:  
(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1529

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

1. Under the terms of operative paragraph 3 of draft resolution E/CN.4/L.1529, the Commission would recommend that the Economic and Social Council should adopt a resolution which would authorize a meeting of an open-ended working group for a period of one week prior to the thirty-seventh session of the Commission on Human Rights to complete the work on a draft convention against torture.

2. On the basis of the foregoing, the relevant costs are estimated on a full cost basis at \$30,165 under Section 29 B, Conference Servicing. These estimates are presented below.

1981  
(US dollars)

Conference Servicing Costs

(Section 29 B)

Open-ended Working Group  
(Geneva 1981, five working days)

30,165

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Thirty-sixth session  
Agenda item 18

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

Canada : draft resolution

The Commission on Human Rights,  
Bearing in mind General Assembly resolution 34/ of 1979,  
Taking into account the report of the Secretary-General under Commission  
resolution 22 (XXXIV) (E/CN.4/1305 and Add.1-3 and E/CN.4/1337) and the suggestions  
and proposals of the Meeting of Experts on the Place of Human Rights in Cultural  
and Religious Traditions organized by the United Nations Educational, Scientific  
and Cultural Organization and held at Bangkok (3-7 December 1979 (E/CN.4/1375)),  
Approving the report of the Working Group established at the thirty-sixth session  
of the Commission on Human Rights to elaborate further the draft declaration on the  
elimination of all forms of intolerance and of discrimination based on religion or  
belief,

1. Recognizes that some progress was made by the Working Group during the  
thirty-sixth session but that a substantial amount of work remains to be done in order  
to complete the draft declaration;

2. Decides to continue at its thirty-seventh session, as a matter of highest  
priority, its work on the draft declaration on the elimination of all forms of  
intolerance and of discrimination based on religion or belief and to complete the  
formulation of the declaration at that session for transmission to the  
General Assembly through the Economic and Social Council;

3. Decides also to establish again the open-ended working group at its  
thirty-seventh session and to allot more time to the working group during the  
thirty-seventh session in order that it may complete its task at that session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO  
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Administrative and financial implications of the draft  
resolution contained in document E/CN.4/L.1541

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

1. In operative paragraph 1 of draft resolution E/CN.4/L.1541, the Commission would decide to request the Secretary-General to appoint, as an Expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea. In operative paragraph 2 of the draft resolution, the Commission would request the Secretary-General in consultation with the Expert to provide, within the framework of United Nations technical assistance programmes, the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country.
2. In order to assist the Expert in all aspects of his mandate including legislative matters and the integration of human rights in technical assistance projects as well as the preparation of his report to the thirty-seventh session of the Commission on Human Rights, the Secretary-General considers that he would require additional staffing resources under temporary assistance.
3. On the basis of the foregoing the relevant costs are estimated as follows:

	<u>1980</u>	<u>1981</u>
	(US dollars)	
<u>Human Rights</u> (Section 23)		
Travel and subsistence for one visit of Expert accompanied by a substantive officer from the Division of Human Rights (seven working days)	8,600	
Three months of temporary assistance at P-3 level	13,400	
Travel and subsistence of Expert to present his report to the Commission on Human Rights at its thirty-seventh session (three working days)		3,200
	<u>22,000</u>	<u>3,200</u>