

YEARBOOK
ON
HUMAN RIGHTS
FOR 1987



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Introduction

The *Yearbook on Human Rights* for 1987 has been prepared on the same basis as that for 1979, according to the directives laid down by the Economic and Social Council in its resolution 1979/37 of 10 May 1979, and in conformity with the "Guidelines for the contents and format of the *Yearbook on Human Rights*" annexed to Council resolution 1979/37. Part I concerns national developments; part II relates to activities of the supervisory bodies; part III concerns international developments in the field of human rights.

PART I contains two sections:

Section A consists of a selection of material reflecting legislative, administrative, judicial and other national measures and court decisions, taken from government reports submitted under the international human rights instruments covering the year 1987.

Extracts from reports made by the following States under relevant international instruments in the field of human rights are reflected in the present *Yearbook*: Algeria, Argentina, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, China, Colombia, Cyprus, Ecuador, Germany, Federal Republic of, Finland, Mauritius, the Netherlands, New Zealand, the Niger, Norway, Panama, Sweden, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Uruguay.

The material has been arranged under country headings with subject subheadings related to the pertinent articles of the Universal Declaration of Human Rights as well as to relevant articles of the international instruments under which the State reports used as the source of information have been submitted.

Section B contains information relating to the exercise, in certain Trust and Non-Self-Governing Territories, of the right to self-determination. It gives a brief account of developments in Trust and Non-Self-Governing Territories. Information contained in this section is mainly based on the Report of 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 working papers prepared by the Secretariat containing information on developments concerning the Territories.

* *Official Records of the General Assembly, Forty-second Session, Supplement No. 49 (A/42/49).*

PART II consists of two sections:

Section A reflects the practice of the supervisory bodies concerning the examination of government reports and other tasks entrusted to these bodies under the relevant international instruments. It consists of extracts of the following reports of the supervisory bodies to the respective parent organs:

Report of the Committee on the Elimination of Racial Discrimination, *Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18)*;

Report of the Human Rights Committee, *Official Records of the General Assembly, Forty-second Session, Supplement No. 40 (A/42/40)*;

Report of the Committee on Economic, Social and Cultural Rights, *Official Records of the Economic and Social Council, Supplement No. 17 (E/1987/28)*;

Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1987/28).

Section B includes relevant decisions, general recommendations, comments and observations made by the above-mentioned supervisory bodies in connection with their examination of reports submitted and other tasks entrusted to them under the international instruments. Relevant decisions and resolutions of the parent bodies, namely, the Commission on Human Rights, the Economic and Social Council and the General Assembly have also been included in this section.

PART III consists of two sections:

Section A contains a brief account of activities in the field of human rights in the United Nations system, and reflects major developments on questions of human rights in relevant United Nations organs.

Section B concerns specialized agencies.

PART I

NATIONAL DEVELOPMENTS

Section A. States

ALGERIA

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination,
article IV of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)*¹

Algeria maintains its conviction that *apartheid* is a complete negation of the purposes and principles of the Charter of the United Nations and a threat to international peace and security.

The Government of Algeria believes that collaboration with the racist régime of South Africa in the political, economic, military and other spheres and the activities of transnational corporations in South Africa and in Namibia run counter to the international community's duty to work towards the elimination of *apartheid* and encourage the racist régime to continue its abhorrent policy of *apartheid* and its illegal occupation of Namibia. Such activities are considered to be covered by the provisions of article III of the Convention, in that they give support to the racist régime in South Africa and contribute to the maintenance of the *apartheid* system.

Apartheid, racism, segregation and discrimination in all their various manifestations are alien to the values and culture of the Algerian people, who have always made plain their resolute and radical opposition to any form of domination, exploitation and discrimination.

¹ Report submitted by State (E/CN.4/1988/30/Add.5).

B. Freedom of assembly and association

(articles 20 and 23 of the Universal Declaration)¹

Freedom of association, recognized under article 56 of the Constitution, is subject to Act No. 87/15 of 21 July 1987 amending Ordinance No. 71-79 of 3 December 1971, which prohibits and invalidates any association whose purpose is contrary to established institutions, existing laws and regulations, public order and morality. These provisions thus preclude any possible introduction or establishment of racist organizations within the national territory.

C. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights;
article 5 (e) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The educational system, national culture and the media are suffused with the ideals of the United Nations and share its goals of complete freedom for peoples and respect for human dignity.

ARGENTINA

Condemnation of racial segregation and *apartheid*

(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹

Immediately after the new constitutional authorities took office, relations with South Africa were reduced to a minimum, the Argentine embassy in Pretoria being left vacant. The Argentine Parliament and Government have repeatedly expressed support for the struggles of the peoples of South Africa and Namibia.

The Argentine Constitution does not permit the State to prevent citizens from travelling to or doing business with South Africa, but it does not authorize them to sell what are regarded as strategic materials, such as oil or weapons.

Argentina has traditionally supported numerous resolutions condemning racism, racial discrimination and *apartheid*, in both the United Nations General Assembly and the Commission on Human Rights; prominent among these are the following resolutions which were supported by Argentina in the General Assembly.

- 39/15: “Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa”.
- 39/16: “Second Decade to Combat Racism and Racial Discrimination”.
- 39/19: “Status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*”.
- 39/20: “Status of the International Convention on the Elimination of All Forms of Racial Discrimination”.
- 39/21: “Report of the Committee on the Elimination of Racial Discrimination”.
- 39/50: “Situation in Namibia resulting from the illegal occupation of the Territory by South Africa”.

¹ Report submitted by State (E/CN.4/1988/30/Add.6).

- 39/72: "Policies of *apartheid* of the Government of South Africa".
- 39/114: "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror".
- and by the Commission on Human Rights:
- 1984/4 and 1984/5: "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts".
- 1985/6: "Situation in southern Africa".
- 1985/7: "Situation of human rights in Namibia".
- 1985/8: "Situation of human rights in South Africa".
- 1984/6 and 1985/9: "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa".
- 1984/7 and 1985/10: "Implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*".
- 1984/8 and 1985/11: "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination".
- 1984/42 and 1985/31: "Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

BULGARIA

Protection of the family, motherhood and childhood *(articles 16 (3) and 25 (2) of the Universal Declaration; article 10 of the International Covenant on Economic, Social and Cultural Rights)¹*

The new Family Code guarantees fuller legal protection and the strengthening of the family.

Articles 2 to 5 of the Family Code deal with the objectives, principles and basic purposes of family protection.

The objectives referred to in article 3 of the Family Code are: to protect and strengthen the family and to ensure the harmonious development of the personality; to protect children in every respect and raise them to be devoted to their country; to instil feelings of mutual assistance, attachment and respect in members of the family and bring them up to feel responsible to one another and to society; and to protect the rights and interests of persons placed under guardianship or trusteeship. Article 5 of the Family Code expands on article 38 of the Constitution relating to the protection of the family by the State and contains explicit provisions relating to the protection of the family by the State and society. Such protection includes the establishment of conditions that are favourable to the family, the encouragement of a higher birth rate, the protection and promotion of maternity, assistance to parents for the support and education of their children and special assistance to prepare young people for married life.

Parents are under an obligation to support their children until the children have attained their majority (18 years), whether or not they are fit to work or are able to support themselves (article 82 of the Family Code). The amount of support depends on the beneficiary's needs and the means of the person providing such support (article 84 of the Family Code).

¹ Report submitted by State (E/1986/4/Add.20).

BURUNDI

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2.2 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 27 of the International Covenant on Civil and Political Rights)*¹

With particular reference to the struggle by United Nations to combat racism and racial discrimination, the Government of Burundi has made efforts to tackle the problem of ethnic divisions experienced by Burundi since the colonial era.

The social realities and history of Burundi are such that it is no longer possible to identify different ethnic groups or tribes, given the homogeneity of the population.

The Second Republic undertook to annihilate the ethnic-group concepts and labels, replacing them by new values derived from a scientific analysis of social structures so as to create a solidarity based on natural and durable alliances.

B. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)*¹

Burundi firmly condemns the racial segregation policy of *apartheid*.

This has repeatedly been demonstrated by Burundi's votes in favour of General Assembly resolutions condemning the policy of *apartheid*. Furthermore, Burundi maintains no diplomatic, military or other relations with the racist régime of South Africa.

Burundi legislation prescribes penalties for racial segregation. Article 186 of the Penal Code provides as follows: "Anyone who manifests racial or ethnic aversion or hatred or commits an act likely to stir up such aver-

¹ Report submitted by State (CERD/C/145/Add.1).

sion or hatred shall be punished by penal servitude for one month to one year and/or a fine not exceeding 5,000 francs”.

C. Freedom of opinion and information

(article 19 of the Universal Declaration)¹

The Constitution guarantees the right of all citizens to express their opinions within the framework of the Party and to participate in the formulation, implementation and supervision of the national development plan.

The principle of freedom of the press is respected in Burundi. Publications of the Party, the trade union and youth movements as well as religious publications appear in French and the national language.

D. Protection of the family, motherhood and childhood

*(articles 16 (3) and 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The Personal and Family Code lays down the principle of freedom of marriage while also prohibiting marriage between near relations, polygamy and bigamy, marriages of minors and marriages contracted without the consent of both spouses.

E. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)¹*

In the area of education, the innovations introduced in the Burundi educational system reflect the Government's desire to achieve precise objectives with a view to improving the living conditions of the population and making pupils more useful to society. These objectives are “Kirundization” and ruralization, general availability of primary education and the formation of community schools.

“Kirundization” entails enhancing the role of the national language and culture and the use of Kirundi as the language of instruction. Ruralization is conceived as the introduction of practical activities based on studies of the environment. The system of non-formal education, introduced to impart a minimum of knowledge to the population, is open to children in or out of school and to adults.

F. Right to an adequate standard of living
*(article 25 (1) of the Universal Declaration;
article 11 of the International Covenant on Economic,
Social and Cultural Rights)*¹

A rural development policy has been devised to improve the quality of life of the population. Special attention has been paid to the need to restructure the rural environment by promoting a co-operative system and establishing villages equipped with basic infrastructure, particularly schools, health centres and drinking water.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

A. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)*

The sixth session of the eleventh convocation of the Supreme Soviet of the Byelorussian SSR adopted, on 30 May 1987, a new Act on national education (Collected Acts of the Byelorussian SSR, 1987, No. 16, p. 199), which guarantees that national languages may be studied freely and that no privileges or discrimination of any kind will be allowed in this sphere. Article 28 of this Act gives pupils in general education schools the possibility of studying in their native or another language of the USSR. The necessary conditions are created in educational institutions for these languages to be mastered and for the achievement of a common level of general education, taking account of the national peculiarities of the population of the Byelorussian SSR. In general education schools where tuition is in Russian, the necessary conditions are created for pupils to study Byelorussian.

Article 99 of this same Act gives foreign and stateless citizens the right to education in the Byelorussian SSR on an equal footing with Soviet citizens in accordance with the procedure established by the legislation of the USSR.¹

Article 3 of the Fundamental Principles reaffirms that the right of Soviet citizens to education is guaranteed, in particular, by the opportunity for school instruction in the native language.

In article 20 of the Fundamental Principles it is again reaffirmed that “pupils at general-education schools shall be granted the opportunity of studying in their native language or in the language of another people of the USSR”.

Article 21 reaffirms that “uniformity shall be achieved in secondary general education by applying common principles in the organization of the teaching and educational process, and by ensuring a fundamentally uniform content and uniform standard of general secondary education throughout the territory of the Soviet Union, full account being taken of the national charac-

¹ Report submitted by State (CERD/C/172/Add.15).

teristics of the population of the Union Republics''. The legislation on national education in the Byelorussian SSR provides that, whatever their origin, social or property status, race or nationality, sex, language, attitude to religion, type or nature of occupation, domicile or other status, all citizens of the USSR are equal in the receipt of education.

B. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Manifestations of the ideology and practice of *apartheid* or racial discrimination are profoundly alien to citizens of the Byelorussian SSR. On 19 May 1987, the Presidium of the Supreme Soviet of the Byelorussian SSR ratified the International Convention against *Apartheid* in Sports, which was signed in New York on behalf of the Byelorussian SSR on 16 May 1986 (Collected Acts of the Byelorussian SSR, 1987, No. 15, p.178).

The Byelorussian SSR has always consistently opposed the South African régime's criminal policy of practising terror and mass repression against the indigenous African population, illegally occupying Namibia and committing acts of aggression against independent African States.

The Byelorussian SSR supports and implements all decisions and recommendations by international bodies aimed at combating racism and *apartheid*, including the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

C. Political rights

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

A decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 20 March 1987 (Collected Acts of the Byelorussian SSR, 1987, No. 9, p. 104) made additions to the Act of the Byelorussian SSR on elections to local Soviets of People's Deputies of the Byelorussian SSR, that broadened the opportunities for citizens to take part in the work of district and ward electoral commissions. These now also include representatives of village, street, block and building committees, women's councils and councils of war and labour veterans. The range of representatives who make up the ward electoral commissions formed to organize elections to district (urban) People's Courts of the Byelorussian SSR has been suitably enlarged.

D. Right to chose and exercise a profession

*(article 23 of the Universal Declaration;
article 25 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Free exercise of the right to work is guaranteed to citizens under the Constitution of the Byelorussian SSR (article 38). The scope of this right and of the right to free choice of employment have been extended by the considerable development in the Republic of co-operative and individual labour activity. On 30 April 1987, the Council of Ministers of the Byelorussian SSR adopted a decision "On measures to implement the USSR Act on... individual labour activity" (Collected Acts of the Byelorussian SSR, 1987, No. 12, p. 153) whereby several previously operative restrictions were abrogated. A list of 26 types of individual labour activity for which citizens could obtain licences was approved. Refusal by the executive committee of a Soviet of People's Deputies to grant a citizen permission to take up individual labour activity is appealable to the executive committee of the next higher Soviet of People's Deputies.

The decision makes it obligatory for executive committees to rent non-residential premises and other property to persons engaging in individual labour activity and to assist them in obtaining the raw materials, supplies, tools and other goods needed to pursue their activity.

E. Protection of children

*(article 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)¹*

In September 1987, the Central Committee of the Communist Party of Byelorussia and the Council of Ministers of the Byelorussian SSR adopted a decision "On measures to improve radically the upbringing and education of, and material provision for orphans and children left without parental care" (Collected Acts of the Byelorussian SSR, 1988, No. 15, p. 260). This provides for, *inter alia*, a substantial improvement in medical services for orphans and the meeting of all their needs for free passes to pioneer camps, boarding houses, health centres and holiday homes. Posts as inspectors responsible for organizing the upbringing and training of and material provisions for orphans and children left without parental care have been created in the education departments of regional, urban and district Soviets of Peoples' Deputies.

F. Right to an adequate standard of living (right to health)

*(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)¹*

In May 1987, the Council of Ministers of the Byelorussian SSR took additional steps to improve orthopaedic and prosthetic services to the population (Collected Acts of the Byelorussian SSR, 1988, No. 10, p. 170) and to develop the manufacturing base of the Protezist production association in Minsk and other cities of the Republic. Thanks to the implementation of the measures provided for by the decision of the Council of Ministers of the Byelorussian SSR, many disabled persons can now be more extensively involved in socially useful work.

In 1987, additional capital was earmarked in the Byelorussian SSR for the construction of housing and socio-cultural facilities (not less than 10 per cent of the capital allocated for the construction of production facilities).

CHAD

Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles I, IV, VI and XI of the International Convention
on the Suppression and Punishment of the Crime of Apartheid)*¹

As a Member of the United Nations, Chad condemns racism and *apartheid*. Chad has no diplomatic or cultural relations with South Africa.

Chadian authorities of all types, both political and administrative, are mobilizing against the practice of *apartheid*. Numerous initiatives are being taken against the anachronistic *apartheid* régime, which is based essentially on an ideology of racism, intolerance and violence and which for years has been showing its true character of brutality and cynicism.

In the light of this situation, each component of the international community should do what it can to support the recognized liberation movements and the front-line States. The Government of Chad considers such support to be a duty stemming from its endorsement of the principles proclaimed in the Charter of the United Nations and that of the Organization of African Unity. Our country is illegally occupied by Libya, which is subjecting our compatriots of the Borkou-Ennedi-Tibesti to inhuman treatment. Being in this situation, we realize the burden imposed on the people of Namibia by the South African occupation of their country and the sufferings of all those who are subject to the *apartheid* régime.

¹ Report submitted by State (E/CN.4/1987/26/Add.13).

CHINA

Condemnation of racial segregation and *apartheid*

(articles 1 and 2 of the Universal Declaration;
article VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)¹

The Chinese Government has always been of the view that all countries, big or small, are equal and is resolutely opposed to policies of racial suppression and racial discrimination in all its forms. China has never established diplomatic relations with the South African racist régime and has persistently condemned the policy of *apartheid* and supported the people of South Africa and other countries in their justified struggle against racial discrimination.

On 25 February 1987, the spokesman of the Ministry of Foreign Affairs of the People's Republic of China said that the Chinese Government and people strongly condemned the atrocities committed by the South African authorities both at home and abroad and reiterated that the Chinese Government and people firmly supported the people in South Africa and the rest of southern Africa in their justified struggle. He also demanded an immediate cancellation of the State of Emergency Act by the South African authorities, the release of all the arrested or detained anti-racist leaders, activists and others and the abolition of the system of *apartheid*. The Chinese Government and people look to the international community to exert greater pressure upon the South African authorities and give more forceful support to the people of South Africa and other southern African countries in their justified struggle.

On 20 March 1987, Premier Zhao Ziyang sent a message to Mr. Garba, Chairman of the United Nations *Ad Hoc* Committee against *Apartheid*, on the occasion of the International Day for the Elimination of Racial Discrimination sponsored by the United Nations, in which he extended, on behalf of the Chinese Government and people, his support for the Committee and expressed strong condemnation of the South African authorities for their policy.

¹ Report submitted by State (CERD/C/153/Add.2).

On 30 May 1987, the spokesman of the Ministry of Foreign Affairs of the People's Republic of China strongly condemned the armed attack on 29 May by South Africa against Mozambique in open violation of the sovereignty and territorial integrity of its neighbours and of international law.

On 27 July 1987, Premier Zhao Ziyang sent the following message to the twenty-third session of the African Summit Conference: "The South African authorities, clinging stubbornly to their policy of *apartheid*, are intensifying their suppression of the South African people, wantonly harassing the neighbouring countries and obstructing the independence of Namibia. As a result, the situation in southern Africa remains tense and turbulent and has attracted the broad concern of the international community . . . The Chinese Government and people will stand by the African countries and peoples steadfastly and support the people of South Africa and Namibia and the people of other southern African countries unswervingly in their just struggle until their final victory".

COLOMBIA

A. Right to health

*(article 12 of the International Covenant on Economic, Social and Cultural Rights)*¹

The health situation of the indigenous populations is serious: morbidity rates are high; gastro-intestinal diseases, diseases preventable by immunization and respiratory infections take a heavy toll; the incidence of malaria and tuberculosis is high and nutritional deficiencies are widespread. By the end of April 1987, the National Planning Department will complete the second diagnosis of the situation of the indigenous population of Colombia.

B. Equitable judicial system

*(articles 6 to 11 of the Universal Declaration; articles 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination)*¹

Under the special powers vested in him by article 1 of Act No. 52 of 1984, the President of the Republic issued a decree on the new Code of Criminal Procedure, which will enter into force on 1 July 1987.

¹ Report submitted by State (CERD/C/143/Add.1).

CYPRUS

General legal framework¹

The Constitution of Cyprus contains a code of human rights similar to and at times even more extensive than the Universal Declaration or the European Convention on Human Rights. The Code contains provisions for the effective protection of individuals against any form of discrimination.

Moreover, the Constitution which was based on the recognition of two distinct communities (the Greek Cypriot community representing 82 per cent of the population and the Turkish Cypriot community representing 18 per cent of the population) grants equal treatment to these communities, despite their numerical disparity. Although this equality of treatment was supposed to protect the smaller community, it was used by Turkey and the Turkish Cypriot leadership to promote their separatist policy in Cyprus.

International human rights conventions are directly applicable in the Republic of Cyprus and can be invoked before, and directly enforced by the courts and administrative authorities (see decision of the Supreme Court on civil appeal No. 6616 of 20 January 1987). When an international convention contains non-self-executing provisions, the legislature has a duty to enact appropriate legislation; the legislature has invariably done so in order to make the Convention fully enforceable.

¹ Report submitted by State (CERD/C/149/Add.24).

ECUADOR

A. Non-discrimination: equal rights for men and women

*(articles 2 and 7 of the Universal Declaration;
article 3 of the International Covenant on Civil and Political Rights)*¹

The new text of the Code of Civil Procedure eliminated all provisions that had adversely affected the principle of equality of the spouses in the eyes of the law. The codification, published in the *Registro Oficial* No. 687 of 18 May 1987, eliminated the relevant paragraph of article 34 so that a married woman can now appear in court as plaintiff or defendant.

B. Prohibition of torture, cruel and inhuman or degrading treatment or punishment

*(article 5 of the Universal Declaration)*²

On 24 November 1987, the Permanent Representative of Ecuador to the United Nations, welcomed the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the forthcoming establishment of the Committee against Torture as one of the most appropriate means of contributing towards prompt eradication of this evil practice and announced that following approval of the Convention by the Congress Ecuador would shortly be depositing the appropriate instrument of ratification.

C. Right of asylum

*(article 14 of the Universal Declaration;
articles 12 and 13 of the International Covenant on Civil
and Political Rights)*²

Under Decree No. 3293 of 29 September 1987, published in *Registro Oficial* No. 782, of 30 September 1987, the Government issued the "Regu-

¹ Report submitted by State (CERD/C/172/Add.4).

² Report submitted by State (CERD/C/28/Add.9).

lations concerning the application in Ecuador of the rules contained in the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol”.

FINLAND

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2.2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

For preserving Sami culture and safeguarding their linguistic rights, the Sami Delegation, an officially elected representative body, has drawn up a bill (1987) for the utilization of the Sami language with authorities. The intention is to guarantee the Samis the same right to use their mother tongue in courts of justice and with the authorities in general as Finnish citizens of Finnish or Swedish mother tongue. The right would apply with respect to all state, municipal and church authorities in the traditional Sami areas and to certain authorities of the central Government. The bill does not propose that civil servants be required to know the Sami language, but rather that the Samis' right to use their own language be guaranteed through translation and interpretation services. Knowledge of the Sami language is not currently required for any government position in the Sami municipalities except those of the Secretary-General and the jurist for the Sami Delegation (Parliament).

Teaching of the Sami language has increased in comprehensive schools. In the academic year 1986/1987 the language of general instruction was Sami for 93 pupils, and 361 pupils had Sami as one of their school subjects. The three high schools of the area included the Sami language in the curriculum of 25 pupils.

B. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)*¹

On the initiative of the Romany Association, a working group was set up by the Ministry of Education to gauge the quantitative and qualitative

¹ Report submitted by State (CERD/C/159/Add.2).

need for vocational education among Romany youth to plan vocational education for the Romany population on the basis of the present education system and the possibilities offered by the educational unit serving the special needs of Romany people, to prepare a proposal for the establishment of a vocational education centre for the Romany people, and to assess the possibilities for arranging supplementary general education and teaching of the Romany language in connection with vocational education. The working group published its report on 31 March 1987.

GERMANY, FEDERAL REPUBLIC OF

A. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The Federal Ministry for Education and Science, in co-operation with the *Land* of Bremen, is supporting a model experiment designed to improve the educational environment for Sinti children in school.

B. Elimination of racial discrimination

*(article 2 of the Universal Declaration;
articles 2 and 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Federal Republic of Germany fulfils its obligations to punish the dissemination of racist ideas, incitement to racial discrimination and racist activities arising from article 4 (a) of the Convention through the application of the relevant penal regulations (articles 130 and 131 of the Penal Code) provided for the punishment of those who disseminate publications (or representations of any other kind) which either incite to racial hatred or glorify or belittle inhuman acts of violence against human beings.

The latest report on the protection of the Constitution shows that there were 69 right-wing extremist organizations in the Federal Republic of Germany in 1987, with a total of about 25,200 members and sympathizers, a small fraction of the total population and the number of members of the democratic parties.

¹ Report submitted by State (CERD/C/172/Add.13).

MAURITIUS

A. Political rights

*(article 21 of the Universal Declaration)*¹

The Constitution was amended to provide for compulsory general elections after a maximum period of five years. This provision can only be amended following a referendum and by a bill which is supported by all the members of Parliament. The last general election in Mauritius took place in August 1987.

B. Protection of children

*(principles 2 and 6 of the Declaration of the Rights of the Child)*¹

In response to the abuse of adoption of Mauritian children by foreigners the Government has created a National Adoption Council to inquire fully into each individual case of adoption before presentation of an application to the courts (the National Adoption Council Act 1987). As a further safeguard, the courts may undertake any inquiries that they may consider necessary.

¹ Report submitted by State (CCPR/C/28/Add.12).

NETHERLANDS

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2.2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Government recently drew up a policy document on unemployment among ethnic minorities. The document was based in part on the recommendations of the Advisory Committee on Research into Cultural Minorities (ACOM), contained in its 1986 report entitled "A Fair Chance". The document was presented to Parliament in April 1987; Parliament's reaction was not known at the time of writing.

B. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The teaching of minority languages and cultures in special, secondary and special secondary schools was begun on 1 August 1987. Extra staff are provided for the courses. In secondary schools the courses are available to the target groups as options.

C. Right to an adequate standard of living

*(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The large family housing scheme (begun in 1982) was extended until 1987. This scheme facilitates the construction of housing units for large families including those belonging to ethnic minorities.

¹ Report submitted by State (CERD/C/158/Add.9).

D. Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹

In view of the South African Government's refusal to take the necessary measures to abolish *apartheid*, the Government of the Netherlands considers it necessary to increase international pressure on South Africa by means of economic sanctions. Sanctions should help to impress upon the South African Government the fact that, quite apart from being morally reprehensible, its policy of *apartheid* will require ever greater sacrifices on its part and is in any case untenable in the long term. The longer a solution is deferred, the greater the chance that violence and radical ideologies will attract widespread support, with all the negative effects that that would have for democratic development. In order to be convincing, sanctions must be both effective and tangible but must not cause economic chaos in South Africa, since this would in no way contribute to the democratization of South African society.

NEW ZEALAND

A. Limitations on the exercise of rights and freedoms; states of emergency

*(article 29 of the Universal Declaration;
article 4 of the International Covenant on Civil and Political Rights)*¹

Under the existing legislation, the range of circumstances in which an emergency could be proclaimed was wide and the regulation-making power conferred on the executive extensive. The Government has repealed this legislation by the Public Safety Conservation Act Repeal Act 1987. It has in part been replaced by the International Terrorism (Emergency Powers) Act 1987, which was enacted in order to deal better with international terrorist emergencies.

B. Treatment of offenders

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)*¹

By virtue of the Criminal Justice Amendment Act (No. 3) 1987, an offender is not eligible to be released on parole in respect of any sentence of imprisonment of more than two years for any of the following offences: sexual violation, manslaughter, attempt to murder, wounding with intent to cause grievous bodily harm, wounding with intent to injure, injuring with intent to injure, using any firearm, robbery and aggravated robbery. Where the sentence of imprisonment is for life, an offender is eligible to be released on parole after the expiry of 10 years (and not, as previously, after seven years).

C. Freedom of movement and residence

*(article 13 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination; articles 12
and 13 of the International Covenant on Civil and Political Rights)*¹

Immigration to New Zealand is now governed by the Immigration Act 1987. The Act and the Immigration Regulations 1987 together set up the

¹ Report submitted by State (CCPR/C/37/Add.8).

legislative framework within which government immigration policies are administered. The controls on entry into New Zealand in the Immigration Act 1987 (apart from arrival and departure formalities) do not apply to New Zealand citizens. Section 3 (1) of the Act preserves the right of every New Zealand citizen to be in New Zealand at any time.

Under the Immigration Act 1987, all non-New Zealand citizens (with a few exceptions, e.g. people accorded diplomatic or consular status by New Zealand) require a permit to be in New Zealand. The legislation contains provision for the issue of residence permits to approved migrants. The holder of a current residence permit has the right to be in New Zealand indefinitely, and requires no further authority under the Immigration Act to undertake employment of any kind or any course of study or training. (Different types of permits are issued to people staying temporarily in New Zealand, depending on the purpose for which they are entering.) People who have been granted residence permits to be in New Zealand under the Immigration Act and who are not New Zealand citizens lose their right to resident status if they travel out of New Zealand without first obtaining a returning residents' visa. A returning residents' visa may be issued to a holder of a residence permit upon application before leaving New Zealand, and allows the person to leave and enter New Zealand on any number of occasions while the visa is current. The Immigration Act 1987 provides extensive procedural safeguards against any arbitrary or abusive action in respect of immigration decisions affecting non-New Zealand citizens.

New Zealand statute law imposes certain other limitations on the right to freedom of association in order to protect the rights and freedoms of others.

D. Realization of economic, social and cultural rights

*(article 22 of the Universal Declaration;
article 1 of the International Convention on Civil and Political Rights)¹*

The Maori Language Act 1987 declares the Maori language to be an official language of New Zealand. Section 4 of the Act declares the right of (a) any member of the court, tribunal, or other body before which proceedings are being conducted, (b) any party or witness, (c) any counsel, (d) any other person, with the leave of the presiding officer, to speak Maori in legal proceedings. The presiding officer must ensure that a competent interpreter is available where any person intends to speak Maori in any legal proceedings.

E. Protection against interference with privacy *(articles 6 and 12 of the Universal Declaration)*¹

The Crimes Amendment Act (No. 2) 1987 adds a new Part XI A to the principal Act. It allows the police to intercept private communications by means of listening devices for the purpose of apprehending "organized criminal enterprises" in certain circumstances. The police must first obtain a warrant authorizing the interception from a High Court judge, except where the urgency of the situation justifies the issuing by a judge of an emergency permit.

F. Freedom of opinion and information *(article 19 of the Universal Declaration)*¹

The 1987 Amendment Act repeals or amends a number of secrecy provisions in other statutes so that in future access to information formerly dealt with under those provisions will generally be dealt with under the Official Information Act. The Act is also extended in scope to cover other bodies, including hospital boards and universities.

The Local Government Official Information and Meetings Act 1987 extends the powers of the ombudsman to investigate and review certain decisions made by local authorities on the withholding of official information. The local authority has a public duty to observe any recommendation made by the ombudsman arising from an investigation of a complaint. The Local Government Official Information and Meetings Act also provides that a local authority shall produce any information or document as soon as reasonably practicable to enable the ombudsman to conduct the investigation into a complaint relating to the local authority withholding official information.

G. Freedom of assembly and association *(articles 20 and 23 of the Universal Declaration)*¹

A group of workers can register as a new union under the 1987 Labour Relations Act, provided that it has the minimum number of members required and that none of its members is already bound by existing awards or agreements. Once registered, the union becomes a corporate body and can engage in any lawful activity. Registration brings significant advantages, including exclusive bargaining rights for the groups of workers it represents, the right to enforce (under the Labour Relations Act) the awards and agreements it negotiates with employers, access to State-funded arbitration and

mediation services, and access for its members to procedures in the Act for the settlement of personal grievances. When a registered union negotiates an award or agreement it can—with the agreement of the negotiating employers or, failing this, of its own members—include a union membership clause requiring all adult workers and workers paid adult rates to join the union.

The Labour Relations Act includes some restrictions on the freedom of association which are deemed necessary in New Zealand to guarantee *ordre public*, as permitted by article 22, paragraph 2. For example, the Registrar of Unions may refuse to register a union if its rules do not comply with the requirements of the Act, for example if they are unreasonable, undemocratic or unfairly discriminatory.

By virtue of section 60 of the 1987 Act, a union cannot refuse to admit a worker who comes under the criteria of the union's membership rule. The intention of this provision is to protect the individual's right to join a union. Unions are able, however, to expel members because they have not paid fees, levies, etc. which were properly established by the union, as well as for other reasonable causes set out in the union rules.

The Labour Relations Act 1987 repealed the provisions in the Industrial Relations Act 1973 which allowed the Minister of Labour to deregister unions. Although this power had been used very infrequently, its repeal represents an important recognition of the principle of freedom of association. The 1987 Act also recognizes, for the first time, the right of workers to strike. Part X of the Act sets out circumstances in which strikes are lawful. Strikes in other circumstances are either not lawful or are defined in the Act as unlawful, and employers are able to take action in the Labour Court against the unions and workers involved.

New Zealand has not yet ratified the Freedom of Association and Protection of the Right to Organize ILO Convention of 1948 (No. 87). The chief difficulty preventing New Zealand ratification lies in the long established policy, reiterated in the Labour Relations Act, of promoting a strong and stable trade union structure. This is achieved by conferring certain substantial privileges on registered unions which could be regarded as unduly restricting the freedom of an individual to join an organization of his or her own choosing.

H. Protection of children

*(article 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)*¹

The Status of Children Amendment Act 1987 sets out the status of children conceived as a result of certain medical procedures, including artifi-

cial insemination and implantation and transfer procedures. When a woman becomes pregnant as a result of any of the procedures in which a donor ovum is used, that woman is the mother of any child of the pregnancy. When a married woman becomes pregnant as a result of the procedures and a man other than her husband produced the semen used, the husband of the mother is the father of the child of the pregnancy if he consented to the procedure. The man who produced the semen is not the father of the child. When a woman becomes pregnant as a result of any of the procedures and she is not a married woman, or is a married woman who has undergone the procedure without the consent of her husband, neither the man who produced the semen used in the procedure nor any child of the pregnancy acquires any rights or liabilities in relation to each other unless that man becomes the husband of the woman. Marriage as defined in the Act includes a relationship in the nature of marriage.

I. Elimination of racial discrimination; development and protection of certain groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 27 of the International Covenant on Civil and Political Rights)¹*

In 1987, the Treaty of Waitangi was the subject of one of the most important cases heard before the New Zealand Courts (*New Zealand Maori Council v. Attorney-General* [1987] 1 NZLR 641). The Maori Council had sought to restrain the Crown from transferring certain assets to State-owned enterprises, alleging that that would be in breach of a legislative provision which required the Crown not to act inconsistently with the principles of the Treaty. The Court upheld the Maori Council's case, declaring that the Crown assets could not be transferred before there was a system in place to ensure that the transfer was consistent with the Treaty's principles. The Court of Appeal judges placed emphasis on the Treaty as a partnership requiring "the utmost good faith" and calling for the partners to act reasonably towards each other. The interests at issue in the case have since been settled by agreement between the parties and given legislative form in the Treaty of Waitangi (State Enterprises) Act 1988.

The Maori Language Act declares *Te Reo Maori* (the Maori language) to be an official language of New Zealand and establishes the Maori Language Commission. The functions of the Commission include the initiation, development, coordination and implementation of policies and procedures to promote the Maori language as an official language of New Zealand. The Commission is to consider and report on any matter relating to the Maori language referred to it by the Minister of Maori Affairs and to promote the Maori language as an ordinary means of communication. The Commission is also vested with the authority to issue certificates of competency in the

Maori language. The certificates of competency will be either interpretation, translation or interpretation and translation of the Maori language. An endorsement may be made on the certificate of competency that the holder is competent to translate and/or interpret in legal proceedings if the Commission is satisfied that the person meets certain criteria. As already noted, the Act gives to persons involved in legal proceedings the right to speak Maori in such proceedings.

NIGER

General legal framework¹

The draft National Charter, which was approved by 99.5 per cent of the people of the Niger in a referendum on 14 June 1987, determines the institutional framework for the activities of representatives of the nation and the State. It defines the rights and duties of citizens, as well as the purview of the relations of the State of the Niger with the rest of the world. The Charter is the foundation for the Constitution. In the provisions relating to the elimination of all forms of racial discrimination, the Charter affirms the following principles.

The Niger is a State subject to the rule of law, a democratic and secular republic, which consistently guarantees the primacy of the law against all violations, whether perpetrated by the State, a community, a group or an individual.

Thus, upon its accession to independence, the Niger proclaimed its commitment to the universal principles of human rights. In doing so, it declared its support for the principle of fundamental freedoms. (The National Charter accordingly enumerates all the rights and freedoms contained in the Universal Declaration of Human Rights.) The laws and regulations concerning relations between the State and the citizen are promulgated in the light of these principles.

A participatory democracy, which is one of the objectives of the development society, will be achieved by the establishment of an egalitarian dialogue among all levels of society.

The Charter proclaims the need for the people to struggle with determination against any trace of regionalism, religious intolerance, clan manifestation or partition ideology.

¹ Report submitted by State (CERD/C/172/Add.1).

A. Elimination of racial discrimination; equality before the law
*(articles 2 and 7 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The National Charter proclaims “the equality of all persons before the law and the guarantee, by the State of the Niger, of fundamental individual and collective freedoms”. Justice is administered without distinction as to origin, sex or religion. The Niger is governed by a dual judicial system: “modern” law, and in particular the Civil Code, and “customary” law. In all courts, and especially in criminal cases, when the defendant cannot afford the services of a lawyer, a counsel responsible for his defence is placed at his disposal. With a view to improvement of the enjoyment of this right to equal treatment before the tribunals, the State’s immediate objective, within the context of the development society, is to ensure better judicial coverage of the national territory and to bring justice closer to the ordinary people.

**B. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

A committee to demarcate the boundary between Burkina Faso and the Niger was also set up in June 1987.

NORWAY

A. Right to freedom of thought, conscience and religion

*(article 18 of the Universal Declaration;
article 5 (d) of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 18 of the International Covenant on Civil and Political Rights)¹*

By the Act of 19 June 1987, a new organ, the Church Doctrine Board “Laerenemnda” was set up. At the request of the Government, the Church Meeting or a bishop, the Board comments on matters concerning Evangelic Lutheran teachings. The creation of this new organ has increased the independence of the State Church in relation to the State, particularly in confessional matters.

B. Freedom of opinion and expression

*(article 19 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 19 of the International Covenant on Civil and Political Rights)¹*

From 1 September 1984 to 1 August 1987, eight local radio stations were suspended for one month for violating licensing conditions. The stations received a warning before their licences were suspended. In most cases, the station had violated the ban on advertising. No licences have been permanently revoked. In addition to this, 24 holders of local radio licences have received warnings for violations of the licensing provisions. Most of the warnings concern violations of the ban on advertising. A few of them have to do with violations of technical provisions.

¹ Report submitted by State (CCPR/C/42/Add.5).

C. Protection of children

*(article 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)¹*

By Act No. 11 of 6 February 1987, a new provision was added to the Children Act, prohibiting the use of violence in the upbringing of children. However, prior to the adoption of this new provision it followed from the general rules of the Penal Code that such use of violence was illegal. A new paragraph has been inserted between the second and third paragraphs, which reads as follows: "The child must not be subjected to violence or otherwise treated in such a way as to injure or threaten its physical or mental health."

By Act No. 51 of 12 June 1987, section 46 of the Penal Code was amended and the minimum age of criminal liability was raised from 14 to 15 years. The Act has not entered into force. Section 46 will read as follows: "no one may be punished for an act committed before he has completed his 15th year."

D. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 27 of the International Covenant on Civil and Political Rights)¹*

Recently, the Government submitted a bill to Parliament concerning the Act relating to the Sameting (Sami Assembly and other Sami legal matters). The object of the Act will be to ensure that the Sami population of Norway can perpetuate and develop its language, culture and community life. The bill was based on the report of the Committee on Sami Legal Matters. The Act was passed on 12 June 1987, but has not entered into force.

The bill deals with the principles which, in the opinion of the Government, ought to be included in the future formulation of Sami policy measures. It is pointed out that the Sami culture must be maintained and further developed. This entails a departure from the previous policy of assimilation. Active initiatives are required to ensure the continued survival of Sami culture. It is a national responsibility for the authorities to ensure that the Sami people are given the means necessary to perpetuate and further develop their culture so that they can continue to live as a separate ethnic group.

Protecting the Sami culture is not only a national responsibility; Norway also has an international responsibility based on commitments undertaken in relation to international law. The bill supports the interpretation of

the Covenant which implies that States accept the responsibility to contribute positively to enabling ethnic minorities to maintain and advance their language and culture.

PANAMA

Limitations on the exercise of rights and freedoms; states of emergency

*(article 29 of the Universal Declaration;
article 4 of the International Covenant on Civil and Political Rights)*¹

The constitutional guarantees were suspended on account of continuous disturbances of public order on Tuesday, 9 and Wednesday, 10 June 1987 in the cities of Panama and Colón. Since these disturbances were the outcome of constant incitement to violence by individuals and political groups of neo-fascist orientation, obviously bent on overthrowing the Government and assuming power through violence on 10 June, the Government, acting under article 51 of the Constitution, proclaimed a state of emergency and the temporary suspension of the individual guarantees contained in articles 21, 22, 23, 26, 27, 29, 37, 38 and 44 of the Constitution.

In view of the disorder caused by certain opposition groups for patently subversive purposes, the President of the Republic called a meeting of his cabinet at which it was decided to exercise the constitutional power provided for in article 51, authorizing the suspension of guarantees "in the event of an internal disturbance threatening peace and public order". The Cabinet Council accordingly enacted decree No. 56 of 10 June 1987, the preamble to which stated that "the political forces of the opposition, which have made incessant efforts to prolong the disturbances that occurred during the last electoral contest, have embarked on activities designed to extend the subversion to the rest of the country".

The basic guarantees suspended were: (a) the guarantee of not being deprived of liberty except by virtue of a written order of the competent authorities, issued in accordance with the legal formalities and for a reason previously defined by law (article 21); (b) the guarantee of not being detained without being informed of the grounds for detention (article 22); (c) the presumption of innocence (article 22); (d) the remedy of habeas corpus (article 23); (e) freedom of movement (article 27); (f) the inviolability of correspondence and of private telephone communications (article 29); (g) freedom to express ideas in the form of the written word or by any other means, without prior censorship (article 37); (h) the right of assembly

¹ Report submitted by State (CCPR/42/Add.7).

(article 38); (i) the guarantee of private property acquired in accordance with the law (article 44).

The other guarantees remained in force, including those relating to inviolability of the home, equality before the law, the absence of extradition for political offences, religious liberty and the absence of the death penalty and the penalty of confiscation of property. It should also be noted that, although the right of freedom of movement was suspended, the authorities did not order curfews within the national territory or the use of military check-points on public highways.

Ten days later, since the causes for the state of emergency persisted, the executive, again acting under article 51 of the Constitution, decided to maintain the state of emergency throughout the national territory by decree No. 57 of 19 June 1987. The Cabinet Council further requested the President of the Republic to call on the Legislative Assembly to take cognizance of the measures adopted.

The Legislative Assembly, also exercising its constitutional and legal powers and having regard to the action taken by the Cabinet Council and the circumstances necessitating the proclamation of a state of emergency and the suspension of the above-mentioned constitutional provisions, decided, through decree No. 57 of 19 June 1987, fully to endorse the decisions taken by the Cabinet Council.

When the causes responsible for the above-mentioned measures had ceased to exist, the Legislative Assembly, through resolution No. 22 of 29 June 1987, decided to lift the state of emergency and restore the validity of the articles of the Constitution of the Republic of Panama that had been suspended.

SWEDEN

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
articles IV and VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)*¹

A number of measures have been taken as regards the situation in South Africa. The most salient of those measures is the Act prohibiting trade with South Africa and Namibia (1987:474). Racial segregation and *apartheid* do not exist in Sweden.

Under articles 2.1 (d) and 4 (a), an account is given of the statutory provisions by which statements and actions involving discrimination on ethnic grounds are punishable by fines or imprisonment.

On 1 July 1987 an act prohibiting all trade with South Africa and Namibia entered into force. To enable companies with trade relations with South Africa and Namibia to wind these up, the prohibition will be applied as of 1 October of this year.

An important element of Sweden's policy on South Africa is the assistance given to southern Africa. In the 1987/1988 fiscal year, SKr 2.6 billion, or nearly half of Sweden's total bilateral assistance, is appropriated for southern Africa. This consists of bilateral development assistance to the front-line States as well as support to the Southern African Development Co-ordination Conference (SADCC) and of humanitarian assistance to the liberation movements ANC and SWAPO and the victims of *apartheid*.

B. Elimination of racial discrimination

*(article 2 of the Universal Declaration;
article 2.1 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 2.2 of the International Covenant on Economic,
Social and Cultural Rights)*¹

The Government presented a bill in the spring of 1987. The purpose of this is to limit the activities of racist organizations still further. Thus, a racist

¹ Report submitted by State (CERD/C/158/Add.7).

statement will become punishable without even having been made in public or spread to the public. It will be sufficient for such a statement to have been disseminated within an organization or the like. This bill is before the Parliament.

The bill also discussed certain proposals by the Commission on the Freedom of Expression to the effect that the question of agitation against an ethnic group should include consideration of the justification of statements expressing contempt for a group protected by existing penal provisions. The Committee's intention was to extend the scope of public debate and thus the possibility of expressing criticism. The Government has, however, decided against proposing that liability be limited in such a way that individual ethnic groups are given what might be considered less protection than before.

C. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)¹*

In accordance with the Sami School Ordinance, Sami children have the right to attend a Sami school instead of an ordinary primary school. There are seven Sami schools with junior and intermediate levels. The authority responsible for these schools is a special Sami school board with a Sami majority. Lessons are conducted in Sami as well as Swedish. Upper level education for Sami children is integrated with the municipal school in Gällivare in the North Sami language areas. It was not possible to start the planned upper level school in Are, in the South Sami language area, since the number of pupils who applied was not sufficient. Altogether about 130 pupils have chosen to attend Sami schools. The government grant to these schools totalled SKr 15 million in the fiscal year 1986/1987.

TOGO

General legal framework¹

The Act of 9 June 1987 provides for the creation of the National Human Rights Commission, which guarantees protection of and respect for freedoms, including freedom of religion. Article 4, paragraph 1, of the Act specifies that the function of the Commission is the protection of human rights in the territory of the Togolese Republic. Under article 11, "Any person who considers himself or herself the victim of a violation of a human right, in particular a civil or political right, following an action or a failure to act by the administration, may address an application to the Commission. The application may also come from a third party or a non-governmental organization."

If the violation continues in spite of the intervention of the rapporteur responsible for seeking a solution with the administration implicated, the Commission may, by virtue of article 15 of the same Act, order whatever measures are likely to put an end to the violation, in particular: appeal to the courts, appeal to Parliament and appeal to the head of State.

It should be pointed out that the members of the Commission are protected by immunity from prosecution and also that any person who in any way hampers the activities of the Commission is liable to punishment by three months' to two years' imprisonment or a fine of 50,000 to 100,000 CFA francs, or to both of those penalties.

¹ Report submitted by State (E/CN.4/1988/43/Add.3).

TRINIDAD AND TOBAGO

A. Right to work

*(article 23 of the Universal Declaration)*¹

One of the principles upon which the Constitution of Trinidad and Tobago is based is that of social justice. According to this principle, the operation of the economic system should result in, *inter alia*: (a) the material resources of the community being so distributed as to serve the common good; (b) an adequate means of livelihood for all.

It should be noted that although the Constitution inherently recognizes the right of every citizen to work and that the Government's policies have been expressly designed to create employment, there is nowhere guaranteed to any citizen the right to employment.

In an attempt to organize the employment market better, a Manpower and Employment Services Division was set up in the Ministry of Labour, Employment and Manpower Resources to provide for the registration and placement of all persons seeking employment in the country. In some instances, recruitment of workers is undertaken for employment overseas. The services of this Division are provided at four employment exchange offices in the country. In order to service more effectively the nation's employment requirements, there are plans to provide five additional employment exchange offices in other localities of the country.

The Government comprehends the importance of technical and vocational guidance and training for the improvement of the employability of the labour force and, in particular, for the acceleration of youth employment. This view is reflected in the Education Plan (Draft) 1985-1990.

B. Equal rights for men and women

*(article 2 of the Universal Declaration;
article 3 of the International Covenant on Civil and Political Rights)*¹

The participation of the majority of women in the labour force is still in the traditional female occupations such as typing, dressmaking, cookery,

¹ Report submitted by State (E/1984/6/Add.21).

nursing, agriculture, domestic work, etc. Although there are no overt or legal barriers to the employment of women in non-traditional jobs and there is equality of opportunity in the education system, it has been acknowledged that there still exists certain parental and social attitudes that adversely affect the education and training of young women. However, the establishment of organizations such as the National Commission on the Status of Women signifies a definite step towards the eradication of such attitudes.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles I, IV, VI and XI of the International Convention
on the Suppression and Punishment of the Crime of Apartheid)*¹

On 8 May 1987 a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR ratified the International Convention against *Apartheid* in Sports, which came into force on 3 April 1988.

At the forty-first and forty-second sessions of the General Assembly, at sessions of other bodies and organizations of the United Nations system, and in international forums concerned with the struggle against *apartheid* and the granting of independence to Namibia in whose work its delegations or individual representatives took part in 1986-1987, the Ukrainian SSR co-sponsored some and voted for all of the resolutions adopted by them which directly bore or in some way touched upon the problems of eliminating *apartheid*, racism and racial discrimination, and colonial oppression.

In accordance with the Charter and well-known resolutions and decisions of the United Nations, the Ukrainian SSR continued to provide political, moral and material aid and assistance to the national liberation movement of the peoples of southern Africa. In 1986-1987, as in previous years, the Ukrainian SSR made financial contributions to the International Defence and Aid Fund for Southern Africa. Grants were also provided for candidates recommended by the national liberation movements of southern Africa to study in educational institutions of the Republic (in 1987-1988 there were six South African and 28 Namibian students in the Ukrainian SSR).

¹ Report submitted by State (CERD/C/172/Add.14).

B. Right to an adequate standard of living

*(article 25 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In 1986/1987 a series of measures were taken on building homes in rural areas with the funds of collective and state farms, providing assistance under sponsorship schemes, and improving the living and housing conditions and the medical and socio-cultural services provided for single elderly citizens and disabled persons.

Measures to enhance the material and technical resources of the Republic's creative unions and to improve the working and living conditions of the creative intelligentsia were set out in resolution No. 364, of 14 October 1986, and resolution No. 137, of 14 April 1987, of the Central Committee of the Ukrainian Communist Party and the Council of Ministers of the Ukrainian SSR.

UNION OF SOVIET SOCIALIST REPUBLICS

A. Right to work

(article 23 of the Universal Declaration)¹

In 1986-1987 work continued in the USSR to put into practice the realistic, in all respects carefully thought-out programme drawn up by the Twenty-seventh Congress of the CPSU for action in the political, economic and cultural fields towards further democratization of Soviet society; to intensify the socialist self-government of the nation; and to achieve the main purpose of the Party's international strategy, namely to secure for the Soviet people the possibility of working under conditions of lasting peace and freedom. In carrying out this programme, the CPSU and the Soviet State attach primary importance to the further development and refinement of relations between nationalities—to strengthen fraternal friendship and co-operation between the peoples of the Soviet Union, their mutual spiritual enrichment and the all-round development of the Soviet Union.

On 5 March 1987 a joint meeting was held at the Kremlin by the Commissions on Youth Affairs of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR, which examined the work of the Soviets, of People's Deputies of the Mangyshlak region of Kazakhstan on forming an active attitude to life among young people and entrenching the socialist way of life. Among other questions, the Commission discussed and referred to the executive committee of the regional Soviet of People's Deputies practical recommendations on strengthening the internationalist and patriotic education of young people.

On 20 May 1987 the Presidium of the Supreme Soviet of the USSR examined the work of the Soviets of People's Deputies of the city of Leningrad in connection with preparations for the seventieth anniversary of the Great October Socialist Revolution and adopted a decree on the subject. It observed in this decree that the executive committees of the Leningrad Municipal and Area Soviets of People's Deputies should make use, in breadth and depth, of the preparations for the jubilee to heighten the effectiveness of patriotic and internationalist education of the public, and especially of young

¹ Report submitted by State (CERD/C/172/Add.6).

people, in the revolutionary, fighting and working traditions of the older generation of Leningraders, in the spirit of the inviolable friendship among the peoples of the USSR.

With a view to giving effect to the right to work guaranteed to citizens by the Constitution of the USSR as an inalienable part of an active social policy, decree No. 1457, dated 22 December 1987, of the CPSU Central Committee, the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions prescribed measures for a thoroughgoing improvement in the use made of labour resources and the institution of an integrated State-wide system of placement in employment, retraining and vocational guidance for the public. Advantages and forms of compensation have been introduced for workers made redundant, in order to reduce to a minimum possible interruptions in employment, temporary loss of wages and other difficulties connected with a change of occupation.

B. Elimination of racial discrimination

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

At the seventh session of the Supreme Soviet of the USSR, Eleventh Convocation, on 30 June 1987, an Act of the USSR "on the nationwide discussion of important questions of State life" was passed. As a guarantee that citizens of the USSR would be assured free participation in the discussion of important questions in the life of the State and of society, a provision was laid down in article 6 of the Act prohibiting any form of direct or indirect restriction on the rights of citizens of the USSR to participate in the discussion on grounds of race or nationality. In article 11 of the Act it is stipulated that any person who obstructs a citizen of the USSR in the free exercise of this right shall be answerable as prescribed by law.

The legislation of the USSR, including some enacted in 1986-1987, secures for citizens of the USSR full equality of rights in all spheres of community life, the economy and culture, irrespective of sex, race, nationality and attitude to religion.

Within the system of legislative, judicial, administrative and other measures whereby effect is given to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, mention should be made of the Act of the USSR "concerning the procedure of appeal to the court against the unlawful acts of officials infringing the rights of citizens" which was passed on 30 June 1987 and entered into force on 1 January 1988 (*Vedomosti Verkhovnogo Soveta SSSR*, 1987, No. 26,

p. 388). This Act is of special significance in the system of legislative guarantees of the rights and freedoms of Soviet citizens, *inter alia*, in cases where such rights may be infringed as a result of a citizen's race and nationality. Under the Act, a citizen is entitled to lodge a complaint with the court if he considers that his rights have been infringed by the actions of an official. The court may hear appeals against actions performed personally by officials on their own behalf or on behalf of the authority they represent. As actions performed by officials in violation of the law and in excess of their authority in such a way as to infringe the rights of citizens, the Act classifies actions as a result of which: a citizen is unlawfully deprived of the opportunity to exercise, wholly or in part, a right conferred on him by statute or by another normative instrument or an obligation of some kind is laid on a citizen.

C. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles I, IV, VI and XI of the International Convention
on the Suppression and Punishment of the Crime of Apartheid)*¹

In 1986 the USSR was one of the first States to sign the International Convention against *Apartheid* in Sports; it ratified the Convention in 1987, complies strictly with its provisions and urges wider accession to it.

Permanent missions of ANC and SWAPO were opened in Moscow in 1987. The accreditation of these missions to the Committee for Solidarity and the establishment of closer contact with the leaders of the liberation movements has made it possible to increase the effectiveness of the assistance rendered to the struggling peoples of southern Africa.

The Soviet Union, in co-operation with the representative of ANC in Moscow, rendered the necessary assistance in the preparations for and holding of the international conference entitled "Peoples of the World against *Apartheid* and for a Democratic South Africa" (Arusha, 1-4 December 1987), in which Soviet representatives took part.

The Eighteenth Trade Union Congress of the USSR, held in February 1987, also adopted a resolution declaring once again that the Soviet trade unions would support with determination the South African patriots struggling against racism and *apartheid*.

D. Right to education

(article 26 of the Universal Declaration)¹

The decisions adopted by the Central Committee of the CPSU at its plenary meeting of January 1987 on the restructuring of higher education in the country are of great importance in speeding up the social, economic, political and spiritual development of Soviet society.

With a view to speeding up the social and economic development of the regions of Siberia, the North and the Far East, decree No. 327, dated 13 March 1987, of the CPSU Central Committee and the Council of Ministers of the USSR "concerning measures to improve the training and use of qualified teachers" provides for assistance of every kind to be extended to higher educational establishments in those regions through, *inter alia*, the secondment of experienced specialists in pedagogy to take a direct part in refining the process of instruction and education and in organizing scientific research projects.

E. Right to health

*(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)¹*

In November 1987 the CPSU Central Committee and the Council of Ministers of the USSR approved Guidelines for the development of the health care of the population and the restructuring of public health in the USSR in the twelfth five-year plan period and in the period up to the year 2000. These Guidelines provide for the application of a system of measures to strengthen disease prevention, gradually make health centres accessible to the entire population, improve the professional skill of the medical staff and enhance the quality of the work done by medical prophylactic and pharmaceutical institutions.

F. Protection of children

*(article 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)¹*

By decree No. 842 dated 31 July 1987, of the CPSU Central Committee and the Council of Ministers of the USSR, measures have been described for a drastic improvement in the upbringing, education and material security of children who have been left without parental care.

G. Right to participate in the cultural life of the community

*(article 27 of the Universal Declaration;
article 15 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The years 1986-1987 saw a significant increase in the attention paid to the development of cultural and educational institutions in all parts of the country. A Union of Theatre Workers of the USSR was founded, together with theatre unions in the Union Republics, a Union of Designers of the USSR, boards for unions of designers in the Union Republics, foundations for culture, for journalists, writers and designers, and cinematographic foundations, whose activities are aimed at making the treasures of indigenous and world culture generally accessible, developing artistic creation in every possible way and promoting a genuinely national ethnic art.

Improvements in the conditions for the activity of creative unions and measures to strengthen their material and technical base were provided for by decree No. 213, dated 14 February 1987, of the CPSU Central Committee and the Council of Ministers of the USSR.

URUGUAY

General legal framework¹

Act No. 15,932 of 15 December 1987 approved the text of the Treaty on the Institutionalization of the Latin American Parliament, adopted on 1 November 1987 in Lima, Peru. The principles set out in the text include the defence of democracy, the self-determination of peoples and political and ideological plurality as the basis of a democratically organized Latin American community (article 2). The objectives of the Latin American Parliament are to safeguard the overall economic and social development of the Inter-American community and to monitor strict observance of fundamental human rights to ensure that they are in no way affected in any Latin American State in a manner prejudicial to human dignity (article 3).

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

On 28 May 1986 the executive subscribed to the International Convention against *Apartheid* in Sports, which was approved by Act No. 15,892 of 2 September 1987.

B. Protection of the family, motherhood and childhood

*(articles 16 (3) and 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)*¹

Act No. 15,855 of 17 March 1987 replaced a series of articles concerning the family and inheritance law by the following articles, *inter alia*: article 267, which states that the father is the legal administrator of the assets of the children under his authority, even of those assets whose use he does not enjoy. However, the child shall administer professional and industrial in-

¹ Report submitted by State (CCPR/C/28/Add.10).

come, for which purpose he shall be considered as emancipated or as being of age. Neither shall the father administer assets donated or bequeathed to the children on the condition that he shall not administer them; article 277, which states that a father or mother who has recognized a natural child has the obligation to pay maintenance and other benefits set forth in article 121; article 881 which states that the spouse's share is one fourth of the deceased's assets, in all orders of succession, except in that of legitimate or natural descendants recognized or declared as such; and article 887 (1), which states that the widower or widow shall be considered as one of the children and shall receive the strictly legitimate share due to a child as the spouse's share.

Article 887 establishes the legitimate share and the portion of the inheritance that may be freely disposed. In awarding the legitimate share, account is taken of the existence of natural children (recognized or declared as such), who shall receive a portion equal to that received by a legitimate child. It should be noted that, under the previous régime, natural children were not counted separately but shared a portion equivalent to that of one legitimate child (whatever the number of natural children). In short, this Act provides for the elimination of a type of discrimination that has no meaning in modern family law.

C. Protection of children

*(article 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)¹*

Act No. 15,851 establishes a Fund for Minors. Decree No. 180/987 of 31 March 1987, referring to the Fund, stipulates that the distribution of the Fund to minors in the care of the Children's Council shall be carried out in the following ways:

(a) Work awards will be used for the payments which the Children's Council may consider it appropriate to make to those minors in its care who are engaged in productive activities in industrial or crafts works or in agricultural or stock-raising establishments, run or organized by it. The Children's Council shall regulate the working conditions of the minors and establish the remuneration system of payments with regard to the amount, its form, weekly or monthly, etc.;

(b) Study awards will be used for the allowances paid to those minors in its care who are carrying out studies, in the situations and conditions established by the Children's Council, for the purpose of providing them with support and encouraging them to seek the most complete and appropriate intellectual training;

(c) Recreation grants will be used to pay the amounts necessary to cover the minors' personal recreation costs, according to a system to be established by the Children's Council with regard to the description of the recipients, the amount of the allowance, controls to be undergone, etc.;

(d) Special grants will be used to pay allowances for special cases, such as when a minor marries, makes a journey, for reasons of health, etc. The Children's Council shall establish the system for awarding this grant.

Finally, it should be pointed out that decision No. 539/987 of the Ministry of Education and Culture established the Advisory Commission of the Executive in all areas referring to minors in Uruguay, "composed of specialists" of recognized expertise with "the task of analysing the current situation and recommending the measures considered necessary for effective action to protect neglected minors".

Section B. Trust and Non-Self-Governing Territories

A. TRUST TERRITORIES

Trust Territory of the Pacific Islands

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the Trust Territory of the Pacific Islands on 3 and 4 August 1987. It adopted a set of conclusions and recommendations contained in the report of its Sub-Committee on Small Territories in which, *inter alia*, it reaffirmed the inalienable right of the people of the Trust Territory of the Pacific Islands to self-determination, and the importance of ensuring that the people of the Trust Territory fully and freely exercise their inalienable right and that the obligations of the Administering Authority are duly discharged; it recalled its previous appeals to the Administering Authority that the people of Micronesia should be given the fullest opportunity to inform and educate themselves about the various options open to them in the exercise of their inalienable right to self-determination and independence, and expressed the view that such programmes should be extended and reinforced; it took note of the intention of the Administering Authority to seek the termination of the Trusteeship Agreement and urged the Administering Authority to ensure that this should be done in strict conformity with the Charter; it urged the Administering Authority to assist the maritime authorities of the Trust Territory in strengthening the existing legislation concerning the exploitation, management and conservation of a 200-mile exclusive economic zone; it reaffirmed its conviction that the rights of the people of Micronesia over such a zone should be respected and that they should receive all benefits deriving from it. In view of the importance of marine resources to the Territory, the Committee urged the Administering Authority to continue its technical assistance to ensure marine resources development and conservation.

The Special Committee recommended to the General Assembly the adoption of a draft resolution on the question of the Trust Territory of the Pacific Islands.¹

¹ *Official Records of the General Assembly, Forty-second Session, Supplement No. 23 (A/42/23)*, chap. IX.

B. NON-SELF-GOVERNING TERRITORIES

1. American Samoa

The Special Committee considered the question of American Samoa on 3 and 6 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and approved the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of American Samoa.¹

The draft was adopted on 4 December 1987 as resolution 42/88 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa; called upon the Government of the United States of America, as the administering Power, to take all necessary steps, taking into account the rights, interests and wishes of the people of American Samoa as expressed freely in conditions leading to real self-determination, to expedite the process of decolonization of the Territory in accordance with the relevant provisions of the Charter of the United Nations and the Declaration and reaffirmed the importance of fostering an awareness among the people of American Samoa of the possibilities open to them in the exercise of their right to self-determination and independence; urged the administering Power, in co-operation with the territorial Government, to safeguard the inalienable right of the people of American Samoa to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those resources and to establish and maintain control of their future development with a view to creating conditions for a balanced, diversified and viable economy.

2. Anguilla

The Special Committee considered the question of Anguilla on 3 August 1987. It recommended to the General Assembly the adoption of a draft resolution on the question of Anguilla.¹

The draft was adopted on 4 December 1987 as resolution 42/80, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Anguilla; called upon the administering Power, in co-operation with the Government of Anguilla, to continue to strengthen the economy of the Territory and to increase its assistance to programmes of diversification; urged the administering Power, in co-operation with the territorial Government, to take effective measures to safeguard, guarantee and ensure the rights of the people of Anguilla to own and dispose of their nat-

ural resources and to establish and maintain control over their future development.

3. Bermuda

The Special Committee considered the question of Bermuda on 3 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of Bermuda.¹

The draft was adopted on 4 December 1987, as resolution 42/86, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Bermuda; reiterated that it was the obligation of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to create such conditions in the Territory as would enable the people of Bermuda to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and, in that connection, reaffirmed the importance of fostering an awareness among the people of Bermuda of the possibilities open to them in the exercise of that right.

4. British Virgin Islands

The Special Committee considered the question of the British Virgin Islands on 3 and 5 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the Territory.¹

The draft was adopted on 4 December 1987 as resolution 42/82, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the British Virgin Islands; called upon the administering Power, in co-operation with the Government of the British Virgin Islands, to intensify its efforts to broaden the base of the economy of the Territory; urged the administering Power, in co-operation with the territorial Government, to safeguard the inalienable right of the people of the British Virgin Islands to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those natural resources and to establish and maintain control of their future development.

5. Cayman Islands

The Special Committee considered the Territory on 3 and 5 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of the Cayman Islands.¹

The draft was adopted as resolution 42/85 of 4 December 1987, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Cayman Islands; urged the administering Power, in consultation with the territorial Government, to continue to provide assistance for increased employment of the local population in the civil service; reaffirmed the responsibility of the administering Power to promote the economic and social development of the Territory and recommended that priority should continue to be given to the diversification of the Territory's economy in order to provide the foundations for sound social and economic development.

6. East Timor

The Special Committee considered the question of East Timor from 4 to 14 August 1987. On 14 August 1987, on the proposal of the Chairman, the Special Committee decided to continue consideration of the item at its next session.¹

7. Falkland Islands (Malvinas)

On 24 February 1987, the Special Committee decided, *inter alia*, to take up the question of the Falkland Islands (Malvinas) as a separate item and to consider it at its plenary meetings.²

The Special Committee considered the Territories from 4 to 14 August 1987. On 14 August 1987, it adopted a decision on the question of the Falkland Islands (Malvinas).³

On 17 November 1987 the General Assembly adopted a nearly identical resolution on the question (42/19), in which, *inter alia*, it reiterated its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding

² A/AC.109/L930.

³ A/42/23, chap. X.

the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations; and requested the Secretary-General to continue his renewed mission of good offices in order to assist the parties and to take the necessary measures to that end.

8. Gibraltar

The Special Committee considered the Territory on 14 August 1987. Taking into account the continuing discussion between the parties concerned, the Special Committee decided to continue its consideration of the item at its next session and to transmit the relevant documentation to the Assembly.⁴

The Fourth Committee adopted the following text as representing the consensus of the members of the Assembly:

“The General Assembly recalling its decision 41/407 of 31 October 1986, recalling at the same time that the Brussels statement agreed on by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland on 27 November 1984, reads as follows:

“(c) The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution”;

“takes note of the fact that the Ministers for Foreign Affairs met at Madrid on 5 and 6 December 1985 and in London on 13 and 14 January 1987 as part of this process, and urges both Governments to continue the negotiating process with the object of reaching a definite solution to the problem of Gibraltar in the light of relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.”⁵

9. Guam

The Special Committee considered the Territory on 3 and 5 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of Guam and endorsed the

⁴ A/42/23, chap. IX.

⁵ A/39/732, annex.

conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of Guam.⁶

The draft resolution was adopted on 4 December 1987 as resolution 42/87, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Guam; reaffirmed the importance of fostering an awareness among the people of Guam of the possibilities open to them with regard to their right to self-determination and called upon the United States of America, as the administering Power, in co-operation with the territorial Government, to expedite the process of decolonization strictly in accordance with the expressed wishes of the people of the Territory; reiterated that one of the obstacles to economic growth in Guam, and particularly to agricultural development, was the holding of large tracts of land by the United States federal authorities, and called upon the administering Power, in co-operation with the territorial Government, to expedite the transfer of land to the people of the Territory.

10. Montserrat

The Special Committee considered the Territory on 3 and 5 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of Montserrat.⁶

The draft was adopted on 4 December 1987 as resolution 42/81, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Montserrat; reiterated the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy exercise by the people of the Territory of their inalienable right to self-determination and independence in conformity with the Declaration, which fully applied to Montserrat; urged the administering Power, in co-operation with the territorial Government, to take effective measures to safeguard, guarantee and ensure the rights of the people of Montserrat to own and dispose of the natural resources of the Territory, including its territorial waters, and to establish and maintain control over their future development; reiterated its call upon the administering Power, in co-operation with the territorial Government, to continue the

⁶ A/42/23, chap. IX.

assistance necessary for the employment of the local population in the civil service, particularly at senior levels.

11. Namibia

On 24 February 1987, the Special Committee decided to take up the question of Namibia as a separate item and to consider it at its plenary meetings.⁷

The Special Committee considered the question of Namibia at various meetings between 4 and 12 August 1987.⁸ On 12 August 1987, it adopted the text of a consensus statement, in which the Special Committee, *inter alia*, recalled that the Security Council had determined that in the international Territory of Namibia, which was the direct responsibility of the United Nations, there were two parties to the conflict, the people of Namibia, led by their sole and authentic representative SWAPO, and the racist régime of South Africa, which illegally occupied Namibia; strongly rejected the policies of "constructive engagement" and "linkage" which had encouraged the racist régime of South Africa to continue its illegal occupation of Namibia, and called for their abandonment so that the resolutions and decisions of the United Nations on the question of Namibia could be implemented; reaffirmed that the national liberation movement of Namibia, SWAPO, was the sole and authentic representative of the Namibian people and strongly condemned the illegal South African administration for its persistent and systematic attempts to undermine, discredit and destroy that organization, its members and supporters through arbitrary arrests, torture, intimidation and terror. It commended SWAPO for the exemplary leadership it had provided to the Namibian people for over a quarter of a century, for its continued constructive and flexible attitude and for its continued co-operation with the United Nations in its efforts towards the full and speedy implementation of Security Council resolution 435 (1978).

In its resolution 42/14 A, adopted on 6 November 1987, the General Assembly, *inter alia*, approved the report of the United Nations Council for Namibia; reaffirmed the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, in accordance with the Charter of the United Nations and as recognized by the General Assembly in its resolutions 1514 (XV) and 2145 (XXI) and in subsequent resolutions of the Assembly relating to Namibia, as well as the legitimacy of their struggle by all the means at their disposal, including armed struggle, against the illegal occupation of their territory by South Africa.

⁷ A/AC.109/L930.

⁸ A/42/23, chap. VIII.

12. Pitcairn

The Special Committee considered the Territory on 3 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and adopted the text of the draft consensus statement. It recommended to the General Assembly the adoption of a draft decision on the question of Pitcairn.⁹

On 4 December 1987, the General Assembly adopted decision 42/419 in which it reaffirmed the inalienable right of the people of Pitcairn to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It further reaffirmed the responsibility of the administering Power to promote the economic and social development of the Territory and urged the administering Power to continue to respect the very individual life-style that the people of the Territory have chosen and to preserve, promote and protect it.

13. St. Helena

The Special Committee considered the Territory on 3 and 5 August 1987. It adopted the draft decision contained in the report of its Sub-Committee on Small Territories giving an account of the latter's consideration of the Territory. It recommended to the General Assembly the adoption of a draft decision on the question of St. Helena.⁹

The draft was adopted on 4 December 1987 as decision 42/420, in which the Assembly, *inter alia*, urged the administering Power, in consultation with the Legislative Council and other representatives of the people of St. Helena, to continue to take all necessary steps to ensure the speedy implementation of the Declaration in respect of the Territory and, in that connection, reaffirmed the importance of promoting an awareness among the people of St. Helena of the possibilities open to them in the exercise of their right to self-determination; noted with deep concern the continued presence of military facilities on the dependency of Ascension Island and, in that regard, recalled all the United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories.

14. Tokelau

The Special Committee considered the Territory on 3 and 6 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and adopted the text of the draft consensus statement. It recommended to the General Assembly the adoption of a draft decision on the question of Tokelau.⁹

⁹ A/42/23, chap. IX.

The draft was adopted as resolution 42/84 of 4 December 1987, in which the Assembly, *inter alia*, welcomed the statement of the Chairman of the General Fono (Council) of Tokelau that Tokelau wished to see the devolution of authority to the General Fono consolidated and continued; urged Member States, relevant specialized agencies and other organizations of the United Nations system to extend to Tokelau the maximum assistance possible to help in its rehabilitation and reconstruction in order to overcome the losses incurred in natural disasters in 1987; urged the Government of New Zealand, the administering Power, in co-operation with the General Fono, to ensure that the traditional fishing grounds of the people of Tokelau were protected in accordance with the Multilateral Fisheries Treaty between the United States of America and States members of the South Pacific Forum Fisheries Agency.

15. Turks and Caicos Islands

The Special Committee considered the Territory on 3 and 5 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the Turks and Caicos Islands.¹⁰

The draft was adopted as resolution 42/83 of 4 December 1987, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Turks and Caicos Islands; urged the administering Power, in consultation with the territorial Government, to continue to provide the necessary assistance for the localization of the civil service at all levels and for the training of qualified local personnel in the skills essential to the development of various sectors of the economy and the society of the Territory.

16. United States Virgin Islands

The Special Committee considered the Territory on 3 and 7 August 1987. It adopted the report of its Sub-Committee on Small Territories containing an account of the latter's consideration of the Territory and endorsed the conclusions and recommendations of the report. It recommended to the General Assembly the adoption of a draft resolution on the question of the United States Virgin Islands.¹⁰

¹⁰ A/42/23, chap. X.

The draft was adopted on 4 December 1987 as resolution 42/89, in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the United States Virgin Islands; reaffirmed the inalienable right of the people of the United States Virgin Islands to self-determination and independence in conformity with the Declaration; reaffirmed that it was ultimately for the people of the United States Virgin Islands themselves to determine their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration and the relevant resolutions of the General Assembly and, in that connection, called upon the administering Power, in co-operation with the territorial Government, to facilitate programmes of political education in the Territory to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination; urged the administering Power to continue to take all necessary measures to comply fully with the purposes and principles of the Charter, the Declaration and the relevant resolutions and decisions of the General Assembly relating to military activities and arrangements by colonial Powers in Territories under their administration.

17. Western Sahara

The Special Committee considered the Territory on 4 and 13 August 1987. It decided, on 13 August 1987, to defer consideration of the item until its next session, subject to any directives which the General Assembly might give in that connection at its forty-second session, and to transmit the relevant documentation to the Assembly.¹⁰

On 4 December 1987, the General Assembly adopted resolution 42/78 on the question of Western Sahara. In its resolution, the Assembly, *inter alia*, welcomed the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in conformity with General Assembly resolution 40/50; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-third session.

PART II

ACTIVITIES OF THE
SUPERVISORY BODIES

Section A. Practice of the supervisory bodies

A. Committee on the Elimination of Racial Discrimination

INTRODUCTION

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1987. The thirty-fourth session (777th-804th meetings) was held at the United Nations Office at Geneva from 2 to 20 March 1987; the thirty-fifth session (805th-814th meetings) was also held at Geneva from 3 to 7 August 1987.¹

In accordance with Committee decision 2 (VI) of 21 August 1972 concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the thirty-fourth and thirty-fifth sessions of the Committee.

At the thirty-fifth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventy-third session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for co-operation between the two committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sessions which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Indigenous and Tribal Populations Convention, 1957 (No. 107), as well as other information in the report relevant to its activities.²

At the thirty-fourth session, the representative of UNESCO made a statement about the activities carried out by that organization in the context of the Second Decade to Combat Racism and Racial Discrimination.³

¹ *Report of the Committee on the Elimination of Racial Discrimination, Official Records of the General Assembly, Forty-second session, Supplement No. 18 (A/42/18), para. 3.*

² *Ibid.*, para. 12.

³ *Ibid.*, para. 13.

1. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTIETH AND FORTY-FIRST SESSIONS

(a) *Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention*

The Rapporteur of the Committee noted, *inter alia*, that the report of the Committee had again been considered by the General Assembly in conjunction with other matters and that that procedure was likely to continue; she drew particular attention to the legal interpretation of paragraph 4 of resolution 40/28 given by the Office Legal Affairs.⁴

(b) *Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolutions 40/116 and 41/121)*

The Committee considered this question at its 775th meeting (thirty-third session), on 20 March 1986, at its 786th meeting (thirty-fourth session), on 9 March 1987, and at its 807th and 808th meetings (thirty-fifth session), on 4 August 1987.⁵

The attention of the Committee was drawn in particular to the recommendations contained in the report of the Secretary-General on the reporting obligations of States parties to United Nations conventions on human rights (A/40/600 and Add.1) and to General Assembly resolutions 40/116 of 13 December 1985 and 41/121 of 4 December 1986. It was noted that the tenth meeting of States parties to the Convention had decided to approve the Committee's practice of considering successive overdue reports in a single document.⁶

Within that context, the Committee was also informed of the decision adopted by the eleventh (emergency) meeting of States parties, on 29 April 1987, in which it was recommended that, as a general practice, after the submission of initial comprehensive reports to the Committee, States parties should submit further comprehensive reports on every second occasion thereafter on which reports were due (i.e. every four years) and brief interim reports on each intervening occasion. In the same decision, the eleventh meeting had invited the Committee to consider that matter at its next session as a matter of priority.⁷

The Committee recognized the increasing burden that the coexisting reporting systems placed on Member States which were parties to the various human rights instruments. It would continue to be flexible in its pro-

⁴ *Ibid.*, para. 38.

⁵ *Ibid.*, para. 41.

⁶ *Ibid.*, para. 42.

⁷ *Ibid.*, para. 43.

cedure and practice concerning the content of periodic reports submitted in accordance with article 9 of the Convention. Some members supported the recommendation of the eleventh meeting of States parties.⁸

2. CONSIDERATION OF REPORTS, COMMENTS
AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

At its thirty-third, thirty-fourth and thirty-fifth sessions, the Committee examined the reports submitted by States parties under article 9 of the Convention. A list of States parties whose reports were examined, together with indications of the type of report and meetings at which the reports were considered, is included below. The relevant paragraphs of the report, containing a summary of the consideration of each periodic report, are also indicated.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary in paragraphs</i>
Canada	Seventh/ eighth	CERD/C/107/Add.8 CERD/C/132/Add.3	778-781	3/3/87 4/3/87	387-415
USSR	Ninth	CERD/C/149/Add.8	779	3/3/87	416-434
Democratic Kampuchea	Initial	CERD/C/111/Add.4	780-802	4/3/87 19/3/87	435-448
Trinidad and Tobago	Sixth	CERD/C/116/Add.3	782	5/3/87	449-466
Argentina	Ninth	CERD/C/149/Add.1	783	5/3/87	467-484
Sudan	Fourth	CERD/C/114/Add.1/ Rev.1	784-785	6/3/87	485-502
Czechoslovakia	Ninth	CERD/C/149/Add.2	785	6/3/87	503-515
Nepal.....	Sixth/ seventh/ eighth	CERD/C/148/Add.1	787	9/3/87	516-529
Republic of Korea	Fourth	CERD/C/144/Add.1	787	9/3/87	530-543
Brazil	Eighth	CERD/C/149/Add.3	788	10/3/87	544-566
New Zealand..	Seventh	CERD/C/131/Add.9	788-791	10/3/87 11/3/87	567-585
Israel	Seventh	CERD/C/131/Add.9	789	10/3/87	586-604
Luxembourg ..	Fourth	CERD/C/128/Add.2	790	11/3/87	605-631
German Dem. Rep. .	Seventh	CERD/C/147/Add.1	791	11/3/87	632-643
Netherlands	Seventh	CERD/C/131/Add.7	791	11/3/87	644-650
Byelorussian SSR.....	Ninth	CERD/C/149/Add.5	792	12/3/87	651-674

⁸ *Ibid.*, para. 44.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary in paragraphs</i>
Holy See	Ninth	CERD/C/149/Add.6	793	12/3/87	675-692
United Kingdom	Ninth	CERD/C/149/Add.7	793-794 13/3/87	12/3/87	693-725
Hungary	Ninth	CERD/C/149/Add.9	795	13/3/87	726-744
India	Eighth/ ninth	CERD/C/149/Add.11	796-797	16/3/87	745-783
Pakistan	Ninth	CERD/C/149/Add.12 and Corr.1	796-797	16/3/87	784-805
Cameroon	Seventh	CERD/C/117/Add.9	797-799	16/3/87 17/3/87	806-833
Ethiopia	Fifth	CERD/C/129/Add.11	801	18/3/87	834-844

3. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Twelve of the 124 States which have ratified or acceded to the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. These States are Costa Rica, Denmark, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention which has not recognized the competence of the Committee to receive and consider communications.

Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications (rule 87) or on the action to be taken in respect of communications which have been declared admissible (rule 95, para. 1).

The Committee commenced its work under article 14 of the Convention at its thirteenth session in 1984. It continued its work under article 14 at its thirty-third session in 1986 and its thirty-fourth session in 1987. At its thirty-fourth session, the Committee adopted a decision declaring a communication admissible under article 14 of the Convention. The decision established time-limits for the State party's submission on the merits and for any comments that the author of the communication might wish to make thereon. The time-limit for the author's comments had not expired when the Committee held its shortened thirty-fifth session. Consideration of the communication in question was therefore deferred to the Committee's next session.⁹

4. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

The Committee considered this item at its 775th meeting (thirty-third session) on 20 March 1986, at its 802nd meeting (thirty-fourth session) on 19 March 1987 and at its 811th and 812th meetings (thirty-fifth session) on 6 August 1987.

The action taken by the Trusteeship Council at its fifty-second session in 1985, and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1984 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the annual report of the Committee on the Elimination of Racial Discrimination submitted to the Assembly at its fortieth session.¹⁰ The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee in 1985, are contained in paragraph 619 of its report to the General Assembly.¹¹

At its thirty-fifth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fifty-fourth (1987) session in connection with article 15 of the Convention. The Trusteeship Council, at its 1636th meeting, held on 21 May 1987, considered the item on the agenda of its fifty-fourth session entitled "Co-operation

⁹ *Ibid.*, paras. 846-849.

¹⁰ A/40/18, chap. V.

¹¹ *Ibid.*, paras. 851-852.

with the Committee on the Elimination of Racial Discrimination” together with the item concerning the Decade for Action to Combat Racism and Racial Discrimination. The Council decided to take note of the statement made on the subject by one of its members (T/PV.1636). No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.¹²

In accordance with established practice, the Committee agreed, at its thirty-fifth session, that the final text of its opinions and recommendations under article 15 of the Convention should be prefaced by the following observations: (a) that, in lieu of a “summary of the petitions and reports it has received from United Nations bodies”, as required by article 15, paragraph 3, of the Convention, the Committee was submitting a list of those documents; and that the “expressions of opinion and recommendations” which the Committee was required to submit to various United Nations bodies relating to the petitions and reports that it had received from them, in accordance with article 15, paragraph 2 (a) and (b), of the Convention, were prepared not in separate texts, but in a single integrated text, which would be submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and to the United Nations bodies concerned.¹³

The Committee in general found it very difficult to fulfil its functions under article 15 of the Convention fully and properly, because in most cases the documents furnished by the competent bodies of the United Nations under that article did not contain the relevant information. The Committee, therefore, once more requested those bodies to furnish it with the material expressly referred to in that article of the Convention, that is to say, petitions as well as reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories mentioned in article 15, paragraph 2 (b), of the Convention. In addition, the work in this field was considerably impeded by the cancellation of the 1986 summer session and the curtailment of the 1987 summer session.¹⁴

5. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

The Committee considered this item at its thirty-third (774th meeting), thirty-fourth (796th and 800th to 802nd meetings) and thirty-fifth sessions (809th meeting).

For the consideration of this item, the Committee had before it all the relevant documents transmitted by the Secretary-General relating to the ac-

¹² A/42/18, para. 855.

¹³ *Ibid.*, para. 858.

¹⁴ *Ibid.*, para. 860.

tivities undertaken in accordance with the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

At the thirty-third session of the Committee, the item was introduced by Mr. Lamptey, Chairman of the open-ended working group established at the thirty-second session to deal with the possibility of organizing a seminar in conjunction with one of the Committee's future sessions as part of the Committee's contribution to the Second Decade. The working group consisted of the following five members: Mr. Lamptey, Mr. Oberg, Mr. Shahi, Mr. Starushenko and Mr. Yutzis. Speaking on behalf of the working group, Mr. Lamptey submitted a number of recommendations to the Committee regarding the date, venue, duration, objectives and topics of the seminar, as well as participation therein. The Committee agreed on a number of those recommendations and decided that the secretariat would present a paper setting out the financial implications of the seminar at its thirty-fourth session so as to enable the Committee to take a decision on the matter. However, the thirty-fourth session of the Committee, scheduled to be held from 4 to 22 August 1986 at Geneva, was postponed to March 1987 due to lack of financial resources.

At the thirty-fourth session of the Committee, the item was introduced by the Assistant Secretary-General for Human Rights who informed the Committee about the planned activities for 1990-1993, the remaining years of the Decade, proposed by the Secretary-General to the Economic and Social Council. He invited the members of the Committee to consider those proposals and to communicate their views to the Secretary-General. At the Committee's request, the Director of the Information Service, Geneva, informed it of the activities undertaken by the Department of Public Information in implementation of the Programme of Action for the Second Decade.

At its 802nd meeting, on 19 March 1987, the Committee adopted the text of a draft proposal, with some amendments.

At its thirty-fifth session, the Chairman of the Committee, Mr. Cremona, introduced the item and read out a letter addressed to him by the Assistant Secretary-General for Human Rights drawing the Committee's attention, in particular, to Economic and Social Council resolution 1987/2, in which the Council invited the Secretary-General to solicit observations, views and proposals of the United Nations bodies and specialized agencies concerned on the preparation of the draft plan of activities for 1990-1993 and to communicate them to the General Assembly at its forty-second session. The Committee took note of the relevant documents transmitted by the Secretary-General pertaining to the activities undertaken in accordance with the Programme of Action for the Second Decade.¹⁵

¹⁵ *Ibid.*, paras. 861-866.

B. Human Rights Committee

INTRODUCTION

The Human Rights Committee held two sessions in 1987. The twenty-ninth session (702nd to 729th meetings) was held from 23 March to 10 April 1987 and the thirtieth session (730th to 757th meetings) from 6 to 24 July 1987.¹⁶

1. ORGANIZATIONAL AND OTHER MATTERS

(a) *Working groups*

As a temporary economy measure, the Committee decided that, instead of the customary two pre-sessional working groups, only one should be established, in accordance with rules 62 and 89 of its provisional rules of procedure, to meet prior to the twenty-ninth and thirtieth sessions.¹⁷

(b) *Action by the General Assembly on the annual report submitted by the Committee under article 45 of the Covenant*

At its 725th meeting, held on 8 April 1987, the Committee considered this item in the light of the relevant summary records of the Third Committee and of General Assembly resolutions 41/119, 41/120 and 41/121 of 4 December 1986 and 41/32 of 3 November 1986.

The Committee noted with gratification that the General Assembly at its forty-first session had given extensive consideration to matters relating to the Committee's activities and had adopted a number of decisions supporting the Committee's work and its approach to various problems, including those stemming from the United Nations financial crisis. The explicit support of the Third Committee for maintaining the normal pattern of the Committee's meetings and for avoiding action that could adversely affect the proper discharge of the Committee's functions was particularly appreciated by the members.

The Committee discussed the relevant resolutions adopted by the General Assembly at its forty-first session. With regard to resolution 41/119, members took note with satisfaction of various provisions addressed to States parties to the International Covenants on Human Rights, particularly the emphasis placed by the Assembly on the importance of strict compliance by States with their obligations, including the observance of the agreed con-

¹⁶ *Report of the Human Rights Committee, Official Records of the General Assembly, Forty-second Session, Supplement No. 40 (A/42/40), para. 4.*

¹⁷ *Ibid.*, para. 12.

ditions and procedures for derogation, and of avoiding the erosion of human rights by derogation. They also welcomed the provisions encouraging further progress with respect to the publication in bound volumes of the Committee's official public records and giving more publicity to the Committee's work. In that connection, it was noted that the publication of a first volume of selected decisions by the Committee under the Optional Protocol had already been of great value to government departments, researchers and the general public and the hope was expressed that work on such essential publications would continue in the future.¹⁸

With regard to General Assembly resolution 41/121, relating to reporting obligations under United Nations instruments on human rights, members particularly welcomed the emphasis placed on the importance of fulfilling such obligations in a timely manner and of cooperating with the various bodies set up to supervise the implementation of such instruments to make the best use of their meeting time. In discussing some of the points raised in paragraph 4 of the resolution, members observed, *inter alia*, that while it might not be too difficult to harmonize the reporting guidelines, it would not be easy to ensure that that would not result in mere repetition. In addition, it was noted that certain similarities in reporting requirements in areas such as torture, where both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment and article 7 of the International Covenant on Civil and Political Rights were relevant, might make it difficult to avoid at least some duplication. At the same time, members considered paragraph 6 of the resolution, calling for a meeting in 1988 of the Chairmen of the various supervisory bodies to discuss possible remedies for such problems as proliferation, duplication, delayed submission and periodicity, to be especially important. The Committee agreed that a sessional working group would be established to elaborate practical guidelines and suggestions for use by the Chairman of the Committee when attending such a meeting.

The Committee also attributed special importance to paragraph 9 of General Assembly resolution 41/121, in which the Assembly endorsed the Secretary-General's proposals to arrange training courses for regions experiencing serious difficulties in meeting reporting obligations. Members noted in that connection that the training course of that type already held in Barbados, the Philippines and Senegal had been well attended and that most participants had been persons responsible for drafting national documentation relating to human rights. The Committee, some of whose members had personally participated in the previously held training courses, expressed the hope that measures pursuant to paragraph 9 of the resolution would be undertaken in the near future and stressed its readiness to cooperate fully in such endeavours.

¹⁸ *Ibid.*, paras. 26-28.

The Committee also took note with great satisfaction of General Assembly resolution 41/32 concerning the twentieth anniversary of the adoption of the International Covenants on Human Rights.¹⁹

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

(a) *Consideration of reports*

(i) Approach and procedure for consideration of second periodic reports

The Committee's procedure for considering second periodic reports during the period under review remained basically unchanged. Working groups were entrusted by the Committee, prior to its twenty-ninth and thirtieth sessions, with reviewing the reports and information submitted by the Governments of Ecuador, Iraq, Poland, Romania, Senegal, Tunisia and in order to identify those matters that could most usefully be discussed with the representatives of the reporting States. The working groups prepared lists of issues to be taken up during the dialogue with the representatives of each of the States parties. The lists, supplemented by the Committee whenever it was deemed necessary, were transmitted to the representatives of the States parties concerned prior to their appearance before the Committee, together with appropriate explanations on the procedure to be followed. It was stressed that the lists of issues were not exhaustive and that members could raise other matters. The representatives of the States parties were asked to comment on the issues listed, section by section, and to reply to additional questions raised by members, if any.²⁰

(ii) States parties

The following sections relating to States parties are arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of reports at its twenty-ninth and thirtieth sessions. These sections are only summaries, based on the summary records of the meetings at which the reports were considered by the Committee. Fuller information is contained in the reports and additional information submitted by the States parties concerned and in the summary records referred to.²¹

¹⁹ *Ibid.*, paras. 30-32.

²⁰ *Ibid.*, para. 53.

²¹ *Ibid.*, para. 54.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary in paragraphs</i>
Poland	Second	CCPR/C/32/Add.9 and Add.13	708-711	26-27/3/87	55-104
Tunisia	Second	CCPR/C/28/Add.5/Rev.1	712-715	30-31/3/87	105-148
El Salvador	Second	CCPR/C/14/Add.7	716-717 and 719	1-2/4/87	149-180
Senegal	Second	CCPR/C/37/Add.4	721-724	6-7/4/87	181-223
Congo	Initial	CCPR/C/36/Add.2	733-736	7-9/7/87	224-255
Zaire	Initial	CCPR/C/4/Add.10	734-735 and 738-739	8-10/7/87	256-293
Romania	Second	CCPR/C/32/Add.10	740-743	13-14/7/87	294-345
Iraq	Second	CCPR/C/137/Add.3	744-748	15-17/7/87	346-390

(b) *Question of the report and general comments of the Committee*

(i) General

The Economic and Social Council, in its resolution 1987/4, welcomed the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the International Covenant on Civil and Political Rights, as expressed in the general comments. The Committee recalled in that connection that States parties to the Covenant were urged, in the Committee's guidelines on the form and contents of periodic reports (CCPR/C/20), to take the general comments duly into account when preparing such reports. Members of the Committee noted that that requirement had not been adequately met by many States parties. In view of the important bearing that the general comments had on the implementation of a number of articles of the Covenant, members expressed the hope that the general comments would be more fully reflected in future periodic reports.²²

(ii) Work on general comments

On the basis of a draft provided by its Working Group, the Committee discussed a general comment relating to article 17 of the Covenant at its 749th, 751st and 752nd meetings. After thorough consideration, the Committee decided to refer the draft general comment to the Working Group that was to meet prior to its thirty-first session for further consideration and revision in the light of the comments and proposals advanced by members at its thirtieth session.²³

²² *Ibid.*, para. 391

²³ *Ibid.*, para. 392.

3. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

Under the Optional Protocol to the International Covenant on Civil and Political Rights, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit written communications to the Human Rights Committee for consideration. Of the 86 States that have acceded to or ratified the Covenant, 38 have accepted the competence of the Committee to deal with individual complaints by ratifying or acceding to the Optional Protocol. These States are Argentina, Barbados, Bolivia, Cameroon, Canada, Central African Republic, Colombia, Congo, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, France, Iceland, Italy, Jamaica, Luxembourg, Madagascar, Mauritius, the Netherlands, Nicaragua, the Niger, Norway, Panama, Peru, Portugal, Saint Vincent and the Grenadines, San Marino, Senegal, Spain, Suriname, Sweden, Trinidad and Tobago, Uruguay, Venezuela, Zaire and Zambia. No communication can be received by the Committee if it concerns a State party to the Covenant which is not also a party to the Optional Protocol.

Since the Committee started its work under the Optional Protocol at its second session in 1977, 236 communications concerning 23 States parties have been placed before it for consideration (211 of these cases were placed before the Committee from its second to twenty-eighth sessions; 25 further communications have been placed before the Committee since then, that is, at its twenty-ninth and thirtieth sessions, covered by the present report). A volume containing selected decisions under the Optional Protocol from the second to the sixteenth session (July 1982) was published in 1985.²⁴ A volume containing selected decisions from the seventeenth to the thirtieth sessions is forthcoming. The Committee believes it extremely important that the publication of this second volume should proceed at all due speed. The postponement of the Committee's twenty-ninth session from the autumn of 1986 to the spring of 1987, due to the difficult financial situation of the United Nations, entailed a delay in the consideration of a number of communications under the Optional Protocol. The Committee's Working Group on Communications was, however, convened in Geneva from 8 to 10 December 1986 in order to deal with urgent cases.²⁵

The status of the 236 communications so far placed before the Human Rights Committee for consideration is as follows:

(a) *Concluded* by views under article 5, paragraph 4, of the Optional Protocol: 77;

²⁴ United Nations publication, Sales No. E.84.XIV.2.

²⁵ *Ibid.*, paras. 393-394.

- (b) *Concluded* in another manner (inadmissible, discontinued, suspended or withdrawn): 110;
- (c) *Declared* admissible, but not yet concluded: 15;
- (d) *Pending* at the pre-admissibility stage: 34 (16 thereof transmitted to the State party under rule 91 of the Committee's provisional rules of procedure).²⁶

During the twenty-ninth and thirtieth sessions, the Committee examined a number of communications submitted under the Optional Protocol. It concluded consideration of five cases by adopting its views thereon. These were cases Nos. 155/1983 (*Eric Hammel v. Madagascar*), 172/1984 (*S. W. M. Broeks v. the Netherlands*), 180/1984 (*L. G. Danning v. the Netherlands*), 182/1984 (*F. H. Zwaan-de Vries v. the Netherlands*), and 198/1985 (*R. D. Stalla Costa v. Uruguay*). The Committee also concluded consideration of three cases by declaring them inadmissible. These were cases Nos. 192/1985 (*S. H. B. v. Canada*), 209/1986 (*F. G. G. v. the Netherlands*) and 217/1986 (*H.v-d-P. v. the Netherlands*). Consideration of one case was discontinued. Procedural decisions were adopted in a number of pending cases (under rules 86 and 91 of the Committee's provisional rules of procedure or under article 4 of the Optional Protocol). Secretariat action was requested on other pending cases.²⁷

Issues considered by the Committee

For a review of the Committee's work under the Optional Protocol from its second session in 1977 to its twenty-eighth session in 1986, the reader is referred to the Committee's annual reports for 1984, 1985 and 1986,²⁸ which contain, *inter alia*, a summary of the procedural and substantive issues considered by the Committee and of the decisions taken. The full texts of the views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional protocol have been reproduced regularly in annexes to the Committee's annual reports.²⁹

C. Committee on Economic, Social and Cultural Rights

1. ORGANIZATIONAL MATTERS

As at 27 March 1987, the closing date of the first session of the Committee on Economic, Social and Cultural Rights, there were 90 States parties

²⁶ *Ibid.*, para. 395.

²⁷ *Ibid.*, para. 396.

²⁸ A/39/40, A/40/40 and A/41/40.

²⁹ *Ibid.*, para. 397.

to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27.³⁰

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT, ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) AND DECISION 1985/132

The Committee, at its 22nd and 23rd meetings held on 23 and 24 March 1987, considered the status of submission of reports under articles 16 and 17 of the Covenant.³¹

For each report, the Committee heard introductory statements by a representative or representatives of the State party whose report was being considered. Comments were then made by the members of the Committee on the report and the introductory statements, and questions were asked of the representative or representatives of the reporting State. The representative or representatives of the State party concerned then replied to questions raised during the consideration of the report.³²

3. FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS PRESENTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES IN ORDER TO ASSIST THE COUNCIL TO FULFIL ITS RESPONSIBILITIES UNDER THE COVENANT

The Committee considered that the continuous promotion and exercise of human rights and fundamental freedoms were closely linked to the achievement of international peace. Therefore, it was of paramount importance that all Member States promote and fully respect the human rights and fundamental freedoms of all, in accordance with Article 1 of the Charter of the United Nations. The Committee reaffirmed that all peoples and all individuals had an inherent right to life and that the safeguarding of that cardinal right was an essential condition for the enjoyment of the entire range of economic, social and cultural rights, as well as of civil and political rights.³³

³⁰ *Report of the Committee on Economic, Social and Cultural Rights, Official Records of the Economic and Social Council, Supplement No. 17 (E/1987/28), para. 1.*

³¹ *Ibid.*, para. 12.

³² *Ibid.*, para. 21.

³³ *Ibid.*, para. 299.

The Committee recognized that many States Members of the United Nations, in spite of all the efforts they were making, faced special difficulties in promoting the full enjoyment of economic, social and cultural rights. Among the sources of those difficulties was the insufficient level of socio-economic development in those States; the difficulties were often compounded by circumstances beyond their control.³⁴

D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid

1. ORGANIZATION OF THE SESSION

The Group held its tenth (1987) session at the United Nations Office at Geneva from 26 to 30 January 1987.³⁵

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE VII OF THE CONVENTION

The Group had before it a note by the Secretary-General (E/CN.4/1987/26) concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention and reports submitted after the forty-second session of the Commission on Human Rights by Cameroon (E/CN.4/1987/26/Add.1), Cuba (E/CN.4/1987/26/Add.2), Union of Soviet Socialist Republics (E/CN.4/1987/26/Add.3), Seychelles (E/CN.4/1987/26/Add.4), China (E/CN.4/1987/26/Add.5), Rwanda (E/CN.4/1987/26/Add.6), Qatar (E/CN.4/1987/26/Add.7), Venezuela (E/CN.4/1987/26/Add.8), Ethiopia (E/CN.4/1987/26/Add.9), Jamaica (E/CN.4/1987/26/Add.10), Maldives (E/CN.4/1987/26/Add.11), Ghana (E/CN.4/1987/26/Add.12), Chad (E/CN.4/1987/26/Add.13), Mexico (E/CN.4/1987/26/Add.14) and Poland (E/CN.4/1987/26/Add.15).

The Group undertook the examination of each report in the presence of the representatives of the reporting States who had been invited to attend the meetings of the Group in accordance with the recommendations made by the Group at its 1979 and subsequent sessions.³⁶

A summary of the consideration of the reports by the Group can be found in paragraphs 11 to 39 of the report (E/CN.4/1987/28).

³⁴ *Ibid.*, para. 301.

³⁵ Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1987/28), para. 6.

³⁶ *Ibid.*, paras. 9-10.

3. CONSIDERATION OF THE ACTION OF TRANSNATIONAL CORPORATIONS WHICH OPERATE IN SOUTH AFRICA

In accordance with the request contained in Commission on Human Rights resolution 1986/7, the Group of Three continued to consider whether the actions of transnational corporations operating in South Africa and Namibia came under the definition of the crime of *apartheid* and whether or not some legal actions could be taken under the Convention, and, in the light of the views expressed by States parties to the Convention, examined the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa.

The Group noted that several United Nations organs had repeatedly drawn the attention of the international community to the close interconnection existing between the activities of transnational corporations operating in South Africa and Namibia and the persistence of South Africa's racist régime in pursuing its policies of racial discrimination and *apartheid*, as well as the position of the home countries of those corporations *vis-à-vis* the racist régime of South Africa. The Group emphasized the position of the General Assembly, expressed in resolution 41/103, that the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields was an encouragement to the intensification of its odious policy of *apartheid*.³⁷

The Group concluded therefore that by their complicity those transnational corporations, from the juridical point of view and in non-conformity with article III (b) of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, must be considered accomplices in the crime of *apartheid* and must be prosecuted for their responsibility in the continuation of that crime.³⁸

The Group expressed the opinion that the collaboration of States having jurisdiction over transnational corporations which continued to undertake activities in South Africa was indispensable for the implementation of the sanctions against the *apartheid* régime.³⁹

The Group noted, however, a certain reluctance on the part of some transnational corporations in making new investments in South Africa. The Group welcomed the fact that the pressure of some Governments and public opinion abroad had persuaded some transnational corporations and financial institutions to suspend loans to South Africa and some corporations to reduce or terminate their operations in South Africa.

³⁷ *Ibid.*, paras. 40 and 42.

³⁸ *Ibid.*, para. 50.

³⁹ *Ibid.*, paras. 53-54.

Section B. Relevant decisions, general recommendations, comments and observations of the supervisory bodies

A. Committee on the Elimination of Racial Discrimination

I. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

By resolution 41/105 of 4 December 1986, the General Assembly, *inter alia*, took note of the report of the Committee on the work of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination; expressed its grave concern that, for the above reason, the Committee on the Elimination of Racial Discrimination was unable to hold its thirty-fourth session and to carry out its obligations in the course of 1986 and that, consequently, it could not submit an annual report to the General Assembly at its forty-first session; requested the Secretary-General to consider making an urgent appeal, by telex, to States parties to fulfil their financial obligations with regard to the Committee in order to enable it to resume its work; to transmit notices of assessment for 1987 to States parties as soon as possible, urging them to pay their contributions; to explore all appropriate avenues to enable the Committee to meet in 1987, even if for a shorter duration and at a reduced cost; to consider convoking, if necessary and within available resources, a meeting of States parties during the first regular session of 1987 of the Economic and Social Council, so that they can take stock of the level of assessed contributions and make recommendations on the future work of the Committee; to report on the situation to the General Assembly at its forty-second session.¹

¹ *Official Records of the General Assembly, Forty-first Session, Supplement No. 53 (A/41/58)*.

2. DECISIONS ADOPTED BY THE COMMITTEE AT ITS THIRTY-FOURTH AND THIRTY-FIFTH SESSIONS

“I (XXXIV). *Second Decade to Combat Racism and Racial Discrimination*

“The Committee on the Elimination of Racial Discrimination,

“Conscious of its responsibilities under the International Convention on the Elimination of All Forms of Racial Discrimination for promoting the implementation of the provisions of the Convention globally,

“Mindful that the International Convention on the Elimination of All Forms of Racial Discrimination was adopted as part of a continuing programme of activities by the United Nations to combat racism and racial discrimination which has been heightened by the proclamation of the first and second decades to combat racism and racial discrimination,

“Recalling its past efforts and those of other bodies within the United Nations system to contribute to the success of the first and second decades to combat racism and racial discrimination,

“Expressing its determination to do everything possible within its sphere of activities to advance the realization of the goals of the Second Decade to Combat Racism and Racial Discrimination,

“Emphasizing that the International Convention on the Elimination of All Forms of Racial Discrimination provides the basic normative framework for activities under the Second Decade to Combat Racism and Racial Discrimination,

“Expressing its appreciation to the Secretary-General for inviting it to indicate its views and suggestions on the draft plan of activities for the period 1990-1993,

“1. Decides to draw the attention of the Secretary-General, the General Assembly and the Economic and Social Council to the need to consider the International Convention on the Elimination of All Forms of Racial Discrimination as a permanent normative and institutional framework for activities to combat racism and racial discrimination;

“2. Invites the Secretary-General, the General Assembly and the Economic and Social Council to devote priority attention to ways and means of securing the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

“3. Welcomes the idea that, among the activities to be carried out during the period 1990-1993, a global survey be conducted to establish the extent to which the International Convention on the Elimi-

nation of All Forms of Racial Discrimination has been translated into national or local languages and disseminated, with a view to devising further measures for making the Convention better known, understood and appreciated;

“4. *Particularly encourages* the idea that, during the period 1990-1993, a series of regional workshops be organized in each of the main regions of the world, to discuss experience in the functioning of national institutions combating racism and discrimination based on race, colour, descent or national or ethnic origin, as well as in the adoption of legislation;

“5. *Expresses* the hope that it will be closely associated in the conduct of the regional workshops referred to in the preceding paragraph;

“6. *Notes with interest* the idea that a special meeting of States parties be convened during the period 1990-1993 to assess experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

“7. *Decides* to explore the possibility of organizing, as soon as possible, a seminar which would include in its agenda an item on the experience gained since 1970 in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

“8. *Further decides* that, as part of its annual consideration of efforts to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, it will pay particular attention to its own contribution to the implementation of that Programme, as well as to the way activities under that Programme can contribute to the universal realization of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.”

“2 (XXXIV). *Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination and future of the Convention*

“The Committee on the Elimination of Racial Discrimination,

“Recalling with utmost regret that its summer session of 1986 was cancelled,

“Further recalling that as a result of that cancellation the Committee was unable to submit its annual report to the General Assembly, as required under article 9, paragraph 2, of the Convention, and to deal

with the important matter of communications from individuals under article 14 of the Convention,

“1. *Authorizes* its Chairman to attend and address the meeting of States parties on behalf of the Committee;

“2. *Wishes* to make the following recommendations to the meeting of States parties:

(a) That the meeting of States parties consider the setting up of a group of three or five representatives of the States parties at the highest level who would call upon the permanent representatives of the States parties in arrears in an attempt to help the Secretary-General to collect outstanding assessed contributions immediately or within the shortest possible time;

(b) That the meeting appeal to all States parties that have not yet done so to pay their 1987 assessed contributions by the end of June 1987.”

“1 (XXXV). *Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination*

“The Committee on the Elimination of Racial Discrimination,

“Deeply concerned that the failure of a number of States parties to comply with their financial obligations under the Convention has led to the cancellation of its August 1986 session and the curtailment by two weeks of its August 1987 session,

“Noting that that situation prevented the Committee from submitting its annual report to the General Assembly at its forty-first session as required by the Convention and led to further delay in discharging its substantive obligations under the Convention,

“Mindful of the pre-eminence of the International Convention on the Elimination of All Forms of Racial Discrimination within the United Nations system for combating worldwide manifestations of racism and racial discrimination and of the universal acceptance of the principles and objectives of the Convention,

“Mindful also of the importance of the contribution which it is called upon by the General Assembly and other human rights organs to make towards the protection and promotion of human rights and fundamental freedoms,

“Convinced that the 17 years of its effective work and experience in the struggle against racism and racial discrimination should not be jeopardized in any way,

“*Alarmed* by the continuing manifestations of racism and racial discrimination in many parts of the world,

“*Gravely concerned* that, in spite of all the urgent appeals made by the General Assembly, the meetings of States parties, the Secretary-General and the Committee itself for payment of assessed contributions under the Convention, the situation impeding the proper functioning of the Committee continues to deteriorate,

“*Aware* of the experimental character of the dual source of financing in the Convention which has given rise to unanticipated difficulties,

“*Convinced* that the General Assembly would not allow the most widely accepted instrument and mechanism against racism and racial discrimination to be impaired as a result of the insignificant amount required for financing the expenses of members of the Committee to attend its two annual sessions,

“*Recommends* to the General Assembly that, pending a fully satisfactory solution to the present difficulties, it consider authorizing the Secretary-General to continue advancing the expenses of the members of the Committee, as was done in the past, to enable the Committee to continue its important work.”

B. Human Rights Committee

VIEWS AND DECISIONS OF THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 5, PARAGRAPH 4, OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

During its sessions held in 1987, having concluded its consideration of a number of communications submitted to the Committee under the Optional Protocol and having taken into account all written information made available to it by the authors of the communications and by the States parties concerned, the Human Rights Committee adopted a number of views and decisions under the Optional Protocol. A detailed account of views and decisions adopted can be found in annexes VIII and IX of the Committee's report to the General Assembly at its forty-second session.²

² *Ibid.*, Supplement No. 40 (A/42/40).

C. Committee on Economic, Social and Cultural Rights

The Committee approved the following suggestions and recommendations of a general nature:³

“(a) *With regard to the submission of reports*

“The Committee stressed that the fulfilment of reporting obligations constituted an essential element of co-operation by States parties in contributing to the assessment of their implementation of the Covenant. The Council may wish to:

“(a) Remind States parties of their obligation to submit the reports required under article 16 of the Covenant in accordance with the programme established by the Council in resolution 1988 (LX) of 11 May 1976, and to urge States parties which have not yet done so to submit their initial reports and to inform the Committee on Economic, Social and Cultural Rights when those reports would be submitted;

“(b) Urge States parties to the Covenant to cover the entire cycle of initial reports before submitting second periodic reports and, furthermore, to instruct the Committee not to consider second periodic reports if the above condition has not been met;

“(c) Draw the attention of reporting States to the views expressed by members of the Committee during the consideration of their reports, as contained in the summary records of the Committee's meetings, so that those views might be taken into account in the preparation of their future reports under the Covenant;

“(d) Encourage States parties to present their reports to the Committee at the earliest possible session and avoid postponements in order to ensure the timeliness of reports and save the expense of printing supplementary reports to update information;

“(e) Note that the Committee expressed serious concern about the non-submission and extended delays in the submission of reports, urged the States parties that have not yet done so to submit their reports as soon as possible, and request the States parties to inform the Council of any difficulties that they might face in the preparation and submission of reports under the Covenant;

“(f) Emphasize the need, in view of the difficulties a number of States parties might be experiencing in submitting reports on a timely basis, for the Secretary-General to devise and implement a programme of advisory

³ *Report of the Committee on Economic, Social and Cultural Rights, Official Records of the Economic and Social Council, Supplement No. 17 (E/1987/28), paras. 317-323.*

services and technical assistance for those States parties that might request such assistance;

“(g) Request the Secretary-General to send appropriate reminders to States parties which have two or more reports overdue, requesting them to submit their reports as soon as possible.

“(b) *With regard to the content of reports*

“The Committee, bearing in mind its responsibilities, and having taken account of General Assembly resolution 41/121, other relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, and the 1986 report of the Sessional Working Group of Governmental Experts (E/1986/49), decided to consider at its next session the improvement of the reporting guidelines (E/C.12/1987/2). The Committee will appoint a sessional working group at the beginning of its session to assist it in undertaking this task. In addition, the Committee recommended that the Council:

“(a) Request the Governments of States parties, in preparing their reports, to comply with the guidelines established by the Secretary-General concerning the form and content of reports, taking into account the relevant resolutions and decisions adopted by the General Assembly and the Economic and Social Council on the control and limitation of documentation, and also to limit their reports to a reasonable length;

“(b) Request States parties to submit balanced reports, which should be more than a mere transcription of legislative or administrative measures or a reproduction of detailed statistical data in a narrative form;

“(c) With a view to facilitating consideration of country reports and ensuring that the progress made in achieving the observance of the relevant provisions of the Covenant is assessed in the proper overall context, request States parties to provide in their reports a brief introduction containing general information on the country in question, such as its area, the size and composition by sex and by age of its population, as well as other demographic characteristics, and data on the country's basic economic, social and constitutional conditions. Likewise, States parties should also provide statistical information and brief descriptions of the content of legislative and administrative acts to assist the Committee in evaluating trends in development with a view to achieving progressively the full realization of the rights recognized in the relevant articles of the Covenant; and

“(d) Recalling its resolution 1988 (LX), call upon States parties to pay attention, in preparing their reports, to the principles laid down in parts I and II, articles 1 to 5, of the Covenant.

“(c) *With regard to the availability of information to the Committee*

“The Council may wish to:

“(a) Request the Secretary-General to keep the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women and also to transmit the annual report of the Committee on Economic, Social and Cultural Rights to those bodies;

“(b) Request the Secretary-General to provide a compilation, from official United Nations sources, of statistics relevant to the Committee’s consideration of the reports of States parties.

“(d) *With regard to the role of the specialized agencies*

“The Council may wish to urge the specialized agencies to extend in accordance with the Covenant their full support and co-operation to the Committee on Economic, Social and Cultural Rights.

“(e) *With regard to the role of non-governmental organizations*

“The Committee requests the Council to advise it as to whether Economic and Social Council resolution 1296 (XLIV) can be considered to be applicable to the Committee so as to authorize non-governmental organizations in consultative status to submit written statements to the Committee in conformity with the relevant rules.

“(f) *With regard to the future sessions of the Committee*

“Bearing in mind the relevant provisions of Economic and Social Council resolution 1985/17, the importance of the International Covenant on Economic, Social and Cultural Rights, the responsibilities of the Committee on Economic, Social and Cultural Rights, the fact that as of March 1987 there were already 20 States reports pending before the Committee’s next session, and in order to permit adequate time to be devoted to the consideration of reports, the Committee recommends that it be authorized to meet for up to four weeks at its next session.”

D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*

CONCLUSIONS AND RECOMMENDATIONS OF THE TENTH (1987) SESSION⁴

The Group of Three expressed its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work and noted with appreciation that the great majority of the reports considered by the Group at the current session were introduced by the representatives of the reporting States.

However, even though only two reports were considered by the Group in the absence of a representative of the reporting States, the Group did hope that representatives of all States which submitted reports would participate in this work.

The Group commended those States parties which had submitted periodic reports. It noted with concern that some States parties to the Convention had not submitted any report and urged in particular those States parties which had not yet submitted their initial reports to do so as soon as possible, as required under article VII of the Convention. The Group further noted with concern that, as at 1 February 1987, 122 reports were overdue under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and strongly urged the States parties concerned to fulfil their reporting obligations. In accordance with General Assembly resolution 41/121, the Group urged States parties with overdue reports to make every effort to present their reports as soon as possible.

The Group reiterated its recommendations that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties when preparing their reports.

The Group took note with satisfaction of the new accessions to the Convention in 1986. However, the Group expressed concern at the fact that as at 31 December 1986, only 85 States had become parties to the Convention. Convinced that the ratification of or accession to the Convention on a universal basis and the implementation of its provisions were necessary for its effectiveness, the Group recommended once again to the Commission on Human Rights that it should urge all States which had not yet done so to ratify or to accede to the Convention without delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia, and without whose co-operation such operations could not be halted.

⁴ E/CN.4/1987/28, paras. 55-77.

The Group called upon States parties to provide in their reports all relevant information on the legislative, judicial and administrative measures they had adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article.

The Group also called upon all States parties to provide in their reports more information on concrete cases in which measures to prosecute, bring to trial and punish persons responsible for or accused of the acts enumerated in article II of the Convention had been applied under their jurisdiction.

The Group proposed to States parties which had not yet done so to submit their views on the extent and nature of the activities of transnational corporations in South Africa and their applicability to article III of the Convention.

The Group called upon States parties to identify in their reports, where possible, individuals, organizations, institutions and representatives of States deemed responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings had been undertaken by the States parties to the Convention, with a view to enabling the Commission to continue its progressive updating of the list referred to in article X of the Convention.

The Group took note with satisfaction of the decisions of the World Conference on Sanctions against Racist South Africa, and requested the Commission on Human Rights to invite the active and urgent support of all Governments, organizations, institutions, media and individuals for the Declaration adopted at the World Conference (A/CONF.137/5).

The Group called upon all States whose transnational corporations continued to do business with South Africa and Namibia to consider taking appropriate steps to terminate their dealings with South Africa and Namibia. It further urged developing countries to take concerted action to pressure transnational corporations, especially those trading within their own territory, to end their operations in South Africa. It urged all States to consider adopting appropriate legislation dealing with South Africa and Namibia.

The Group noted with satisfaction that the overwhelming majority of States and world public opinion were now in favour of comprehensive mandatory sanctions against the *apartheid* régime and of support to the people of South Africa and Namibia in their legitimate struggle for freedom.

The Group stressed that the racist régime of South Africa, the only régime that practised racism as its official policy and had enshrined it in its so-called "constitution", had its roots in the same racist and bellicose ideology that provoked the Second World War and caused untold deaths and destruction. Appeasement of the racist régime therefore could only have the same disastrous consequences. It noted that the policy and practices of the

apartheid régime had already brought South Africa to the brink of a racial conflagration.

The Group wished to appeal once again to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations aimed at the prevention, suppression and punishment of the crime of *apartheid* in accordance with article VI of the Convention.

The Group wished to note once again that the crime of *apartheid* was a form of the crime of genocide, similar in nature to fascist and Nazi crimes, and as such fell under the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. The Group recommended that the Commission on Human Rights should reflect this similarity in its respective resolutions along with the fact that adherence to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* was an indication of the implementation of the International Convention on the Prevention and Punishment of the Crime of Genocide.

The Group, recalling in particular paragraph 3 of General Assembly resolution 3068 (XXVIII) by which the Convention was adopted as well as General Assembly resolution 41/103, wished once again to draw the attention of United Nations organs, specialized agencies and international and national non-governmental organizations to the need for stepping up their activities to enhance public awareness by denouncing the crimes committed by the racist régime of South Africa and to intensify their efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention.

The Group wished to express once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited the States parties to include ample information on those measures in their reports.

The Group wished to draw the attention of the States parties to the importance of article XI of the Convention and invited the States parties to include in their reports more information on their implementation of the provisions of this article.

The Group considered that the implementation of article V of the Convention relating to the establishment of an international penal tribunal was conducive to the strengthening of the mechanisms for combating *apartheid*.

The Group wished to draw attention once again to the importance of strengthening the assistance given to the national liberation movements in southern Africa.

The Group wished to recommend to the Commission on Human Rights that it should request the Secretary-General to invite once again the States parties to the Convention which had not yet done so to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa.

The Group also wished to recommend to the Commission on Human Rights that it should request the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of *apartheid*, as contained in article II of the Convention, committed by transnational corporations operating in South Africa.

The Group reiterated its conviction that the most peaceful means available to the international community to put to an end to the system of *apartheid* consisted in imposing comprehensive and binding sanctions against the racist régime in South Africa.

E. Relevant decisions and resolutions of parent bodies

1. COMMISSION ON HUMAN RIGHTS

At its forty-third session in 1987, the Commission on Human Rights adopted the following resolutions regarding the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and the International Covenants on Human Rights.⁵

(a) ***Resolution 1987/11 of 26 February 1987 entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid"***

"The Commission on Human Rights,

"Recalling General Assembly resolution 41/103 of 4 December 1986,

"Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981,

⁵ *Report of the Commission on Human Rights, Official Records of the Economic and Social Council, Supplement No. 5 (E/1987/18-E/CN/4/1987/60), chap. II A.*

1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985 and 1986/7 of 28 February 1986,

“*Recalling* its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

“*Having considered* the report of the Group of three members of the Commission appointed under article IX of the Convention (E/CN.4/1987/28),

“*Reaffirming* its conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

“*Convinced* that the crime of *apartheid* is a form of the crime of genocide,

“*Reaffirming* the view that the activities of transnational corporations operating in South Africa perpetuate the crime of *apartheid*,

“*Reaffirming* that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate *apartheid*,

“*Condemning* the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

“*Welcoming* the holding of the World Conference on Sanctions against Racist South Africa which took place at Paris from 16 to 20 June 1986,

“*Expressing satisfaction* at the large number of States which have ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,

“*Reaffirming* its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of *apartheid*,

“*Drawing attention* to the need to strengthen the various mechanisms for combating *apartheid*, *inter alia*, through the establishment

of an international penal tribunal as provided for in article V of the Convention,

“*Reaffirming* its conviction that the imposition of comprehensive, mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of *apartheid*,

“1. *Takes note with appreciation* of the report of the Group of three members of the Commission which was set up under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and in particular of the conclusions and recommendations contained in that report;

“2. *Welcomes* the work done by the Group of Three in accordance with Commission resolution 1987/7;

“3. *Commends* those States parties to the Convention that have submitted periodic reports and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

“4. *Again urges* States which have not yet done so to ratify or accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa and in Namibia and without whose co-operation such operations could not be halted;

“5. *Urges also* all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

“6. *Recommends once again* that all States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* should take full account of the general guidelines laid down by the Group of Three for the submission of reports (E/CN.4/1286, annex);

“7. *Reiterates* its recommendations to States parties to be represented when their country’s report is to be considered by the Group of Three;

“8. *Draws the attention* of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of *apartheid*, in accordance with article III (b) of the Convention;

“9. *Calls on* States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punish-

ment of the crime of *apartheid*, in accordance with article VI of the Convention and with the Charter of the United Nations;

“10. *Takes note with appreciation* of the decisions of the World Conference on Sanctions against Racist South Africa, held at Paris from 16 to 20 June 1986, and calls upon all Governments actively to support the Declaration adopted by the Conference;

“11. *Draws the attention* of the States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

“12. *Notes* the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

“13. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

“14. *Requests* the Secretary-General once more to invite States parties to the Convention to express their views on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

“15. *Requests* the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of *apartheid*, and to report to the Commission at its forty-fourth session;

“16. *Furthermore requests* the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of *apartheid*, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

“17. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention;

“18. *Decides* that the Group of Three shall meet for a period of not more than five days before the forty-fourth session of the Commis-

sion to consider the reports submitted by States parties in accordance with article VII of the Convention;

“19. *Requests* the Secretary-General to provide all necessary assistance to the Group of Three.”

(b) ***Resolution 1987/26 of 10 March 1987 entitled “Status of the International Covenants on Human Rights”***⁵

“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 1986/17 of 10 March 1986 and General Assembly resolution 41/119 of 4 December 1986,

“Calling attention to the fact that 1986 marked the twentieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

“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 (A/41/509),

“Noting in this regard that only half of the States Members of the United Nations 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 co-ordination of activities undertaken in accordance with the International Covenants on Human Rights,

“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. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the

International Covenant on Civil and Political Rights, so that these instruments acquire genuine universality;

“3. *Invites* the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

“4. *Again invites* the States parties to the International Covenant on Civil and Political Rights which have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

“5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

“6. *Stresses* to States parties the importance of avoiding the erosion of human rights by derogation and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

“7. *Recommends* to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

“8. *Recognizes* 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, expresses its satisfaction with the serious and constructive manner in which the Committee is continuing to undertake its functions and requests the Secretary-General to continue to transmit the general comments of the Human Rights Committee to the Commission on Human Rights on a regular basis;

“9. *Welcomes* the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appeals to other bodies dealing with similar questions of human rights

to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

“10. *Welcomes* the decision of the Economic and Social Council, in its resolution 1985/17 of 28 May 1985, to establish the Committee on Economic, Social and Cultural Rights, which, as of 1987, is entrusted with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights;

“11. *Encourages* the Committee on Economic, Social and Cultural Rights to strive towards the application of universally recognized criteria in the implementation of the Covenant;

“12. *Requests* the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, the organization of regional and subregional training courses and the exploration of other possibilities available under the programme of advisory services in the field of human rights;

“13. *Again urges* the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps within existing resources to give more publicity to the work of the Human Rights Committee and, similarly, to the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights, and to improve the administrative and related arrangements to enable them to carry out their respective functions effectively under the International Covenants on Human Rights;

“14. *Encourages once again* 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 in as many languages as possible and to distribute them and make them known as widely as possible;

“15. *Requests* the Secretary-General to ensure that the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which have important and specific tasks entrusted to them, are provided with the necessary sessions and summary records;

“16. *Notes with satisfaction* the publication of the first volumes of the official public records of the Human Rights Committee and looks forward to the early publication of further volumes;

“17. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its forty-fourth 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, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

“18. *Decides* to consider at its forty-fourth session an agenda item entitled “Status of the International Covenants on Human Rights”.

- (c) *Decision 1987/104 of 10 March 1987 on a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty*⁶

“At its 54th meeting, on 10 March 1987, the Commission decided, without a vote, pursuant to its decision 1985/109 of 14 March 1985, to consider further at its forty-fourth session the idea of elaborating a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and requested the Secretary-General to inform the General Assembly of the contents of the present decision.”

2. ECONOMIC AND SOCIAL COUNCIL

At its first regular session of 1987 the Economic and Social Council adopted the following resolution with regard to the International Covenants on Human Rights:

- (a) *Resolution 1987/5 of 26 May 1987 entitled “International Covenant on Economic, Social and Cultural Rights”*⁷

“*The Economic and Social Council,*

“*Mindful* of its central responsibilities under the International Covenant on Economic, Social and Cultural Rights,

“*Recalling* its resolution 1985/17 of 28 May 1985, by which it established the Committee on Economic, Social and Cultural Rights, to be entrusted, as from 1987, with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights,

“*Recalling also* its resolutions and decisions relating to its Sessional Working Group of Governmental Experts on the Implementa-

⁶ *Ibid.*, chap. II B.

⁷ E/1987/87.

tion of the International Covenant on Economic, Social and Cultural Rights, including resolution 1979/43 of 11 May 1979, which remain in force in so far as they are not superseded or modified by resolution 1985/17,

“*Reaffirming* the importance of increasing public awareness of the Committee and the role that non-governmental organizations can play in that regard,

“*Recalling* General Assembly resolution 41/121 of 4 December 1986 on reporting obligations under United Nations instruments on human rights, which is of relevance to the Committee on Economic, Social and Cultural Rights and in which the Assembly reaffirmed the importance of maintaining summary records, and bearing in mind the relevance to the work of the Committee of the activities and experience of other United Nations treaty bodies,

“1. *Takes note with appreciation* of the report of the Committee on Economic, Social and Cultural Rights on its first session, including suggestions and recommendations of a general nature approved by the Committee;

“2. *Urges* all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights;

“3. *Invites* States parties to the International Covenant on Economic, Social and Cultural Rights to follow the recommendations made by the Committee to address the problems of non-submission and extended delays in the submission of periodic reports, in particular those recommendations regarding the need for States parties to submit and present their reports in a timely manner and to cover the entire cycle of initial reports before submitting second reports;

“4. *Invites also* States parties to the Covenant to review the processes followed in the preparation of their periodic reports on implementation of the Covenant, including consultation and co-ordination with relevant governmental departments and agencies, compilation of data and training of staff, with a view to ensuring full compliance with relevant guidelines, improving the quality of description and analysis in such reports and limiting reports to a reasonable length;

“5. *Urges* the specialized agencies, regional commissions and other relevant United Nations bodies to extend their full co-operation and support to the Committee on Economic, Social and Cultural Rights by, *inter alia*, enabling their representatives to attend meetings of the Committee and submitting relevant information to the Committee;

“6. *Invites* non-governmental organizations in consultative status with the Council to submit to it written statements that might contribute to full and universal recognition and realization of the rights contained in the International Covenant on Economic, Social and Cultural Rights, and requests the Secretary-General to make those statements available to the Committee in a timely manner;

“7. *Takes note* of the recommendation of the Committee with regard to future sessions of the Committee but considers that the current provision of one annual session of three weeks' duration should be maintained for the time being and invites the Committee to explore further ways of expediting its consideration of periodic reports, such as imposing time limits on oral interventions, avoiding duplication in questioning, requesting supplementary written material, and encouraging States parties to present reports that are as succinct as possible;

“8. *Welcomes* the proposal of the Committee to set up a sessional working group to consider its methods of work and invites the Committee to develop as a matter of priority its guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General and focusing on such specific information as would assist the Committee to carry out its mandate more effectively;

“9. *Invites* the Committee to consider again at its next session the compilation of recommendations in the summary records of the Committee relating to its future work, paying particular regard to practices followed by other treaty bodies, including the preparation of general comments by the Human Rights Committee;

“10. *Requests* the Secretary-General to bring the report of the Committee to the attention of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and other United Nations organs and their subsidiaries, specialized agencies concerned with providing technical assistance and the regional commissions;

“11. *Also requests* the Secretary-General to continue his efforts under the programme of advisory services in the field of human rights to assist States parties in discharging their reporting obligations under the Covenant, including holding training courses on the preparation of reports on the implementation of the Covenant, and to advise States parties of the availability of such assistance;

“12. *Encourages* the Secretary-General to give publicity on the proceedings of the Committee on Economic, Social and Cultural

Rights and to ensure that it receives full administrative support so as to enable it to discharge its functions as effectively as possible;

“13. *Requests* the Secretary-General to provide a compilation from official United Nations sources of statistics relevant to the Committee’s consideration of the reports of States parties;

“14. *Decides* to transmit the report of the Committee to the General Assembly at its forty-second session for consideration under the item entitled “International Covenants on Human Rights.”

3. GENERAL ASSEMBLY

At its forty-second session in 1987, the General Assembly adopted the following resolutions relating to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, the Committee on the Elimination of Racial Discrimination, the International Covenants on Human Rights, the reporting obligations of States parties to United Nations conventions on human rights and the Convention on the Prevention and Punishment of the Crime of Genocide.

(a) ***Resolution 42/56 of 30 November 1987 entitled “Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid”***⁸

“*The General Assembly,*

“*Recalling* its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its subsequent resolutions on the status of the Convention,

“*Reaffirming* its conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

“*Alarmed* by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the Fascist-like *apartheid* régime,

“*Strongly condemning* South Africa’s continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its pol-

⁸ *Official Records of the General Assembly, Forty-second Session, Supplement No. 49 (A/42/49).*

icy of aggression, State terrorism and destabilization against independent African States,

“*Mindful* of Commission on Human Rights resolution 1987/11 of 26 February 1987, in which the Commission expressed its conviction that the crime of *apartheid* is a form of the crime of genocide,

“*Stressing* that the racist *apartheid* régime is the root cause of the conflict in southern Africa and that as long as it exists there will be neither peace nor security for any country in the region nor early independence for Namibia and that it must, therefore, be eradicated,

“*Condemning* the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

“*Firmly convinced* that the legitimate struggle of the oppressed peoples in southern African against *apartheid*, racism and colonialism and for the effective exercise of their inalienable right to self-determination and independence demands more than ever all necessary support by the international community and, in particular, further action by the Security Council in accordance with Chapter VII of the Charter of the United Nations,

“*Underlining* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime of *apartheid*,

“1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

“2. *Commends* those States parties to the Convention which have submitted their reports under article VII thereof;

“3. *Appeals* once again to the States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose cooperation such operations cannot be halted;

“4. *Takes note with appreciation* of the report of the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, and, in particular, of the conclusions and recommendations contained in that report;

“5. *Draws the attention* of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices

in the crime of *apartheid*, in accordance with article III (b) of the Convention;

“6. *Requests* the Commission on Human Rights to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

“7. *Requests* the Secretary-General to circulate the above-mentioned list to all States parties to the Convention and to all Member States and to bring such facts to the attention of the public by all means of mass communication;

“8. *Requests* the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of *apartheid*, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

“9. *Notes* the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

“10. *Appeals* to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

“11. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

“12. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.”

(b) *Resolution 42/57 of 30 November 1987 entitled “Report of the Committee on the Elimination of Racial Discrimination”*⁸

“*The General Assembly,*

“*Recalling* its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and resolution 41/104 of 4 December 1986 on the status of the International Conven-

tion on the Elimination of All Forms of Racial Discrimination, as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

“*Reiterating* the importance of the Convention, which is the most widely accepted human rights instrument adopted under the auspices of the United Nations, as well as of the contribution of the Committee to United Nations efforts to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

“*Welcoming* the report of the Committee covering its 1986 and 1987 sessions,

“*Reiterating once again* the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of *apartheid* in South Africa and Namibia,

“*Mindful* of the obligations of all States parties to comply fully with the provisions of the Convention,

“*Recalling* the urgent appeals made by the Secretary-General, the General Assembly, the eleventh meeting of States parties to the Convention and the Committee itself to the States parties to honour their financial obligation under the Convention,

“*Gravely concerned* that, in spite of all the urgent appeals for payment of assessed contributions under the Convention, the situation impeding the proper functioning of the Committee continues to deteriorate,

“*Having considered* the report of the Secretary-General on the question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination,

“1. *Expresses* its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have not fulfilled their financial obligations under the Convention, which led to the cancellation of the August 1986 session and the curtailment by two weeks of the August 1987 session of the Committee on the Elimination of Racial Discrimination;

“2. *Expresses* once again its concern that such a situation prevented the Committee from submitting an annual report to the General Assembly at its forty-first session as required by the Convention and led to further delay in discharging its substantive obligations under the Convention;

“3. *Commends* the Committee for its work with regard to the implementation of the Convention and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

“4. *Takes note with appreciation* of the report of the Committee covering its 1986 and 1987 sessions;

“5. *Calls upon* States parties to fulfil their obligations under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention;

“6. *Strongly appealed* to all States parties to fulfil without delay their financial obligations under article 8, paragraph 6, of the Convention so as to enable the Committee to continue its work;

“7. *Calls upon* States parties to explore, at their next meeting on 15 January 1988, all appropriate avenues and to take a decision that would enable the Committee to meet regularly in the future;

“8. *Invites* the States parties to consider, pending a fully satisfactory solution to the current financial difficulties, the possibility, as an exceptional measure, of the Committee holding one extended session per year;

“9. *Requests* the Secretary-General to report to the General Assembly at its forty-third session on the financial situation of the Committee;

“10. *Decides* to consider the report at its forty-third session under the item entitled ‘Elimination of all forms of racial discrimination’ ”.

(c) *Resolution 42/103 of 7 December 1987 entitled “International Covenants on Human Rights”*⁸

“*The General Assembly,*

“*Recalling* its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981, 37/191 of 18 December 1982, 38/116 and 38/117 of 16 December 1983, 39/136 and 39/138 of 14 December 1984, 40/115 and 40/116 of 13 December 1985, 41/32 of 3 November 1986 and 41/119 and 41/121 of 4 December 1986,

“*Taking note* of 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,

“*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,

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

“*Welcoming* the establishment, pursuant to Economic and Social Council resolution 1985/17 of 28 May 1985, of the Committee on Economic, Social and Cultural Rights to oversee the implementation of the International Covenant on Economic, Social and Cultural Rights,

“*Welcoming* the submission to the General Assembly of the annual report of the Human Rights Committee and the first report of the Committee on Economic, Social and Cultural Rights,

“*Noting with concern* the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights,

“1. *Takes note with appreciation* of the report of the Human Rights Committee on its twenty-ninth and thirtieth sessions, and expresses its satisfaction with the serious and constructive manner in which the Committee is continuing to carry out its functions;

“2. *Further takes note with appreciation* of the report of the Committee on Economic, Social and Cultural Rights, including the suggestions and recommendations of a general nature approved by the Committee;

“3. *Expresses its appreciation* to the States parties to the International Covenant on Civil and Political Rights that have submitted their report to the Human Rights Committee under article 40 of the Covenant and urges States parties that have not yet done so to submit their reports as speedily as possible;

“4. *Urges* those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with the request;

“5. *Commends* the States parties to the International Covenant on Economic, Social and Cultural Rights that have submitted their reports under article 16 of the Covenant and urges States parties that have not yet done so to submit their reports as soon as possible;

“6. *Notes with satisfaction* that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by ex-

perts in the presentation of their reports, thereby assisting the respective monitoring bodies in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;

“7. *Again urges* all States that 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, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

“8. *Invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

“9. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

“10. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Right, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

“11. *Appeals* to States parties to review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;

“12. *Urges* all States parties to pay active attention to the protection and promotion of civil and political rights, as well as economic, social and cultural rights;

“13. *Urges* States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations organizations to extend their full support and co-operation to the Committee on Economic, Social and Cultural Rights;

“14. *Requests* the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on

the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the newly established Committee against Torture and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

“15. *Also requests* the Secretary-General to submit to the General Assembly at its forty-third session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights;

“16. *Also requests* the Secretary-General, within existing resources, to ensure that the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are able to hold the necessary sessions and are provided with administrative support and summary records;

“17. *Further requests* the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

“18. *Again urges* the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, within existing resources, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

“19. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to explore further ways of expediting consideration of periodic reports;

“20. *Welcomes* the publication of the first volume of the official records of the Human Rights Committee and looks forward to the early publication of further volumes;

“21. *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 in as many languages as possible and to distribute them and make them known as widely as possible in their territories”.

(d) *Resolution 42/105 of 7 December 1987 entitled "Reporting obligations of States parties to United Nations instruments on human rights"*⁸

"The General Assembly,

"Recalling its resolution 41/121 of 4 December 1986 and other relevant resolutions,

"Reiterating the fundamental importance it attaches to the fulfilment of reporting obligations under international instruments on human rights,

"Recognizing that effective periodic reporting by States parties to relevant treaty bodies not only enhances international accountability in relation to the protection and promotion of human rights, but also provides States parties with a valuable opportunity to review policies and programmes affecting the protection and promotion of human rights and to make any appropriate adjustments,

"Expressing concern about the increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

"Recognizing the burden that coexisting reporting systems place upon Member States that are parties to various instruments and noting that this burden will become more onerous as additional instruments come into force,

"Welcoming the decision taken by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, at their tenth meeting, to approve the practice of the Committee on the Elimination of Racial Discrimination of considering multiple overdue reports in consolidated form, and the decision taken by the States parties, at their eleventh meeting, to recommend that in order to facilitate the current work of the Committee, States parties, as a general practice, after submitting initial reports to the Committee, should submit further comprehensive reports on every second occasion thereafter when the reports are due, that is, every four years, with a brief updating report at each intervening occasion when reports are due,

"Reaffirming the importance of providing adequate resources for all bodies supervising implementation of United Nations instruments on human rights, including maintaining summary records of their proceedings, in particular for the presentation and consideration of periodic reports by States parties,

“*Reaffirming also the independent expert character of the treaty bodies,*

“1. *Urges States parties to United Nations instruments on human rights with reports overdue to make every effort to present their reports as soon as possible and to take advantage of opportunities whereby such reports can be consolidated;*

“2. *Invites States parties to United Nations instruments on human rights to review the processes followed in the preparation of their periodic reports with a view to ensuring compliance with relevant guidelines, improving the quality of description and analysis and limiting reports to a reasonable length;*

“3. *Requests the Secretary-General to revise, as a matter of priority and in consultation with the treaty bodies, the draft compilation of general guidelines elaborated by the various supervisory bodies and the list of articles dealing with related rights under the United Nations instruments on human rights, and to include in the guidelines, where appropriate, the general comments of the supervisory bodies in order to assist States parties in compiling reports;*

“4. *Further requests the Secretary-General:*

(a) *To propose a draft agenda for the meeting of the persons chairing the treaty bodies to be held at Geneva in October 1988, which reflects, inter alia, the following objectives:*

- (i) *To give priority attention to consideration of remedial measures, including co-ordinated action when appropriate, to deal with the problems highlighted in the reports of the Secretary-General;*
- (ii) *To give further consideration to harmonizing and consolidating reporting guidelines on the basis of the suggestions in the above-mentioned reports, with a view to providing clearer and more comprehensive guidelines for more concise reporting by States parties;*
- (iii) *To identify and develop possible projects for technical advisory services with a view to assisting States parties upon their request in fulfilling their reporting obligations;*
- (iv) *To explore ways of expediting consideration of periodic reports, such as by envisaging time-limits on oral interventions, avoiding duplication in questioning, requesting supplementary written material, and encouraging States parties to submit reports that are as succinct as possible;*

(b) To circulate a draft agenda for the meeting to the treaty bodies to enable comments and to facilitate preparations;

(c) To submit a report on the meeting to the General Assembly at its forty-fourth session;

“5. *Invites* the persons chairing the treaty bodies to maintain communication and dialogue with each other on common issues and problems;

“6. *Invites* States parties to United Nations instruments on human rights to consider at their meetings further ways of streamlining and otherwise improving reporting procedures, as well as enhancing co-ordination and information flow between the treaty bodies and with relevant United Nations bodies, including the specialized agencies, and requests the Secretary-General to inform the General Assembly of any decisions of the States parties on these issues;

“7. *Welcomes* the efforts of the treaty bodies to rationalize reporting procedures and to scrutinize periodic reports more intensively and expeditiously,

“8. *Invites* the newly established Committee against Torture to give due attention to the issues raised in the present resolution when developing arrangements for periodic reporting by States parties;

“9. *Requests* the Economic and Social Council to consider re-arranging the periodicity of reporting under the International Covenant on Economic, Social and Cultural Rights;

“10. *Requests* the Secretary-General to provide from official United Nations sources a compilation of statistics relevant to the consideration by the treaty bodies of the reports of States parties;

“11. *Requests* the Secretary-General to strengthen co-ordination between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat with reference to the implementation of human rights instruments and the servicing of treaty bodies;

“12. *Requests* the Secretary-General to arrange, within existing resources and taking into account the priorities of the programme of advisory services, further training courses for those countries experiencing the most serious difficulties in meeting reporting obligations under United Nations instruments on human rights;

“13. *Invites* the specialized agencies and other United Nations bodies to assist the Secretary-General in the above-mentioned endeavours and to develop complementary training activities in this field;

“14. *Requests* the Secretary-General to ensure that the annual reports of the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture are made available to all members of these bodies;

“15. *Requests* the Secretary-General to transmit, as expeditiously as possible, the text of the present resolution to all members of the treaty bodies;

“16. *Decides* to include in the provisional agenda of its forty-third session as a separate item, the item entitled ‘Reporting obligations of States parties to United Nations instruments on human rights’ ”.

- (e) *Resolution 42/123 of 7 December 1987 entitled “Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”*⁸

“*The General Assembly,*

“*Recalling* article 5 of the Universal Declaration of Human Rights, and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

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

“*Recalling further* its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority, as well as its resolution 40/128 of 13 December 1985 and 41/134 of 4 December 1986,

“*Mindful* of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

“*Convinced* of the desirability of early finalization and subsequent adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

“*Seriously concerned* about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

“*Determined* to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

“*Welcoming* the decision of the Commission on Human Rights, in its resolution 1987/29 of 10 March 1987, to extend for one year the mandate of the Special Rapporteur to examine questions relevant to torture and taking note of other important provisions of the Commission in the same resolution, including those relating to practical measures recommended by the Special Rapporteur to deal with this abhorrent phenomenon,

“1. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

“2. *Welcomes with deep appreciation* the entry into force on 26 June 1987 of the Convention as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

“3. *Recognizes* the importance of the establishment by States parties to the Convention of appropriate administrative and financial arrangements to enable the Committee against Torture to carry out in an effective and efficient manner the functions entrusted to it under the Convention, and to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

“4. *Also recognizes* the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the draft guidelines of the Secretary-General on reporting and the activities of the Human Rights Committee, as well as of the other human rights treaty bodies, established under the relevant international instruments in the field of human rights;

“5. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

“6. *Again requests* all States to become parties to the Convention as a matter of priority;

“7. *Once again invites* all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 thereof;

“8. *Requests* the Secretary-General to submit to the Commission on Human Rights at its forty-fourth session and to the General Assembly at its forty-third session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

“9. *Decides* to consider the report of the Secretary-General at its forty-third session under the item entitled “Torture and other cruel, inhuman or degrading treatment or punishment.”

(f) ***Resolution 42/133 of 7 December 1987 entitled “Status of the Convention on the Prevention and Punishment of the Crime of Genocide”***⁸

“*The General Assembly,*

“*Recalling* its resolutions 40/142 of 13 December 1985 and 41/147 of 4 December 1986,

“*Recalling also* Commission on Human Rights resolutions 1986/18 of 10 March 1986 and 1987/25 of 10 March 1987,

“*Recalling* its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature, ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

“*Reaffirming once again* its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

“*Taking note with satisfaction* of the report of the Secretary-General,

“1. *Once again strongly condemns* the crime of genocide;

“2. *Reaffirms* the necessity of international co-operation in order to liberate mankind from such an odious crime;

“3. *Notes with satisfaction* that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

“4. *Expresses its conviction* that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide;

“5. *Urges* those States which have not yet become parties to the Convention to ratify it or accede thereto without further delay;

“6. *Invites* the Secretary-General to submit to the General Assembly at its forty-third session a report on the status of the Convention.”

PART III

INTERNATIONAL DEVELOPMENTS

Section A. United Nations organs

Introduction

The United Nations organs whose work in the field of human rights is summarized here are: the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

During the period under review human rights matters were dealt with at various sessions of those organs as follows:

General Assembly, forty-second session (15 September-21 December 1987);

Economic and Social Council, first regular session of 1987 (4-29 May 1987);

Commission on Human Rights, forty-third session (2 February-13 March 1987);

Sub-Commission on Prevention of Discrimination and Protection of Minorities, thirty-ninth session (10 August-4 September 1987);

A. Elimination of racial discrimination—Second Decade to Combat Racism and Racial Discrimination

At its forty-third session the Commission on Human Rights considered the question of the implementation of the Programme of Action for the Second Decade. By its resolution 1987/12 of 26 February 1987¹ the Commission appealed to those States that had not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960.

¹ *Official Records of the Economic and Social Council, 1987, Supplement No. 5 (E/1987/18), chap. II A.*

During its first regular session in 1987, the Economic and Social Council, by its resolution 1987/2 of 26 May 1987² invited all Governments to take or continue to take all necessary steps to combat all forms of racism and racial discrimination and to support the work of the Second Decade by making contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination to ensure further implementation of activities adopted for the Second Decade.

The General Assembly also considered the question of the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, at its forty-second session.

By its resolution 42/47 of 30 November 1987,³ the General Assembly decided that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and *apartheid*, and to intensify their efforts, during the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and *apartheid*, especially in South Africa and Namibia, and in occupied territories and territories under alien domination.

B. Elimination of all forms of religious intolerance

By its resolution 1987/15 of 4 March 1987,⁴ the Commission on Human Rights invited the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding tolerance and respect in matters relating to freedom of religion or belief; recognized the important contribution which a binding international instrument could make towards eliminating all forms of intolerance and of discrimination based on religious belief; and invited the Secretary-General to submit a report to the Commission at its forty-fourth session based on the comments of Member States on the modalities by which such an undertaking could be pursued, including the possible establishment of a working group, taking into account the provisions of General Assembly resolution 41/120 of 4 December 1986, as well as the deliberations of the Commission on this subject.

² *Ibid.*, Supplement No. 1 (E/1987/87).

³ *Official Records of the General Assembly, Forty-second session, Supplement No. 49 (A/42/49)*.

⁴ E/1987/18, chap. II A.

By its decision 1987/143 of 29 May 1987,⁵ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/15 of 4 March 1987, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate. The Council also approved the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-fourth session.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-ninth session, adopted on 4 September 1987 resolution 1987/33,⁶ by which it welcomed the many recommendations contained in the valuable study⁷ prepared by its Special Rapporteur on the problems of intolerance and discrimination on grounds of religion or belief, in particular those relating to the need for further study of major aspects of the issue, the need for the elaboration of a binding international instrument, and the need for educational measures to promote tolerance, understanding and respect in matters relating to religion or belief; and requested the Secretary-General, taking into account the information and views received pursuant to Commission on Human Rights resolution 1987/15, to inform the Sub-Commission of any further views, information or activities reported by Governments, intergovernmental organizations, specialized agencies, non-governmental organizations in consultative status, academic institutions and religious bodies, relevant to its consideration of measures which may be taken to eliminate all forms of intolerance and of discrimination based on religion or belief.

By its resolution 42/97 of 7 December 1987,⁸ the General Assembly invited the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies.

⁵ E/1987/87.

⁶ E/CN.4/1988/37; E/CN.4/Sub.2/1987/42, chap. II B.

⁷ E/CN.4/Sub.2/1987/26.

⁸ A/42/49.

C. Human rights of national, ethnic, religious and linguistic minorities

The Commission on Human Rights, at its forty-third session, on 10 March 1987, adopted resolution 1987/47⁹ in which it decided, *inter alia*, to consider at its forty-fourth session an agenda item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities"; to establish at its forty-fourth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents; that the working group should have no fewer than four full meetings, preferably during the first week of the forty-fourth session; and requested the Secretary-General to provide the working group with all the assistance it required in its work.

D. Question of the violation of human rights

1. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA. *AD HOC* WORKING GROUP OF EXPERTS OF THE COMMISSION ON HUMAN RIGHTS WITH RESPECT TO SOUTHERN AFRICA

The Commission on Human Rights, at its forty-third session, examined a report¹⁰ submitted to it by the *Ad Hoc* Working Group of Experts on southern Africa.

By its resolution 1987/7 of 19 February 1987,¹¹ the Commission demanded that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence, and that it guarantee 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.

By resolution 1987/8 adopted on 26 February 1987,¹² the Commission reiterated the request that South Africa allow the *Ad Hoc* Working Group of Experts to make an on-the-spot investigation of living conditions in the prisons in Namibia and the treatment of prisoners; and renewed its request to the *Ad Hoc* Working Group of Experts to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem

⁹ E/1987/18-E/CN.4/1987/60, chap. II A.

¹⁰ E/CN.4/1987/8.

¹¹ E/1987/18-E/CN.4/1987/60, chap. II A.

¹² *Ibid.*

appropriate, particularly serious violations of human rights in Namibia which came to its attention.

By its resolution 1987/14 of 3 March 1987,¹³ the Commission congratulated the *Ad Hoc* Working Group of Experts for the commendable and impartial manner in which it had prepared its report; authorized the Chairman of the *Ad Hoc* Working Group of Experts within existing resources, to participate in conferences, symposia, seminars or other events connected with action against *apartheid* organized under the auspices of the Special Committee against *Apartheid*; and requested the *Ad Hoc* Working Group of Experts to submit its final report to the Commission at its forty-fourth session.

By its decision 1987/142 of 29 May 1987,¹⁴ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/14 of 3 March 1986, approved the Commission's decision to renew the mandate of the *Ad Hoc* Working Group of Experts on southern Africa.

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

The Commission on Human Rights, at its forty-first session, adopted a number of resolutions concerning the violation of human rights in the occupied Arab territories.

By its resolution 1987/2 A of 19 February 1987,¹⁵ the Commission, *inter alia*, reaffirmed the fact that occupation itself constituted a fundamental violation of the human rights of the civilian population of the occupied Arab territories, including Palestine; called upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the elected mayors to their municipalities so that they could resume the functions for which they had been elected; and requested 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 and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-fourth session.

By its resolution 1987/2 B,¹⁶ the Commission strongly condemned Israel's systematic refusal to apply the Geneva Convention relating to the

¹³ *Ibid.*

¹⁴ E/1987/87.

¹⁵ E/1987/18-E/CN.4/1987/60, chap. II A.

¹⁶ *Ibid.*

Protection of Civilian Persons in Time of War in all its provisions to the Palestinian and Arab territories occupied since 1967 and their inhabitants, despite its adherence to that Convention, and its refusal to recognize the applicability of that Convention to those territories; called upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other principles of international law, in Palestinian and other Arab territories occupied since 1967, including Jerusalem; requested 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 them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and The Hague Convention IV of 1907; and demanded that Israel cease forthwith all acts of torture and ill-treatment of Palestinian and Arab detainees and prisoners.

By its decision 1987/173, adopted on 8 July 1987,¹⁷ the Economic and Social Council took note of the report of the Secretary-General on the living conditions of the Palestinian people in the occupied Palestinian territories.¹⁸

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-ninth session, adopted resolution 1987/11 of 1 September 1987,¹⁹ reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to all Palestinian and other Arab territories occupied by Israel; condemned Israel for its refusal to implement that Convention to the occupied Palestinian and Arab territories; strongly condemned Israel for its policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons; and expressed deep alarm that, until a just and equitable solution of the Palestinian issues was implemented, the Palestinian people would continue to face severe dangers similar to the massacres in the Sabra and Chatila camps, which were described as acts of genocide and for which the responsibility of the Israeli Government had been established.

3. QUESTION OF HUMAN RIGHTS IN CHILE

At its forty-third session the Commission on Human Rights had before it the report of the Special Rapporteur on the situation of human rights in Chile.²⁰

¹⁷ *Official Records of the Economic and Social Council, 1987, Supplement No. 1 A (E/1987/87/Add.1).*

¹⁸ A/42/183-E/1987/53.

¹⁹ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

²⁰ E/CN.4/1987/7.

By its resolution 1987/60 of 12 March 1987,²¹ the Commission, *inter alia*, expressed its deep concern at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which referred to such violations as murders, deaths in alleged confrontations, abductions, temporary disappearances, torture and ill-treatment by the security forces, the climate of insecurity and extreme violence, the maintenance of exile and the discriminatory character of the announced, but not yet published, register of citizens authorized to return to the country, the attacks on international humanitarian organizations and the denial of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of emergency have been in force; and decided to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-second session and to the Commission on Human Rights at its forty-fourth session.

By its decision 1987/152 adopted on 29 May 1987,²² the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/60 of 12 March 1987, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Chile. The Council also approved the Commission's recommendation to the Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff were provided to implement the resolution.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-ninth session, adopted resolution 1987/20 of 2 September 1987,²³ by which it urged the Chilean authorities to put an end to the violations of human rights, in particular deaths, torture, cruel and inhuman treatment, intimidation, persecution and internal exile; urged the authorities of that country to undertake the necessary investigations and to facilitate the trial and punishment of the persons responsible for the violations of human rights.

At its forty-second session, the General Assembly adopted resolution 42/147 on 7 December 1987,²⁴ in which it, *inter alia*, urged the Government of Chile to respond to the requests of various social and political sectors for the early, unconditional re-establishment of a pluralist democracy. It also urged the Commission on Human Rights to consider, as a matter of high priority, the report of the Special Rapporteur, taking account of the relevant information at its disposal; to take the most appropriate steps for the effective

²¹ E/1987/18-E/CN.4/1987/66, chap. II A.

²² E/1987/87.

²³ E/CN.4/1988/37-E/CN.4/Sub.2/1988/42, chap. I B.

²⁴ A/42/49.

restoration of human rights and fundamental freedoms in Chile, including extending the mandate of the Special Rapporteur; and to report to the General Assembly at its forty-third session, through the Economic and Social Council, with a view to examining the human rights situation in Chile.

4. OTHER MATTERS RELATING TO VIOLATION OF HUMAN RIGHTS

Cyprus

The Commission on Human Rights, at its forty-third session, adopted resolution 1987/50, of 11 March 1987,²⁵ in which it, *inter alia*, called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property; and requested the Secretary-General to provide the Commission on Human Rights, at its forty-fourth session, with information relevant to the implementation of the resolution.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities considered the question at its thirty-ninth session. By its resolution 1987/19 of 2 September 1987,²⁶ the Sub-Commission demanded the full restoration of all human rights to the whole population of Cyprus, including the freedom of movement, the freedom of settlement and the right to property; expressed its great concern and anguish about the fate of the missing persons in Cyprus, and urged the immediate tracing and accounting for these missing persons.

El Salvador

At its forty-third session, the Commission on Human Rights had before it the report of the Special Representative on the situation of human rights in El Salvador.²⁷

By its resolution 1987/51 of 11 March 1987,²⁸ the Commission, *inter alia*, renewed its appeal to the Government of El Salvador, as well as to other parties concerned, to continue to cooperate with the Special Representative, and requested the competent bodies of the United Nations system to provide any advice and assistance which the Government of El Salvador might require to achieve the highest levels in the promotion and protection of human rights and fundamental freedoms.

²⁵ E/1987/18; E/CN.4/1987/60, chap. II A.

²⁶ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. I B.

²⁷ E/CN.4/1987/21.

²⁸ E/1987/18-E/CN.4/1987/60, chap. II A.

By its decision 1987/148 of 29 May 1987,²⁹ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/51 of 11 March 1987, approved the Commission's decision to extend for another year the mandate of the Special Representative on the situation of human rights in El Salvador.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities also considered the question at its thirty-ninth session. By its resolution 1987/18 of 2 September 1987,³⁰ the Sub-Commission, *inter alia*, expressed its deep concern at the fact that, although the number of human rights violations had decreased from the previous year, serious and massive violations of human rights were still occurring in El Salvador, notably by the non-observance of fundamental norms of humanitarian law as contained in the Geneva Conventions of 1949 and the Additional Protocols thereto; welcomed the implementation of the agreement reached by both contending parties to allow the International Committee of the Red Cross to evacuate the war wounded and disabled of the Farabundo Martí National Liberation Front without the need for exchanges or prior negotiations in order for them to receive the necessary medical care; expressed the hope that as a result of the Peace Agreement signed in Guatemala the dialogue between the Government of El Salvador and the Farabundo Martí National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) would be fruitfully renewed on 15 September 1987.

At its forty-second session, the General Assembly had before it the report³¹ of the Special Representative. In its resolution 42/137 adopted on 7 December 1987,³² the Assembly, *inter alia*, recognized the efforts made by the Government of El Salvador related to the result of the most recent investigations designed to determine the responsibility of the instigators of the assassination of Monsignor Romero and also recognized the importance of the return to El Salvador of the political leaders of the Democratic Revolutionary Front; urged the Government of El Salvador and the Farabundo Martí National Liberation Front/Democratic Revolutionary Front to continue the dialogue, within the framework of the agreement, signed at Guatemala City, until the achievement of a global political solution that would end the armed conflict and promote the broadening and strengthening of a pluralistic and participatory democratic process that would involve the promotion of social justice, respect for human rights and the full exercise of the right of the Salvadorian people to determine freely and without external interference of any kind its economic, political and social system.

²⁹ E/1987/87/Add.1.

³⁰ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

³¹ A/42/641, annex.

³² A/42/49.

Guatemala

The Commission on Human Rights, at its forty-third session, adopted resolution 1987/53 of 11 March 1987,³³ in which it welcomed the process of democratization and return to constitutionality, which were fundamental steps towards complete and effective enjoyment of human rights and fundamental freedoms by all sectors of the population of Guatemala; and encouraged the Government of Guatemala to continue to take effective measures within the framework of the Constitution to ensure that its authorities and agencies, civilian as well as military, including law enforcement officials, fully respected human rights and fundamental freedoms.

The Economic and Social Council, by its decision 1987/149 of 29 May 1987,³⁴ taking note of Commission on Human Rights resolution 1987/53 of 11 March 1987, approved the Commission's request to the Secretary-General to appoint an expert with a view to assisting the Government of Guatemala, through direct contacts, in taking the necessary action for the further restoration of human rights.

By its decision 1987/104 adopted on 2 September 1987,³⁵ the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided to take no action on draft resolution contained in document E/CN.4/Sub.2/1987/L.36, pursuant to rule 65, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council.

Islamic Republic of Iran

By its resolution 1987/55 of 11 March 1987,³⁶ the Commission on Human Rights again expressed its deep concern over the numerous and detailed allegations of grave human rights violations in the Islamic Republic of Iran referred to in the report of the Special Representative³⁷ and, in particular, those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression, and the right of religious minorities to profess and practise their own religion.

³³ E/1987/18-E/CN.4/1987/60, chap. II A.

³⁴ E/1987/87.

³⁵ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II B.

³⁶ E/1987/18-E/CN.4/1987/60, chap. II A.

³⁷ E/CN.4/1987/23.

By its decision 1987/150 of 29 May 1987,³⁸ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/55 of 11 March 1987, approved the Commission's decision to extend the mandate of the Special Representative on the human rights situation in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year. The Council also approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities also considered the question at its thirty-ninth session. By its resolution 1987/12 of 1 September 1987,³⁹ the Sub-Commission expressed strong concern over the grave violations of human rights and basic freedoms such as the right to life, the right to freedom from torture or inhuman treatment or punishment, the right to individual freedom and security and freedom from arbitrary detention, the right to a just trial, the right to freedom of belief and religion and the right to free expression; and urged determined protest by the Commission to the Islamic Republic of Iran concerning continuing disrespect for the Charter of the United Nations in relation to human rights.

The General Assembly also considered the matter at its forty-second session and adopted resolution 42/136 of 7 December 1987,⁴⁰ in which it, *inter alia*, endorsed the conclusion of the Special Representative that acts continued to occur in the Islamic Republic of Iran that were inconsistent with the provisions of international instruments by which the Government of that country was bound, and that the persistence of certain facts continued to justify continuing international concern; urged the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant.

Mass exoduses

At its forty-third session, the Commission on Human Rights had before it the study on human rights and mass exoduses prepared by its Special Rapporteur.⁴¹

³⁸ E/1987/87.

³⁹ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

⁴⁰ A/42/49.

⁴¹ E/CN.4/1503.

⁴² E/1987/18-E/CN.4/1987/60, chap. II A.

By its resolution 1987/56 adopted on 11 March 1987,⁴² the Commission, *inter alia*, welcomed the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the main organs of the United Nations should make fuller use of their respective competences under the Charter for the prevention of new massive flows of refugees, with a view to considering at the earliest possible stage situations and problems which could give rise to massive flows of refugees.

The General Assembly also considered the matter at its forty-second session. In its resolution 42/144 of 7 December 1987,⁴³ the Assembly, *inter alia*, invited all Governments and international organizations concerned to intensify their co-operation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses.

Summary executions

In its resolution 1987/57 of 11 March 1987,⁴⁴ the Commission on Human Rights recommended for adoption by the Economic and Social Council a draft resolution on summary or arbitrary executions.⁴⁵

The draft resolution was adopted by the Council as resolution 1987/60 of 29 May 1987.⁴⁶ In it, the Council appealed urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions, took note of the recommendations contained in the report of the Special Rapporteur⁴⁷ and decided to renew the mandate of the Special Rapporteur for another year.

The General Assembly also considered the matter at its forty-second session. In its resolution 42/141 of 7 December 1987,⁴⁸ the Assembly, *inter alia*, urged all Governments and all others concerned to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in order that he might carry out his mandate effectively; and requested the Special Rapporteur, in carrying out his mandate, to respond effectively to information that came before him, in particular when a summary or arbitrary execution was imminent or threatened, or when such an execution had recently occurred.

⁴³ A/42/49.

⁴⁴ E/1987/18-E/CN.4/1987/60, chap. II A.

⁴⁵ *Ibid.*, chap. I A.

⁴⁶ E/1987/87.

⁴⁷ E/CN.4/1987/20.

⁴⁸ A/42/49.

E. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in South Africa

At its forty-third session, the Commission on Human Rights, having considered the updated report⁴⁹ of the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on the adverse consequences of assistance to the racist régime in South Africa for the enjoyment of human rights which contained an updated list of banks and firms giving assistance to the racist régime, adopted resolution 1987/9 of 26 February 1987⁵⁰ in which it condemned the continuing nuclear collaboration of certain Western States, Israel and other States with the racist régime of South Africa and urged those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enabled it to develop a nuclear weapon capability, threaten peace and international security, obstruct efforts to eliminate *apartheid* and maintain its illegal occupation of Namibia; noted with appreciation the recent measures taken by some States, parliamentarians, institutions and non-governmental organizations in order to exert pressure on the racist régime of South Africa and called upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on Namibia and South Africa.

At its thirty-ninth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the updated report⁵¹ by the Special Rapporteur, Mr. Ahmad Khalifa.

In its resolution 1987/5 of 31 August 1987,⁵² the Sub-Commission declared that disinvestment in South Africa and Namibia should be done in such a way as to hasten the complete elimination of *apartheid*, not to strengthen it; requested the Chairman of the Sub-Commission to invite Mr. Khalifa to examine without financial implications the feasibility of the Sub-Commission's making a study on the impact of disinvestment, as proposed in the report of the Secretary-General,⁵³ which would include the practice of racially discriminatory or fictitious disinvestment, particularly through the misuse of procedures and recourse to franchises, and to report thereon in writing to the Sub-Commission at or before its fortieth session.

⁴⁹ E/CN.4/Sub.2/1987/8/Rev.1.

⁵⁰ E/1987/18-E/CN.4/1987/60, chap. II A.

⁵¹ E/CN.4/Sub.2/1987/8/Rev.1 and Add.1, Parts I and II.

⁵² E/CN.4/1988/37; E/CN.4/Sub.2/1987/42, chap. II A.

⁵³ E/1987/13, para. 44.

F. The right of peoples to self-determination

At its forty-third session, the Commission on Human Rights adopted resolution 1987/4 of 19 February 1987,⁵⁴ by which it, *inter alia*, emphasized once more the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressed its grave concern that Israel continued to prevent the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community; reaffirmed its support for the call to convene an international peace conference on the Middle East, in accordance with the provisions of General Assembly resolution 48/58 C and other relevant General Assembly resolutions, and appealed to all States to make further constructive efforts towards the convening of such a conference; strongly condemned Israel for its continued occupation of the Palestinian and other Arab territories, which violated the Charter of the United Nations, the principles of international law and the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights and constituted the major obstacle hindering the exercise of the right to self-determination by the Palestinian people; urged all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to restore their rights in accordance with the Charter of the United Nations and with relevant United Nations resolutions.

The General Assembly also considered the question of the universal realization of the right of peoples to self-determination at its forty-second session. By its resolution 42/94 of 7 December 1987,⁵⁵ it reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights.

By its resolution 42/95 adopted on the same day,⁵⁶ the Assembly, *inter alia*, further condemned the policy of "bantustanization" and reiterated its support for the oppressed people of South Africa in its just and legitimate struggle against the racist minority régime of Pretoria.

⁵⁴ E/1987/48-E/CN.4/1987/60, chap. II A.

⁵⁵ A/42/49.

⁵⁶ *Ibid.*

Afghanistan

By its resolution 1987/5 adopted on 19 February 1987,⁵⁷ the Commission on Human Rights, *inter alia*, called for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and for the strict observance of the principle of non-intervention and non-interference.

By its resolution 1987/58 adopted on 11 March 1987,⁵⁸ the Commission on Human Rights, *inter alia*, expressed its grave concern, in particular, at the severe consequences for the civilian population of indiscriminate bombardments and military operations primarily targeted on villages and the agricultural structure; expressed once again its profound distress and alarm, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture and summary executions of the régime's opponents, as well as at continuing evidence of a policy of religious intolerance; called once again upon the parties to the conflict to apply fully the principles and rules of international humanitarian law.

By its decision 1987/151 of 29 May 1987,⁵⁹ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/58 of 11 March 1987 and the invitation extended to the Special Rapporteur to visit Afghanistan, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan. The Council also approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

By its resolution 42/135 of 7 December 1987,⁶⁰ the General Assembly, *inter alia*, welcomed the co-operation that the Afghan authorities had begun to extend to the Commission on Human Rights by permitting its Special Rapporteur access to facilities for conducting his investigation when he visited Afghanistan from 30 July to 9 August 1987; noted with great concern that widespread violations of human rights, which had already caused millions of people to flee their homes and country, continued to cause large flows of refugees and displaced persons; called once again upon the parties to the conflict, in order to alleviate the suffering of the people of Afghanistan, to apply fully the principles and rules of international humanitarian law and to co-operate fully and effectively with international humanitarian

⁵⁷ E/1987/18-E/CN.4/1987/60, chap. II A.

⁵⁸ *Ibid.*

⁵⁹ E/1987/87.

⁶⁰ A/42/49.

organizations, in particular to facilitate the protection activities of the International Committee of the Red Cross.

Democratic Kampuchea

By its resolution 1987/6 of 19 February 1987,⁶¹ the Commission on Human Rights, *inter alia*, reaffirmed that the continuing illegal occupation of Kampuchea by foreign forces deprived the people of Kampuchea of the exercise of their right to self-determination and constituted the primary violation of human rights in Kampuchea at present; requested the Secretary-General to continue to monitor closely the developments in Kampuchea and urgently to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of the fundamental human rights of the Kampuchean people; noted with appreciation the report of the Ad Hoc Committee of the International Conference on Kampuchea on its activities during 1985-1986 and requested that the Committee continue its work and that the Conference be reconvened at an appropriate time, in accordance with General Assembly resolution 41/6; recommended that the Economic and Social Council, at its first regular session of 1987, continue to consider, and in particular to undertake, appropriate measures towards the early implementation of relevant recommendations, with a view to achieving the full enjoyment of the fundamental human rights and freedoms of the Kampuchean people, particularly its inalienable right to self-determination.

Western Sahara

In its resolution 1987/3 adopted on 19 February 1987,⁶² the Commission on Human Rights requested the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations, in the shortest possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations; and welcomed the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definite solution of the question of Western Sahara, in conformity with General Assembly resolution 40/50.

⁶¹ E/1987/18-E/CN.4/1987/60, chap. II A.

⁶² *Ibid.*

G. Question of the human rights of persons subjected to any form of detention or imprisonment

At its thirty-ninth session in 1987, the Sub-Commission on Prevention and Protection of Minorities, considered the question.

In its decision 1987/108 of 3 September 1987,⁶³ the Sub-Commission noted with concern that the Working Group of the Sixth Committee of the General Assembly, which was reviewing the Draft Body of Principles for the Protection of Persons under any Form of Detention or Imprisonment, adopted by the Sub-Commission at its thirty-first session in 1987 and transmitted by the Commission on Human Rights, through the Economic and Social Council, to the General Assembly, had, in its most recent revision of the text, apparently limited the scope of the principles and had made amendments as a result of which the text might fall short of existing norms, such as those in the International Covenant on Civil and Political Rights, the General Comments of the Human Rights Committee, and the Standard Minimum Rules for the Treatment of Prisoners. Accordingly, the Sub-Commission decided, *inter alia*, to request the Secretary-General to convey to the Working Group of the Sixth Committee the hope of the Sub-Commission that the Working Group would give consideration to its concern.

H. Question of enforced or involuntary disappearances of persons

At its forty-third session, the Commission on Human Rights adopted resolution 1987/27 of 10 March 1987,⁶⁴ by which it requested the Working Group on Enforced or Involuntary Disappearances to submit to the Commission, at its forty-fourth session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, *inter alia*, to protect persons providing information or to limit the dissemination of information provided by Governments; encouraged Governments which might receive such a request to consider with special attention the wish of the Working Group, when such a wish was expressed, to visit their country, thus enabling the Working Group to fulfil its mandate even more effectively.

The General Assembly also considered the question at its forty-second session and adopted resolution 42/142 of 7 December 1987,⁶⁵ in which it expressed its appreciation to the Working Group on Enforced or Involuntary

⁶³ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. I B.

⁶⁴ E/1987/18-E/CN.4/1987/60, chap. II A.

⁶⁵ A/42/49.

Disappearances for its humanitarian work and to those Governments that had cooperated with it; and called upon the Commission on Human Rights to continue to study this question.

I. Torture and other cruel, inhuman or degrading treatment or punishment

At its forty-third session, the Commission on Human Rights, in its resolution 1987/29 of 10 March 1987,⁶⁶ commended the Special Rapporteur for his report (E/CN.4/1987/13); took note of the conclusions and recommendations pertaining to a system of periodic visits and to the establishment at the national level of an independent authority which can receive complaints by individuals; and requested the Secretary-General to appeal to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested; invited the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that came before him and to carry out his work with discretion.

At its forty-third session, the Commission on Human Rights, in its resolution 1987/30 of 10 March 1987,⁶⁷ took note of the report of the Secretary-General (E/CN.4/1987/14) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; invited all States ratifying or acceding to the Convention and those States parties which have not yet done so to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention; requested the Secretary-General to continue submitting to the General Assembly and to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

At its forty-third session, the Commission on Human Rights, in its resolution 1987/31 of 10 March 1987,⁶⁸ expressed its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for work it has carried out; appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis; and renewed its request to the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund.

⁶⁶ E/1987/18-E/CN.4/1987/60, chap. II A.

⁶⁷ *Ibid.*

⁶⁸ E/1987/18-E/CN.11/1987/60.

The Economic and Social Council, by its decision 1987/146 of 29 May 1987,⁶⁹ taking note of Commission on Human Rights resolution 1987/29 of 10 March 1987, approved the Commission's decision to continue for another year the mandate of the Special Rapporteur appointed to examine questions relevant to torture, in order to enable him to submit further conclusions and recommendations to the Commission. The Council also approved the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

At its forty-second session, the General Assembly in its resolution 42/122 of 7 December 1987,⁷⁰ taking note of the report of the Secretary-General,⁷¹ invited Governments to make contributions to the Fund, if possible on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants; expressed its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund; requested the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

At its forty-second session, the General Assembly, in its resolution 42/123 of 7 December 1987,⁷² welcoming the decision of the Commission on Human Rights to extend for one year the mandate of the Special Rapporteur to examine questions relevant to torture and taking note of other important provisions of the Commission in the same resolution, including those relating to practical measures recommended by the Special Rapporteur to deal with this abhorrent phenomenon again invited all States, upon ratification of or accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 thereof.

By its resolution 42/124 of 7 December 1987,⁷³ the General Assembly expressed its profound outrage at reports of detention, torture and inhuman treatment of children in South Africa; called for the immediate dismantlement of the so-called "rehabilitation camps" or "re-education centres"; requested the Secretary-General to make available to the Commission on Human Rights the final documents of the international Conference on Children, Repression and the Law in *Apartheid* South Africa, for action by the Special Rapporteur on torture.

⁶⁹ E/1987/87.

⁷⁰ A/42/49.

⁷¹ A/42/701.

⁷² A/42/49.

⁷³ *Ibid.*

J. Slavery and the slave-trade

At its thirty-ninth session, the Sub-Commission also considered the report of the Working Group on Slavery on its twelfth session.⁷⁴

By its resolution 1987/32 of 4 September 1987,⁷⁵ the Sub-Commission approved the recommendations contained in chapter IV of that report; drew the particular attention of the Commission on Human Rights to recommendations 2, 4, 6, 18, 23, 24 and 29; requested the Commission on Human Rights to transmit to all Governments of Member States recommendation 7; and requested the Secretary-General to transmit the relevant recommendations of the Working Group to all the organizations mentioned therein.

By its resolution 1987/30 of 4 September 1987,⁷⁶ the Sub-Commission expressed further its appreciation to the Government of the Islamic Republic of Mauritania for the co-operation extended to the Sub-Commission and for the measures taken to eradicate the consequences of slavery; invited Governments, United Nations organs and specialized agencies to make additional and specific efforts in order to assist the Government of the Islamic Republic of Mauritania in accelerating its development and in eliminating the consequences of slavery.

K. Rights of the Child

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

By its resolution 1987/48 of 11 March 1987,⁷⁷ the Commission on Human Rights, recommended its draft resolution I⁷⁸ for adoption by the Economic and Social Council.

The Council, in adopting this draft resolution as resolution 1987/58 of 29 May 1987,⁷⁹ authorized a meeting of an open-ended working group for a period of one week prior to the forty-fourth session of the Commission on Human Rights, with a view to completing the work on the draft convention on the rights of the child at that session; requested the Secretary-General to extend all facilities to the working group for its meeting prior to and during

⁷⁴ E/CN.4/Sub.2/1987/25.

⁷⁵ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

⁷⁶ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

⁷⁷ E/1987/18-E/CN.4/1987/10, chap. II A.

⁷⁸ *Ibid.*, chap. I A.

⁷⁹ E/1987/87.

the forty-fourth session of the Commission to enable it to fulfil its task successfully; noted the usefulness of providing the working group, in advance of its session, with such working documents as a compilation of all amendments and new proposals and relevant provisions of other international instruments; and drew attention to the need for new proposals to be submitted early in the session of the working group.

By its resolution 42/101 of 7 December 1987,⁸⁰ the General Assembly, *inter alia*, welcomed Economic and Social Council resolution 1987/58 and requested the Commission on Human Rights to give the highest priority to, and to make every effort at its sessions in 1988 and 1989 to complete, a draft convention on the rights of the child and to submit it, through the Economic and Social Council, to the General Assembly at its forty-fourth session.

L. Human rights of disabled persons

By its resolution 1987/43 of 28 May 1987,⁸¹ the Economic and Social Council, urged the Secretary-General to take all measures within existing resources to enable the meeting of experts called for in General Assembly resolution 39/26 to evaluate progress at the mid-point of the United Nations Decade of Disabled Persons, so that priority areas could be identified and effective international action could be launched to help translate into practice the concepts of full participation and equalization of opportunities for disabled persons; and invited Member States to adopt appropriate measures to accelerate the implementation of the World Programme of Action concerning Disabled Persons during the second half of the Decade.

By its resolution 42/58 of 30 November 1987,⁸² the General Assembly invited Member States to incorporate in their national development plans and strategies projects to assist disabled persons and to include such projects in the country programmes of the United Nations Development Programme; reaffirmed that the resources of the Voluntary Fund for the Decade should be used to support catalytic and innovative activities in order to implement further the objectives of the World Programme of Action within the framework of the United Nations Decade for Disabled Persons, with priority given, as appropriate, to programmes and projects of the least developed countries.

⁸⁰ A/42/49.

⁸¹ E/1987/87.

⁸² A/42/49.

M. Indigenous populations

At its forty-third session, the Commission on Human Rights considered the report of the Sub-Commission's Working Group on Indigenous Populations in its fifth session.⁸³

By its resolution 1987/34 of 10 March 1987,⁸⁴ the Commission expressed its appreciation to the Chairman and the other members of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to observers for Governments, non-governmental organizations and, in particular, organizations and communities of indigenous peoples, who met informally at Geneva on 6 and 7 September 1986 to further the work of the Working Group, notwithstanding the postponement of its fifth session; and requested the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and relevant organizations of indigenous populations, in order to encourage the widest possible participation in its work.

By its resolution 1987/8 of 31 August 1987,⁸⁵ the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended draft resolution IV⁸⁶ for adoption by the Commission on Human Rights and by its resolution 1987/15 of 2 September 1987,⁸⁷ the Sub-Commission recommended draft resolution VIII⁸⁸ for adoption by the Commission on Human Rights.

By its resolution 1987/16⁸⁹ adopted on the same day, the Sub-Commission, *inter alia*, having examined the report submitted by the Working Group,⁹⁰ requested the Secretary-General to transmit the Working Group's report and its annexes to Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for comments and suggestions, calling their attention in particular to annex II to the report; and to give all necessary assistance to the Working Group in discharging its tasks, including the adequate dissemination of in-

⁸³ E/CN.4/Sub.2/1987/22 and Add.1.

⁸⁴ E/1987/18-E/CN.4/1987/60, chap. II A.

⁸⁵ E/CN.4/1988/37-E/CN.4/Sub.2/1987/42, chap. II A.

⁸⁶ *Ibid.*, chap. I A.

⁸⁷ *Ibid.*, chap. II A.

⁸⁸ *Ibid.*, chap. I A.

⁸⁹ *Ibid.*, chap. II A.

⁹⁰ E/CN.4/Sub.2/1987/22 and Add.1.

formation about its activities to indigenous organizations to encourage their wider participation.

By its decision 1987/110 of 4 September 1987,⁹¹ the Sub-Commission decided to request that the Chairman of the Sub-Commission, in response to an invitation from the Traditional Hopi Elders, delegate one or more members of the Sub-Commission to attend and observe United States Congressional Hearings scheduled, both on site and in Washington, D.C., to consider further implementation of laws providing for the relocation of Hopi and Navajo families, and to report their observations to the Sub-Commission at its fortieth session.

N. Human rights of migrant workers

At its forty-third session, the Commission on Human Rights considered the question of the measures to improve the situation and ensure the human rights and dignity of all migrant workers. By its resolution 1987/43 of 10 March 1987,⁹² the Commission welcomed the progress being made by the Working Group on the Drafting of an International Convention on the Rights of All Migrant Workers and Their Families in the discharge of its mandate and, in particular, the progress made in the second reading of the draft convention; and invited all Member States to continue co-operating with the Working Group in the performance of its task.

By its resolution 42/140 of 7 December 1987,⁹³ the General Assembly, took note with satisfaction of the two most recent reports of the Working Group and of the progress made in its work.

O. Human rights and scientific and technological developments

By its resolution 1987/36 of 28 May 1987,⁹⁴ the Economic and Social Council called upon all States to promote co-operation to ensure scientific and technological progress for the welfare of their peoples, and of all mankind, as well as their social and economic development, and to contribute towards eliminating economic backwardness and grave social problems in the world, such as hunger, illiteracy, homelessness, unemployment and inadequate health protection; urged all States to make every effort to utilize sci-

⁹¹ E/CN.4/1987/37-E/CN.4/Sub.2/1987/42, chap. II B.

⁹² E/1987/18-E/CN.4/1987/60, chap. II A.

⁹³ A/42/49.

⁹⁴ E/1987/87.

entific and technological achievements for the promotion of peaceful social and economic development, and to prevent their misuse to the detriment of peoples; requested the Commission for Social Development to consider the use of science and technology in the interest of social development in connection with its review of the world social situation.

By its resolution 42/98 of 7 December 1987,⁹⁵ the General Assembly urged the Commission on Human Rights and, through it, the Sub-Commission on Prevention of Discrimination and Protection of Minorities to expedite their consideration of the draft body of guidelines, principles and guarantees, so that the Commission could submit its views and recommendations, including a draft body of guidelines, principles and guarantees, to the General Assembly at its forty-fourth session, through the Economic and Social Council; and invited the Commission on Human Rights at its forty-fourth session to consider the question of the emphasis to be attached to the Working Group of the Sub-Commission, in the light of the Sub-Commission's discussion at its thirty-ninth session.

By its resolution 42/99 adopted on the same day,⁹⁶ the General Assembly stressed that a world without nuclear weapons and violence would open vast opportunities for the joint efforts of all nations aimed at solving urgent humanitarian problems and at co-operating in the areas of science, education, medicine, arts and others, thus guaranteeing the necessary conditions for the harmonious development of the individual; and again called upon all States that had not yet done so to take effective measures with a view to prohibiting, in accordance with the International Covenant on Civil and Political Rights, any propaganda for war, in particular the formulation, propounding and dissemination of and propaganda for doctrines and concepts aimed at unleashing nuclear war.

By its resolution 42/100 of 7 December 1987,⁹⁷ the General Assembly called upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress and to put an end to the use of these achievements for military purposes; and also called upon States to take all necessary measures to place all the achievements of science and technology at the service of mankind and to ensure that they do not lead to the degradation of the natural environment.

⁹⁵ A/42/49.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

P. The right to development

At its forty-third session, the Commission on Human Rights adopted one resolution relating to the question of the right to development.

By its resolution 1987/23 of 10 March 1987,⁹⁸ the Commission took note with appreciation of the report of the Working Group of Governmental Experts on the Right to Development⁹⁹ and requested the Secretary-General to circulate the Declaration on the Right to Development and the report of the Working Group to all Governments, United Nations organs and specialized agencies and other governmental and non-governmental organizations, in all the official languages of the United Nations, inviting them as a matter of urgency and high priority to offer their comments and views on the subject of the implementation of the Declaration on the Right to Development.

By its decision 1987/145 of 29 May 1987,¹⁰⁰ the Economic and Social Council, taking note of Commission on Human Rights resolution 1987/23 of 10 March 1987, decided to transmit to the General Assembly, at its forty-second session, the report of the Working Group of Governmental Experts on the Right to Development. The Council also approved the Commission's decision to convene the Working Group for two weeks in January 1988. The Council further approved the Commission's request to the Secretary-General to provide all necessary assistance to the Working Group.

By its resolution 42/117 of 7 December 1987,¹⁰¹ the General Assembly expressed the hope that the replies of Governments, United Nations bodies and specialized agencies and other governmental and non-governmental organizations, submitted at the request of the Secretary-General based on Commission on Human Rights resolution 1987/23 to offer their comments and views on the implementation of the Declaration on the Right to Development, would contain practical proposals and ideas that should contribute substantively to further work on the implementation of the Declaration; and invited the Commission on Human Rights to report to the General Assembly at its forty-third session, through the Economic and Social Council, on organizational and substantial measures to implement the Declaration at all levels.

⁹⁸ E/1987/18-E/CN.4/1987/60, chap. II A.

⁹⁹ E/CN.4/1987/10.

¹⁰⁰ E/1987/87.

¹⁰¹ A/42/49.

Q. Further promotion and encouragement of human rights and fundamental freedoms

1. PROGRAMME AND METHODS OF WORK OF THE COMMISSION AND ITS SUB-COMMISSION

At its forty-third session, the Commission on Human Rights adopted decision 1987/108 of 11 March 1987,¹⁰² in which it decided, without a vote, that:

(a) Due note should be taken of the statement of the Assistant Secretary-General for Human Rights at its opening meeting and of the summary records of its debate on agenda item 11 and any other pertinent remarks made during the debates at the forty-third session in the preparation of the draft medium-term plan for 1990-1995;

(b) The above-mentioned material should also be transmitted, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, to the Special Commission of the Economic and Social Council for consideration in the course of its work;

(c) It should accord special attention to the question of priority setting, programme planning, budgeting and resources at its forty-fourth session;

(d) Sufficient time should be accorded at its forty-fourth session to debate on agenda item 11 to allow these questions to be discussed fully on the basis of documentation, including the draft medium-term plan, which should be distributed in good time.

2. PUBLIC INFORMATION ACTIVITIES IN THE FIELD OF HUMAN RIGHTS

At its forty-third session, the Commission on Human Rights, in its resolution 1987/39 of 10 March 1987,¹⁰³ *inter alia*, requested the Secretary-General to make available, within existing resources, adequate funding for public information activities in the field of human rights and to ensure that proper arrangements were made with regard to the storage and distribution of United Nations public information materials in this field; requested the Secretary-General to submit to the Commission at its forty-fourth session a further report on the implementation of the present resolution, including a detailed status report on the availability in the official and other languages of the principal international human rights instruments and the stocks of these

¹⁰² E/1987/18-E/CN.4/1987/60, chap. II A.

¹⁰³ *Ibid.*

instruments available at United Nations information centres in the field of human rights.

The General Assembly also considered the question in its resolution 42/118 of 7 December 1987,¹⁰⁴ in which, *inter alia*, it took note of the report of the Secretary-General on the development of public information activities in the field of human rights,¹⁰⁵ and noted that, despite its repeated appeals, adequate resources and priority for those activities continued to be denied; invited all Member States to make special efforts during 1988 to publicize and to facilitate and encourage publicity for the activities of the United Nations in the field of human rights and to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights; requested the Secretary-General to report to the Commission on Human Rights at its forty-fourth session on the public presentations, in New York and Geneva, on Human Rights day in 1987, of a selection of audio-visual and other United Nations materials in the field of human rights, including an analysis of comments made during the presentations about the future direction of these programmes.

R. Advisory services in the field of human rights

At its forty-third session, the Commission on Human Rights had before it a report by the Secretary-General concerning the programme of advisory services in the field of human rights.¹⁰⁶

By its resolution 1987/37 of 10 March 1987,¹⁰⁷ the Commission, *inter alia*, encouraged the efforts of the Secretary-General to award human rights fellowships to, and to organize training courses for, persons directly involved in the implementation of international conventions on human rights; appealed to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs; expressed its appreciation to all Governments and intergovernmental and non-governmental organizations which have responded to the Secretary-General's call to provide assistance to States which indicated their need for technical assistance in the field of human rights.

¹⁰⁴ A/42/49.

¹⁰⁵ E/CN.4/1987/116 and Add.1-3.

¹⁰⁶ E/CN.4/1987/33 and Add.1, Add.1/Corr.1 and Add.2.

¹⁰⁷ E/1987/18-E/CN.4/1987/60, chap. II A.

By its resolution 1987/38 adopted on the same day,¹⁰⁸ the Commission requested the Secretary-General to establish and administer in accordance with the Financial Regulations and Rules of the United Nations a voluntary fund for advisory services and technical assistance in the field of human rights; encouraged Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights.

By its decision 1987/147 of 29 May 1987,¹⁰⁹ the Economic and Social Council endorsed Commission on Human Rights resolution 1987/38 of 10 March 1987 on the establishment of a voluntary fund for advisory services and technical assistance in the field of human rights.

¹⁰⁸ *Ibid.*

¹⁰⁹ E/1987/87.

Section B. Specialized agencies

Food and Agriculture Organization of the United Nations (FAO)

1. AGRARIAN REFORM AND RURAL DEVELOPMENT

The 24th Session of the FAO Conference reviewed in November 1987 the Second Progress Report on the follow-up of the Programme of Action of the World Conference on Agrarian Reform and Rural Development (WCARRD), held in 1979, and expressed the following recommendation:

“Following the WCARRD guidelines, the Conference recommended countries to broaden the social base of land ownership and operation, in order to provide for greater equity and broader-based development. At the same time, it stressed the need for specific beneficiary-oriented policies and programmes to safeguard vulnerable groups in the process of growth. It recommended an appropriate and explicit strategy giving attention to the development of small farms, small-scale fisheries and forestry, together with the necessary supporting policy changes relating to land tenure and production structures, institutional and delivery systems and farming systems and technological systems. The strategy should be in line with the needs, resources, capabilities and farming systems of the small producers and should ensure sustainability. FAO was requested to assist countries in these fields.” (Report of the Conference of FAO, 24th Session, Rome, 7-27 November 1987 p. 22, para. 98.)

2. FAO ACTIVITIES RELATED TO THE INTEGRATION OF WOMEN IN DEVELOPMENT

The Conference also discussed the rights of women in agriculture and rural development and adopted the following Resolution:

“Resolution 3/87

“FAO Activities Related to the Integration of Women in Development

“The Conference,

“*Recognizing* the vital role of women in agricultural production and rural development and FAO’s responsibility in this regard,

“*Recalling* the FAO resolutions 4/83 and 12/85,

“*Taking into account* the priority given to the integration of women in all aspects of development by the World Conference to Review and Appraise the Women’s Decade,

“*Recalling* the Nairobi Forward-Looking Strategies for the Advancement of All Aspects of Development by General Assembly resolution 40/108,

“*Taking note* of ECOSOC resolution 1986/87 and the adoption of the System-Wide Medium-Term Plan for Women and Development for the period 1990-1995,

“*Considering* that the Nairobi FLS in particular paragraphs 174-188 have considerable implications for the work of FAO,

“1. *Endorses* the Nairobi FLS for Advancement of Women as providing a comprehensive policy framework for advancing the equality of women to the year 2000;

“2. *Notes* with satisfaction the Director-General’s report on Women in Agriculture and Rural Development (C87/LIM/16), which outlines broad policy guidelines for FAO activities in the area;

“3. *Urges* the Director-General to continue co-operation with other organizations of the United Nations system in the implementation of the Nairobi Forward-Looking Strategies and the System-Wide Medium-Term Plan for Women and Development, particularly Sub-programme 2.3, Food and Agriculture;

“4. *Requests* the Director-General to submit to the Ninety-fourth Session of the Council a plan of action for the integration of women in development which should, i.e. encompass strategies to ensure that all relevant programmes of the Organization incorporate the recommendations laid down in the Forward-Looking Strategies and System-Wide Medium-Term Plan and include verification and monitoring procedures in order to follow up on the progress made towards achieving its objectives. All these activities should be carried out within existing resources;

“5. *Further requests* the Director-General to include in the plan of action a staff training programme on how to integrate women in development issues in the work of FAO;

“6. *Urges* the Director-General to take steps to increase the number of women employed within the existing FAO staff positions at all professional levels both at headquarters and in the field in accordance with the recommendations outlined in the Forward-Looking Strategies. (Adopted

26 November 1987, Report of the Conference of FAO, 24th Session, Rome, 7-27 November 1987, pp. 24 and 25.)”

Office of the United Nations High Commissioner for Refugees (UNHCR)

During its 38th session, the Executive Committee on International Protection of Refugees adopted the following conclusions:

1. *Conclusion No. 46 (XXXVIII) General*

“*The Executive Committee*

“(a) *Recognized* that the increasing complexity of the present day refugee problems throughout the world underlines the fundamental importance of the High Commissioner’s protection function, his primary task;

“(b) *Recognized* that the changing nature and elements of the contemporary refugee problem required greater understanding on the part of the international community of the special needs and circumstances of asylum-seekers and refugees and the full support of all States for the efforts of the High Commissioner on their behalf;

“(c) *Noted* with particular concern the continued violation of the principle of *non-refoulement* in various parts of the world;

“(d) *Noted* with various concern the deteriorating situation of refugees and asylum-seekers in southern Africa;

“(e) *Expressed* concern about the lack of adequate international protection for various groups of refugees in different parts of the world including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs;

“(f) *Reiterated* the High Commissioner’s leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks and arbitrary detention;

“(g) *Took into account* that refugee women have special protection and assistance needs as well as special resources which can be utilized for the benefit of all refugees, reiterated the need to give particular attention to their situation with a view to improving existing protection and assistance programmes and called on all States and concerned agencies to support the High Commissioner’s efforts in this regard;

“(h) *Recognized* the need to collect reliable information and statistics about refugee women, to increase awareness about their situation and to incorporate information about their needs in the Office’s training programmes

and called upon the High Commissioner to report in detail at the thirty-ninth session of the Executive Committee on the particular protection and assistance problems and needs of refugee women and concrete measures taken to meet them;

“(i) *Noted with concern* the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and called upon the High Commissioner to implement paragraph (j) of Conclusion 36 (XXXVI);

“(j) *Called upon* States that have adopted a number of measures aimed at discouraging abusive use of asylum procedures to ensure that these measures have no detrimental effect on the fundamental principles of international protection, including on the institution of asylum;

“(k) *Stressed* the close link between durable solutions and root causes and called upon the international community to do its utmost to address the causes of movements of refugees and asylum-seekers from countries of origin as well as from countries of first asylum;

“(l) *Reaffirmed* the importance of voluntary repatriation as the most desirable durable solution, particularly in the context of many of today’s mass-influx situations, emphasized the need for States to respect the fundamental principles that must always guide action in this area and called upon the High Commissioner and States to continue their efforts in achieving this solution whenever appropriate;

“(m) *Called for* the strengthening of the Office’s international protection function, both in Headquarters and in the field, in particular through increased co-ordination between the Division of Refugee Law and Doctrine and the Regional Bureaux, and through enhanced training for UNHCR staff in discharging the Office’s protection function;

“(n) *Recognized* that international protection is best achieved through an integrated and global approach to protection, assistance, and durable solutions, and invited the High Commissioner to develop further his efforts in this regard, including the collection of statistics on refugee populations, with the co-operation of States concerned;

“(o) *Reiterated* the importance of promoting a wider knowledge and understanding of refugee law and noted with satisfaction the efforts of the Office in this regard, in particular the training programmes instituted for UNHCR staff as well as government officials;

“(p) *Noted with satisfaction* that despite difficulties connected with the continued influx of refugees and asylum-seekers into their territories, States have, by and large, respected the internationally recognized standards for their treatment;

“(q) *Welcomed* the further accessions by States to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and requested the High Commissioner to continue his efforts to promote accessions to

these and other relevant instruments, in particular by States confronted with large-scale refugee problems;

“(r) *Welcomed* the recent adoption by a number of States of national administrative and legislative measures to implement effectively the provisions of the international refugee instruments, including the establishment of appropriate procedures for the determination of refugee status;

“(s) *Noted* with renewed appreciation the contribution of non-governmental organizations in actively supporting the High Commissioner’s efforts in the field of international protection;

“(t) *Emphasized* the need for all concerned, including States, intergovernmental, national and non-governmental organizations, to sensitize public opinion to the special circumstances and needs of refugees and asylum-seekers to help generate a feeling of empathy and respect for refugees and to developing a more positive attitude towards them.”

2. Conclusion No. 47 (XXXVIII) Refugee Children

“*The Executive Committee*

“(a) *Expressed* appreciation to the High Commissioner for his Report on Refugee Children (EC/SCP/46) and noted with serious concern the violations of their human rights in different areas of the world and their special needs and vulnerability within the broader refugee population;

“(b) *Recognized* that refugee children constitute approximately one-half of the world’s refugee population and that the situation in which they live often gives rise to special protection and assistance problems as well as to problems in the area of durable solutions;

“(c) *Reiterated* the widely recognized principle that children must be among the first to receive protection and assistance;

“(d) *Stressed* that all actions taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

“(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

“(f) *Urged* States to take appropriate measures to register the births of refugee children born in countries of asylum;

“(g) *Expressed* its concern over the increasing number of cases of statelessness among refugee children;

“(h) *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

“(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

“(j) *Called upon* the High Commissioner to ensure that individual assessments are conducted and adequate social histories prepared for unaccompanied children and children separated from their parents, who are in the care of other families, to facilitate provision for their immediate needs, the analysis of the long term as well as immediate viability of existing foster arrangements and the planning and implementation of appropriate durable solutions;

“(k) *Noted* that while the best durable solution for an unaccompanied refugee child will depend on the particular circumstances of the case, the possibility of voluntary repatriation should at all times be kept under review, keeping in mind the best interest of the child and the possible difficulties of determining the voluntary character of repatriation;

“(l) *Stressed* the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the “Twenty or More” Plan providing for the resettlement of disabled refugee children;

“(m) *Noted* with serious concern the detrimental effects that extended stays in camps have on the development of refugee children and called for international action to mitigate such effects and provide durable solutions as soon as possible;

“(n) *Recognized* the importance of meeting the special psychological, religious, cultural and recreational needs of refugee children in order to ensure their emotional stability and development;

“(o) *Reaffirmed* the fundamental right of refugee children to education and called upon all States, individually and collectively, to intensify their efforts, in co-operation with the High Commissioner, to ensure that all refugee children benefit from primary education of a satisfactory quality, that respects their cultural identity and is oriented towards an understanding of country of asylum;

“(p) *Recognized* the need of refugee children to pursue further levels of education and recommended that the High Commissioner consider the provision of post-primary education within the general programme of assistance;

“(q) *Called upon* all States, in co-operation with UNHCR and concerned agencies, to develop and/or support programmes to address nutritional and health risks faced by refugee children, including programmes to ensure an adequate, well-balanced and safe diet, general immunization and primary health care;

“(r) *Recommended* regular and timely assessment and review of the needs of refugee children, either on an individual basis or through sample surveys, prepared in co-operation with the country of asylum, taking into account all relevant factors such as age, sex, personality, family, religion, social and cultural background and the situation of the local population, and benefiting from the active involvement of the refugee community itself;

“(s) *Reaffirmed* the need to promote continuing and expanded co-operation between UNHCR and other concerned agencies and bodies active in the fields of assistance to refugee children and protection, including through the development of legal and social standards;

“(t) *Noted* the importance of further study of the needs of refugee children by UNHCR, other intergovernmental and non-governmental agencies and national authorities, with a view to identification of additional support programmes and reorientation as necessary of existing ones;

“(u) *Called upon* the High Commissioner to develop further, in consultation with concerned organizations, guidelines to promote co-operation between UNHCR and these organizations to improve the international protection, physical security, well-being and normal psychological development of refugee children;

“(v) *Called upon* the High Commissioner to maintain the UNHCR Working Group on Refugee Children at Risk as his focal point on refugee children, to strengthen the Working Group and to inform the members of the Executive Committee, on a regular basis, of its work.”

3. *Conclusion No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements*

“*The Executive Committee*

“*Remained* gravely preoccupied with the continuing incidence of unlawful attacks on refugees and asylum-seekers in different areas of the world, including military or armed attacks on refugee camps and settlements and, in view of the tragic and indiscriminate consequences of these attacks, resulting in untold human misery for the refugees and asylum-seekers, believed it was necessary and timely at this session to express its humanitarian concern and condemnation in the strongest terms,

“*Noted* with appreciation those Resolutions of the General Assembly of the United Nations, adopted by consensus, in particular General Assembly Resolution 39/140 (1984), which condemned all violations of the rights

and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements,

“*Predicating* these Conclusions on the assumption, *inter alia*, that refugee camps and settlements have an exclusively civilian and humanitarian character and on the principle that the grant of asylum or refuge is a peaceful and humanitarian act that is not to be regarded as unfriendly by another State; hoping to assist in guaranteeing the safety of refugees and asylum-seekers, as well as to reinforce their rights, obligations and responsibilities and those of States and international organizations pursuant to relevant rules and principles of international law; and underlining that the rights and responsibilities of States pursuant to the Charter of the United Nations and relevant rules and principles of international law, including international humanitarian law, remained unaltered,

“1. *Condemns* all violations of the rights and safety of refugees and asylum-seekers and in particular military or armed attacks on refugee camps and settlements;

“2. *Strongly urges* States to abstain from these violations, which are against the principles of international law and, therefore, cannot be justified;

“3. *Calls upon* States and competent international organizations, in accordance with principles of international solidarity and in order to alleviate the burden of the country of refuge, to provide, according to their means, all necessary assistance to relieve the plight of the victims of such military and armed attacks on refugee camps and settlements if ever they occur;

“4. *Urges* States and other parties to be guided by the following considerations in promoting measures to enhance the protection of refugee camps or settlements;

“(a) Refugees in camps and settlements have, together with the basic rights they enjoy, duties deriving from the refuge and protection granted or afforded to them by the country of refuge. In particular, they have duties to conform to the laws and regulations of the States of refuge including lawful measures taken for the maintenance of public order and to abstain from any activity likely to detract from the exclusively civilian and humanitarian character of the camps and settlements;

“(b) It is essential that States of refuge do all within their capacity to ensure that the civilian and humanitarian character of such camps and settlements is maintained. All other States are called upon to assist them in this regard. To this end relevant organs of the United Nations, within their respective terms of reference, are also called upon to co-operate with all States in providing assistance whenever necessary;

“(c) UNHCR and other concerned organs of the United Nations should make every effort, within their respective terms of reference and in keeping with the principles of the United Nations Charter, to promote condi-

tions which ensure the safety of refugees in camps and settlements. For UNHCR this may include maintaining close contact with the Secretary-General of the United Nations and providing liaison, as appropriate, with all the parties concerned. It may also involve making appropriate arrangements with States of refuge on methods of protecting such refugee camps and settlements including, whenever possible, their location at a reasonable distance from the frontier of the country of origin;

“(d) States have a duty to co-operate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern.”

4. Conclusion No. 49 (XXXVIII) Travel Documents for Refugees

“*The Executive Committee,*

“*Reaffirming* the importance of the issue of travel documents to refugees for temporary travel outside their country of residence and for resettlement in other countries;

“*Recalling* its conclusion No. 13 (XXIX) on Travel Documents for Refugees;

“*Recalling* further Article 28 of the 1951 United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto;

“(a) *Welcomed* the Note of the High Commissioner on follow-up to the earlier Conclusion of the Executive Committee on Travel Documents for Refugees (EC/SCP/48);

“(b) *Expressed* satisfaction that the great majority of States parties to the 1951 United Nations Convention and/or the 1967 Protocol follow or sometimes exceed the above-mentioned provisions of the 1951 United Nations Convention and Conclusion No. 13 (XXIX) concerning the issue of travel documents to refugees;

“(c) *Noted,* however, that in some countries problems concerning Convention Travel Documents continue to exist as regards arrangements for their issue, their geographical and temporal validity, the return clause, their extension or renewal, the transfer of responsibility for their issue and the obtaining of visas;

“(d) *Urged* all States parties to the 1951 United Nations Convention and/or the 1967 Protocol which have not yet done so to take appropriate legislative or administrative measures to implement effectively the provisions of these instruments concerning the issue of Convention Travel Documents (Article 28, Schedule, Annex), including the giving of clear instructions to national authorities competent to issue, renew and extend travel documents and grant visas to holders of Convention Travel Documents;

“(e) Urged all States not parties to the 1951 United Nations Convention and/or the 1967 Protocol which have not yet done so to take appropriate legislative or administrative measures to ensure that refugees are issued with appropriate travel documents under conditions as similar as possible to those attaching to the Convention Travel Documents;

“(f) Expressed appreciation for the various types of assistance the High Commissioner provides Governments with in respect to the issue of travel documents for refugees and requested him to continue his efforts in this regard, in particular by examining the possibility of modernizing the format of Convention Travel Documents.”

United Nations Educational, Scientific and Cultural Organization (UNESCO)

1. Resolution 13.3 Human rights and cultural identity in existing international instruments of universal scope

“The General Conference,

“Referring to the Declaration of the Principles of International Cultural Co-operation (1966), Article I of which states that ‘each culture has a dignity and value which must be respected and preserved’ and that ‘every people has the right and the duty to develop its culture’,

“Recalling that, in accordance with resolution 41/187 in which the United Nations General Assembly proclaimed the World Decade for Cultural Development, one of the four main objectives of the Decade consists in ‘affirming and enriching cultural identities’,

“Taking into consideration the Declaration of the World Conference on Cultural Policies (MONDIACULT, Mexico City, 1982), which stated in paragraph 9 that ‘the equality and dignity of all cultures must be recognized, as must the right of each people and cultural community to affirm and preserve its cultural identity and have it respected by others’,

“Recalling the consensus arrived at during the twenty-third session of the General Conference on Major Programme XIII, and convinced of the need to preserve the spirit and the terms of this consensus,

“1. Invites the Director-General—within UNESCO’s contribution to reflection on human rights and to the elucidation and better understanding of the concept of right of people, and to clarifying the relationship between rights of peoples and human rights as they are defined in existing universal international instruments, as described in paragraph 13205 of the Draft Programme and Budget for 1988-1989 (24 C/5)—to prepare an analysis of the relevant provisions of such instruments relating to the preservation, safeguarding and development of cultures and cultural identities;

“2. *Further invites* the Director-General to give added weight to such provisions when implementing UNESCO’s programme relative to the World Decade for Cultural Development.

2. *Resolution 13.4 The full and comprehensive implementation of the 1974 recommendation and follow-up to the recommendations of the 1983 Intergovernmental Conference*

“*The General Conference,*

“*Recalling* the provisions of the Recommendations concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974) as well as the recommendations adopted by the Intergovernmental Conference on Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, with a View to Developing a Climate of Opinion Favourable to the Strengthening of Security and Disarmament (1983),

“*Recalling* 4 XC/Resolution 1/01 which ‘emphasizes the central place which has rightly been given, in the analysis of world problems, to the need to promote peace at a time when the arms race is still swallowing up immense resources and is threatening mankind with extremely serious dangers’,

“*Welcoming* the efforts of Member States aimed at seeking paths towards international understanding, co-operation, mutual respect, and a change in the whole climate of international relations,

“*Emphasizing* the specific mission of UNESCO to develop the intellectual climate of reason and co-operation by promoting international education and its integration into all educational fields and levels,

“*Considering* that, in the present situation, the role played by education in the solution of world problems, in particular the problems of peace and the strengthening of trust between peoples, is steadily growing in importance,

“*Recognizing* the importance of activities undertaken so far to give effect to the recommendations of the 1983 Intergovernmental Conference and described in document 24 C/92, notably the setting up of a permanent system of reporting on the steps taken by Member States to apply the 1974 Recommendation, and the implementation of the Plan for Development of Education for International Understanding, Co-operation and Peace,

“*Noting with satisfaction* the outcome and suggestions of the first session of the Consultative Committee on Steps to Promote the Full and Comprehensive Implementation of the 1974 Recommendation, as summarized in document 24 C/92,

“1. *Expressed* its satisfaction in connection with the efforts made by the Director-General, the competent bodies and institutions of Member States and non-governmental organizations, to ensure the full and comprehensive implementation of the 1974 Recommendation and to follow up the recommendations of the 1983 Intergovernmental Conference;

“2. *Calls upon* all Member States:

“(a) To work actively for the realization of the purposes and actions provided for under Programme XIII.3, in particular to answer the questionnaire on the application of the 1974 Recommendation, to participate as foreseen under the Plan for the Development of Education for International Understanding, Co-operation and Peace, and to bring them to life by appropriate measures;

“(b) To take the necessary measures to make more widely known, and to acquaint teachers and educators, parents, youth organizations and other social organizations, and representatives of the mass media more closely with, the 1974 Recommendation and also the documents and recommendations of the 1983 Intergovernmental Conference so as to ensure their fullest implementation;

“(c) To expand and intensify their activity concerning education for international understanding by strengthening the specific actions at all levels and in all forms of their systems of education; information and documentation, by broadening training opportunity for education personnel and also by exchanging experience and information at the international, interregional and national levels, as required by the ever-growing importance of such education in contributing to the preservation of peace and the security of peoples;

“3. *Invites* the Director-General:

“(a) To give priority to the full and comprehensive implementation of the 1974 Recommendation and to following up the recommendations of the 1983 Intergovernmental Conference, paying particular attention to the implementation of all projects provided for under Programme XIII.3;

“(b) To stimulate to a greater extent the active participation of Member States and international non-governmental organizations in these projects;

“(c) To take full account of the 1974 Recommendation and of the recommendations of the 1983 Intergovernmental Conference in drawing up the future programmes and budgets of the Organizations;

“(d) To draw up, in preparing the Organization's future programmes and budgets, the second phase of the Plan for the Development of Education for International Understanding, Co-operation and Peace (1990-1995) in view of the challenges and conditions of the twenty-first century, taking into

account the study on the merger of the two plans which is to be conducted in accordance with paragraph 2 c(iii) of 24 C/Resolution 13.1;

“(e) To use to a greater extent the competence of the Consultative Committee and its members for the implementation of international education, in particular for helping to prepare a synopsis of the reports of Member States on the application of the 1974 Recommendation, for the continuation of the Plan for the Development of Education for International Understanding, Co-operation and Peace, and for the preparation of the Organization’s future programmes and budgets as provided for by its Statutes and by 23 C/Resolution 13.3;

“(f) To examine the desirability of convening, ten years after the Intergovernmental Conference of 1983, another international meeting to assess the implementation of its recommendations and to update them in the light of the second session of the Consultative Committee on Steps to Promote the Full and Comprehensive Implementation of the 1974 Recommendation (paras. 13304, 1.1 and 13305, 2.1) should discuss, *inter alia*, the desirability, general arrangements for and possible content of such a meeting;

“(g) To submit to the General Conference, at its twenty-fifth session, a report to be prepared, in accordance with paragraph 13305, 2.5, for the 132nd session of the Executive Board, on progress in implementing the first phase of the Plan for the Development of Education for International Understanding, Co-operation and Peace, and also taking into account the provisions of this resolution.”

3. *Resolution 13.5 Follow-up to the recommendations of the International Congress on Human Rights Teaching, Information and Documentation (1987)*

“*The General Conference,*

“*Recalling* 23 C/Resolutions 13.1, 13.3 and 13.4,

“*Recalling* further the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, adopted by it at its eighteenth session, and Fundamental Freedoms, adopted by the 1983 Intergovernmental Conference on Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, with a View to Developing a Climate of Opinion Favourable to the Strengthening of Security and Disarmament,

“*Taking note* of the recommendation of the Executive Board Concerning the Draft Programme and Budget for 1988-1989, contained in document 24 C/6, in particular paragraphs 146-149, as well as that part of document 24 C/11 concerning Major Programme XIII, and in particular paragraphs 18-32,

“*Stressing* the importance of human rights teaching and education and the need for UNESCO to pursue and intensify its activities in this field,

“*Considering* that the activities of UNESCO for human rights teaching and education should include the development and co-ordination of information and documentation systems and networks,

“*Recognizing* the progress achieved in the field of human rights teaching and education during the past decade, in particular since the International Congress on the Teaching of Human Rights, held in Vienna from 12 to 16 September 1978,

“1. *Congratulates* the Director-General on the holding of the International Congress on Human Rights Teaching, Information and Documentation, in Malta, from 31 August to 5 September 1987;

“2. *Takes note* of the recommendations adopted by the Malta Congress;

“3. *Decides* to refer the Malta recommendations to the Executive Board for further study at its 129th session;

“4. *Invites* the Executive Board to consider the Malta recommendations and the Final Report on the Malta Congress, as well as the preparatory documents submitted by the Director-General to the Executive Board, with a view to giving guidelines to the Director-General on follow-up action on the Malta Congress, so as to integrate the relevant recommendations on human rights teaching, information and documentation in Programme XIII.3 (Education for peace and respect for human rights and the rights of peoples), taking into account 24 C/Resolution 13.1;

“5. *Invites* the Director-General to seek the advice of the Consultative Committee on Steps to promote the Full and Comprehensive Implementation of the 1974 Recommendation when preparing follow-up action on the results of the Malta Congress in relation to human rights teaching;

“6. *Further invites* the Director-General to report to it at its twenty-fifth session on the implementation of the present resolution.”

World Food Council

1. BEIJING DECLARATION OF THE WORLD FOOD COUNCIL

At its thirteenth session, the Ministers of the World Food Council once again proclaimed that access to food constitutes a human right which must be defended by governments, peoples and the international community. In this context, they adopted in June 1987 the Beijing Declaration, in which the Ministers:

Drew the attention of all peoples to the growing number of human lives lost to hunger and malnutrition, one of the worst scourges in the world.

Thirteen years after the World Food Conference, although total food production has increased, the number of undernourished men, women and children in the world has risen.

This untenable situation has deep historical root causes and complex social and economic factors.

In the face of this disorder, which is affecting innocent human beings, the Ministers:

Once again proclaimed that access to food constitutes a human right which must be defended by governments, peoples and the international community,

Affirmed in the light of the experience of a number of developing countries, that humanity can feed itself if it adopts the proper means,

Proclaimed that these means depend on the political will of governments and the international community to win the common battle against hunger,

Acknowledged that the development of agricultural production requires a favourable international climate, and is contingent upon the convergence of financial, economic and social policies implemented by each country within the framework of the concept of national food strategies put forward by the international community.

Moreover, they were convinced that agriculture represents a vital sector for establishing a social, economic and financial equilibrium in the developing countries. Indeed, the debts incurred by many developing countries, especially the least developed countries, must not result in increased poverty for rural populations. Therefore, the Ministers:

Called upon those responsible for national economic adjustment programmes to give priority to the requirements of integrated rural development as they affect the living conditions of both rural and urban populations,

Urged the developed countries and major financing bodies to take into consideration the great difficulties of developing countries to repay their debts and to set up the necessary financial instruments for national economic recovery,

Urged those responsible for trade negotiations to re-establish a healthy and equitable exchange of agricultural products and to allow the fair participation of developing countries,

Believed that governments and the international organizations must further encourage regional and South-South co-operation, particularly in sup-

port of food production, agro-industries, trade and management and institution-building,

Affirmed that the support of the countries of the North for the peoples of the developing South remains essential,

Recognized that peace and stability are essential for the development of agricultural production, and

Proclaimed their intention to join together and, in their united strength and interest, eliminate the scourge of hunger forever.

2. CONCLUSIONS AND RECOMMENDATIONS

The Ministers and Plenipotentiaries of the World Food Council, met in Beijing for the thirteenth session, from 8 to 11 June 1987. At the point midway between the 1974 World Food Conference and the turn of the century, they reviewed the global state of hunger and malnutrition and the impact of reduced economic activity, external debt and domestic adjustment programmes on food and hunger problems. They assessed the food-security and development implications of the international agricultural-trade situation and related domestic policies, discussed the strengthening of regional and South-South co-operation and examined selected activities of multilateral assistance agencies. Against this background they reviewed the challenges that lie ahead, before the turn of the century, in addressing the increasingly complex problems of hunger and poverty and their implications for the Council's future work.

I. The global state of hunger and malnutrition and the impact of economic adjustment on food and hunger problems

The world is now feeding over one billion people more than at the time of the World Food Conference, and current global food supplies could adequately feed all the world's people—and many more. However, hunger and malnutrition persist throughout the world and the growth in the number of hungry people has accelerated in the 1980s. Growing hunger is in many cases not caused by the scarcity of food, but rather by lack of access to food.

Poverty, which is at the core of the hunger problem, has become both more widespread and more severe, as many countries struggle with growing economic difficulties and undertake economic stabilization and adjustment programmes. The combined effects of reduced economic activity, falling national incomes, net capital outflows, and stabilization and adjustment programmes have led in many countries to significant reductions in purchasing power, growing unemployment and rising food prices, sometimes aggravating inequality in income distribution. Large cuts in Government spending on food subsidies, primary health care and other developmentally important so-

cial programmes have caused further hardship for the poor. Already close to the absolute subsistence level as they are, many of the poorest households simply cannot survive a deterioration in their food and nutritional levels.

Some of the forces generating hunger are growing rapidly and will demand difficult policy choices. The parameters of population growth, potential entrance to the labour force, and rapid urbanization are set for the next two decades. Urban population growth particularly will pose challenges for employment generation. Moreover, rapid ecological deterioration threatens the very livelihood base of future generations.

The conclusion emerging from our review is clear. The world is moving away from the World Food Conference's central objective: the elimination of hunger and malnutrition. Only with fundamental policy change can hunger and poverty be eradicated. As the most fundamental change of all, the improvement of the human condition must be placed front and centre of economic development. Hunger is basically an economic problem and also has social aspects. Therefore, comprehensive economic and social measures are required for its eradication.

They urged all Governments and international assistance to make the well-being of all people the central objective of development and to focus all development policies to pursue this end. They recommended that Governments redouble their food-strategy efforts, and requested that the World Food Council secretariat intensify its efforts to facilitate North-South and South-South co-operation in support of national and regional food strategies. They also resolved to sharpen the focus on hunger-related poverty reduction in their future work.

They noted with interest the recommendations of the 11-12 May 1987 Consultation on The Impact of Economic Adjustment on People's Food Security and Nutritional Levels in Developing Countries, organized by the World Food Council secretariat in collaboration with UNICEF and ILO. These recommendations include some practical steps towards improved multilateral agency co-operation in poverty-focused economic adjustment and call for a closer integration of food-security, nutrition and poverty objectives into the work of the World Bank Consultative Groups and UNDP Round-tables. They also noted the Consultation's discussions on a major programme, additional to current international assistance, to protect the food and nutritional levels of the poorest households during economic crisis and adjustment, making use of existing food surpluses.

II. The impact of international agricultural trade and related national policies on food and development

In a broader context of interdependent economic growth and development, they reviewed the food-security aspects of international agricultural

trade and related national policies. In doing so, they responded to the invitation to the World Food Council, made by the United Nations General Assembly at its 41st session, to assess, within its mandate, "the impact of the present agricultural trade situation in all its aspects and to maintain an active interest in the progress and outcome of multilateral negotiations on agricultural trade issues" (resolution 41/191).

Growing protectionism, the decline in commodity prices, the deterioration in terms of trade, and limited access to markets have had a negative impact on the situation of international agricultural trade, and impede the efforts of developing countries to overcome hunger and malnutrition.

An improved international environment facilitating economic growth and development is critically important to meeting the developing countries' food-security and poverty-reduction objectives. They welcomed the recognition by the OECD Council of Ministers, meeting in Paris on 12 and 13 May 1987, that "developed countries must strive to ensure a better environment for developing countries' growth and exports" and that "the first and foremost contribution that the OECD countries can make to world prosperity is to foster vigorous economies in an open multilateral trading system". They noted with satisfaction the OECD Ministers' statement on the need for responsive development, trade, debt and finance measures in their co-operation with developing countries, including improved market access, increased and more effective development assistance and reductions in the debt-servicing burden of the poorest countries. They also noted with satisfaction that the EEC is reviewing its Common Agricultural Policy along these lines.

In the context of efforts to improve the international environment, they reiterated that the strengthening of peace and international security and the achievement of practical results in the field of disarmament are important factors in solving global socio-economic problems, including food problems. It was pointed out that food should not be used as a means of political or economic pressure. In this context, the relationship between the solution of world food problems, and the establishment of a New International Economic Order and the development of equally and mutually beneficial international co-operation was noted.

They emphasized that there is a serious and deteriorating situation in world agricultural trade. Food and agricultural production and stocks have grown to record levels, although not in the countries which need them most. International demand has been dampened, partly because of increased production in importing countries and partly because of growing protectionism and economic difficulties in many countries. The income losses resulting from low food and agricultural prices, in some cases the lowest in 50 years, have been hard on exporters, particularly on developing countries dependent on export income from food and agricultural commodities.

Some importing countries have benefited from low world market prices in the short run, although in the current economic and financial circumstances of many developing countries, they have had to restrain food imports despite low prices. At the same time, the current world market situation has not encouraged domestic food-sector development in many developing countries whose economies depend on agriculture as the engine for economic growth.

From their point of view, the serious imbalances in world agricultural trade must be urgently addressed. Agricultural trade that is more predictable, balanced and stable can contribute to enhanced food security and economic development.

They were encouraged by the OECD Ministers' acknowledgement of the need for progressive and concerted agricultural policy change in developed countries and by their adoption of a set of broad principles to guide such policy reforms. They also welcomed the OECD's recognition that excessive support policies entail an increasing world market distortion and severely damage the situation of many developing countries. In order to enhance prospects for the earliest possible progress in the GATT Uruguay Round as a whole, they strongly urged OECD countries to translate the political will demonstrated at the Paris meeting into action.

There have been some indications of change in policy in developed countries, in accordance with the principles of the Declaration of Punta del Este and the OECD Communiqué. These are to be welcomed, but much more needs to be done, adapted to the circumstances of individual countries. It is most important to reinforce this change in a concerted, balanced and progressive manner.

There has been encouraging progress with domestic policy reform in support of the food and agricultural sector in many developing countries. Many countries in Asia have a long-standing record of effective policies and programmes supportive of the food sector. Many Latin American countries, despite the set-backs in the 1980s in the context of growing economic and financial difficulties, have tried to introduce readjustments in the agricultural sector. In more recent years, many African countries have intensified efforts to re-structure their agricultural economies. To sustain these efforts, the African countries need stepped-up external assistance; the Thirteenth Special Session of the United Nations General Assembly in May 1986 recognized this need by adopting the United Nations Programme of Action for African Economic Recovery and Development 1986-1990. They recognized that other developing countries also require stepped-up assistance to complement their self-help efforts.

It was considered that ways could be sought for the present large surpluses to be used as technical and financial assistance to accelerate the economic development of developing countries. The President and Executive

Director of the World Food Council were invited to consider the possibility of promoting initiatives in this regard.

In order to solve the problems of world agricultural trade and to be effective, national policy reforms should go hand-in-hand with efforts to improve the international trade and economic environment. The Uruguay Round is an important opportunity to move towards the solution of agricultural trade problems within the multilateral framework of GATT. They saw it as imperative that the Uruguay Round give special and differential treatment in agricultural trade to developing countries, particularly the Least Developed Countries.

III. Regional co-operation and South-South co-operation in food and agriculture

Regional and South-South co-operation has been ongoing for some time and has yielded positive results, which must be amplified and generalized. We applaud the South-South co-operation efforts of the People's Republic of China, which is among the pioneering countries in this field. We welcome ongoing efforts in other countries to strengthen intra-regional and interregional co-operation. The Interregional Meeting on Regional Co-operation and South-South Co-operation in Food and Agriculture, held in Lomé, Togo, in May 1987, and the earlier Sub-Regional Meetings held simultaneously in Yaoundé, Dakar and Lusaka, jointly organized by the United Nations Development Programme (UNDP) and the World Food Council (WFC) clearly indicate the will of developing countries to work more closely together. Co-operation in food and agriculture is a particularly promising entry point, because the economies of most low-income countries depend on agriculture as the engine for economic development.

Technical co-operation offers significant potential for more rapid and rational economic progress. As suggested at the Lomé meeting, food production, institution-building, training and the enhancement of management capability, the development of agro-industries and trade should be given priority attention. Advancement in these areas might best be achieved through a regional or sub-regional focus. There is a key role for national, sub-regional and regional institutions in the development of co-operation between African countries and with countries of other regions. At the same time, United Nations bodies and other international organizations with important experience in this field should step up support to both intra-regional and South-South initiatives, as suggested in the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, adopted by the Thirteenth Special Session of the United Nations General Assembly in May 1986.

Sustained production increases at the national and regional levels will require strengthened scientific and technological capacity. Agricultural re-

search for technology improvement, crop and livestock protection and the prevention of post-harvest losses, anti-desertification and soil and water conservation measures, and the building and sharing of agricultural production information are areas which should be given priority attention and where early and visible returns are likely.

There is an urgent need to promote improvement of scientific and technical institutions in many developing countries. Governments should endeavour to strengthen institutional mechanisms, in particular the national focal points dealing with technical and other collaborative activities.

The lack and inadequacy of trained manpower is a serious obstacle to management in almost all sectors of the economy in a great number of developing countries. National efforts to upgrade capability in the formulation and analysis of food policy and in the design, implementation and evaluation of agricultural programmes and projects would be considerably reinforced by the intra-regional and interregional exchange of knowledge.

Agro-industries represent an important area where both the public and private sector can play a decisive role in promoting manufacturing and production—machinery and tools and agricultural inputs, for example—and in the development of food processing.

The many common problems faced by most developing countries as a result of their deteriorating economic and trade situation, the burden of their debt, and the aid situation, and the effects of these on their developing efforts make a strong case for co-operative efforts to improve their trade environment and increase their trade, particularly in food and agricultural products. The advancement of trade co-operation will require in some cases more adequate, and generally more compatible, infrastructure and legal, administrative and fiscal mechanisms. They re-emphasize that an important entry point in this regard could be the harmonization of national food policies, especially price and marketing policies. Mechanisms to encourage increased trade in agricultural products and inputs between developing countries should be broadened, to complement existing regional and co-operative arrangements.

In endorsing the recommendations from the Interregional Meeting in Lomé, they emphasize that South-South co-operation should be further developed in such a way as to complement co-operative action with other countries and with international organizations.

They urged the Regional Development Banks, the Regional Economic Commissions and donor countries, in liaison with the World Food Council, to facilitate the practical arrangements to step up the financing of technical and economic co-operation between developing countries. They recommended in particular that greater attention be given to the expansion of tri-

partite arrangements through which developed countries help finance South-South co-operative action.

IV. Selected activities of multilateral assistance agencies in relation to hunger reduction

They heard reports from FAO, WFP, IFAD and UNDP on the work that they were doing to help developing countries provide adequate levels of food security for their people. There were several calls for the fulfilment of commitments made and for additional resources, to permit the agencies to fulfil more adequately their mandates. They favoured more improved co-operation and coordination among international and regional agencies and were generally encouraged by the examples provided by them.

They expressed general appreciation and encouragement for the work being undertaken by the agencies, and highlighted in particular:

(a) The continuing development of the Global Information and Early Warning System of the Food and Agriculture Organization of the United Nations; and its feasibility study to assess the net benefits of increased aid-in-kind of farm inputs;

(b) The International Fund for Agricultural Developments's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification;

(c) The effective logistical and material support of the World Food Programme to improve food aid delivery in the African food emergency, together with its complementary information system that permits improved co-ordination and avoids waste.

The hope was expressed that the FAO study on aid-in-kind would seek to establish whether such aid would be truly additional and not another form of tied aid.

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