

YEARBOOK
ON
HUMAN RIGHTS
FOR 1986

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CONTENTS

INTRODUCTION	Page xv
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PART I NATIONAL DEVELOPMENTS

Section A. States

AUSTRALIA

Introduction	3
A. Right of appeal	3
B. Elimination of racial discrimination	4
C. Prohibition of torture or cruel, inhuman or degrading treatment or punishment	4
D. Treatment of offenders	5
E. Right not to be subjected to arbitrary trial or detention; right to a prompt and fair hearing; right of everyone charged with a penal offence to all the guarantees necessary for his defence	5

BRAZIL

Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them	6
--	---

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Introduction	7
A. Protection of the family, motherhood and childhood	7
B. Right to work, to just and favourable remuneration and to an adequate standard of living	7
C. Elimination of racial discrimination	8
D. Condemnation of racial segregation and <i>apartheid</i>	8

CENTRAL AFRICAN REPUBLIC

A. Right to self-determination	10
B. Non-discrimination	10
C. Non-discrimination; equal rights for men and women	11

	<i>Page</i>
D. Equality before the law; right to a prompt and fair hearing; right of everyone charged with penal offence to all the guarantees necessary for his defence	11
E. Right to life	12
F. Prohibition of slavery and forced labour	13
G. Treatment of detainees	13
H. Liberty of movement	14
I. Freedom of thought, conscience and religion	17
J. Freedom of expression	17
K. Freedom of assembly and association	18
L. Political rights	19
M. Liberty and security of person	19
CHINA	
A. Condemnation of racial segregation and <i>apartheid</i>	22
B. Protection of human rights and freedoms	23
C. Right to an effective remedy	24
CUBA	
A. Freedom of assembly and association	25
B. Condemnation of racial segregation and <i>apartheid</i>	25
CZECHOSLOVAKIA	
A. Condemnation of racial segregation and <i>apartheid</i>	27
B. Equal protection of the law for nationals and aliens	27
C. Right to health	28
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	
A. Protection of motherhood	29
B. Right to health	29
DENMARK	
A. Right to self-determination	30
B. Condemnation of racial segregation and <i>apartheid</i>	30
C. Protection of children	31
EGYPT	
A. Elimination of racial discrimination	32
B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them	32
C. Condemnation of racial segregation and <i>apartheid</i>	33
D. Political rights	34
EL SALVADOR	
Limitation on rights: emergency situations	35

	Page
FINLAND	
A. Non-discrimination: equal rights for men and women	36
B. Right to liberty and security of person	36
C. Right to education	37
D. Elimination of racial discrimination	38
GERMAN DEMOCRATIC REPUBLIC	
A. Protection of the family, motherhood and childhood	39
B. Condemnation of racial segregation and <i>apartheid</i>	40
GERMANY, FEDERAL REPUBLIC OF	
A. Protection of the family, mothers and children	41
B. Right to health	41
GHANA	
Elimination of racial discrimination	43
HAITI	
A. Elimination of racial discrimination	44
B. Trade union rights	44
C. Political rights	45
HOLY SEE	
Condemnation of racial segregation and <i>apartheid</i>	46
HUNGARY	
A. Condemnation of racial segregation and <i>apartheid</i>	47
B. Protection against racial discrimination; prohibition of organizations promoting racial discrimination	47
C. Equal protection of the law	48
D. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups	48
INDIA	
A. Condemnation of racial segregation and <i>apartheid</i>	49
B. Equal protection of the law	51
C. Political rights	51
D. Right to health	52
IRAN (ISLAMIC REPUBLIC OF)	
Right to education	53

ITALY	
A. Freedom of conscience and religion	54
B. Prohibition of incitement to racial discrimination	54
JORDAN	
Right to work	56
KUWAIT	
A. Elimination of racial discrimination	57
B. Right to form trade unions	58
LIBYAN ARAB JAMAHIRIYA	
Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them	60
LUXEMBOURG	
A. Equality before the law	61
B. Right to a nationality	61
C. Condemnation of racial segregation and <i>apartheid</i>	62
D. Right of aliens to vote	63
MEXICO	
A. Condemnation of racial segregation and <i>apartheid</i>	64
B. Prohibition of torture or cruel, inhuman or degrading treat- ment or punishment	64
C. Administration of justice	65
D. Political rights	65
MONGOLIA	
A. Protection of the family, mothers and children	66
B. Right to an adequate standard of living	67
C. Right to health	69
D. Condemnation of racial segregation and <i>apartheid</i>	71
MOROCCO	
A. Elimination of racial discrimination; development and protec- tion of certain racial groups or individuals belonging to them	72
B. Condemnation of racial segregation and <i>apartheid</i>	73
NAMIBIA	
Condemnation of racial segregation and <i>apartheid</i>	75

	<i>Page</i>
NETHERLANDS	
A. Political rights	77
B. Rights to liberty and security of person	78
C. Prisoners' rights	78
D. Freedom of religion	78
E. Right to self-determination	79
NEW ZEALAND	
Prohibition of inhuman or degrading treatment or punishment .	80
NIGER	
A. Condemnation of racial segregation and <i>apartheid</i>	81
B. Political rights	81
C. Freedom of opinion and expression	82
NIGERIA	
Condemnation of racial segregation and <i>apartheid</i>	83
NORWAY	
A. Condemnation of racial segregation and <i>apartheid</i>	84
B. Right to education	85
C. Right to take part in cultural life	85
D. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them	86
E. Protection of the family, mothers and children	86
PAKISTAN	
A. Equality before the law	89
B. Condemnation of racial segregation and <i>apartheid</i>	90
POLAND	
A. Protection of the family, mothers and children	91
B. Right to life	91
C. Right not to be subjected to arbitrary arrest or detention ..	92
PORTUGAL	
Economic, social and cultural rights	93
REPUBLIC OF KOREA	
Condemnation of racial segregation and <i>apartheid</i>	94
SPAIN	
A. Right of aliens faced with possible expulsion from a State .	95
B. Condemnation of racial segregation and <i>apartheid</i>	95

	<i>Page</i>
SUDAN	
Political rights	97
SWEDEN	
A. Elimination of racial discrimination	98
B. Freedom of movement, right of asylum	99
C. Right to social security	100
D. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups	100
TUNISIA	
Right to an adequate standard of living	101
UNION OF SOVIET SOCIALIST REPUBLICS	
A. Right to just and favourable conditions of work	102
B. Right to health	102
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
A. Protection of the family	103
B. Right to self-determination	103
YUGOSLAVIA	
A. Right to education	104
B. Right to take part in cultural life	106
ZAIRE	
A. Protection of the family, motherhood and childhood	107
B. Right to health	107
C. Right to work	108
D. Right to a just and favourable remuneration	108
E. Trade union rights	109

Section B. Trust and Non-Self-Governing Territories

A. Trust Territories	110
Trust Territory of the Pacific Islands	110
B. Non-Self-Governing Territories	111
1. American Samoa	111
2. Anguilla	112
3. Bermuda	112
4. British Virgin Islands	113
5. Cayman Islands	113
6. East Timor	114
7. Falkland Islands (Malvinas)	114

	<i>Page</i>
8. Gibraltar	114
9. Guam	115
10. Montserrat	115
11. Namibia	116
12. Pitcairn	117
13. St. Helena	117
14. Tokelau	118
15. Turks and Caicos Islands	118
16. United States Virgin Islands	118
17. Western Sahara	119

PART II

ACTIVITIES OF THE SUPERVISORY BODIES

Section A. Practice of the supervisory bodies

A. Committee on the Elimination of Racial Discrimination	123
Introduction	123
1. Action by the General Assembly at its fortieth session	123
(a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention	123
(b) Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolution 40/116)	124
2. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention	124
3. Consideration of communications under article 14 of the Convention	125
4. Consideration of copies of petitions, copies of 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	126
5. Decade for Action to Combat Racism and Racial Discrimination	127
B. Human Rights Committee	127
Introduction	127
1. Organizational and other matters	128
(a) Working groups	128
(b) Action by the General Assembly on the annual report	128

	<i>Page</i>
submitted by the Committee under article 45 of the Covenant	128
2. Consideration of reports submitted by States parties under article 40 of the Covenant	129
(a) Consideration of reports	129
(i) Approach and procedure for consideration of second periodic reports	129
(ii) Additional information	129
(iii) States parties	130
(b) General comments of the Committee	130
(i) Choice of subjects	130
(ii) Work on general comments	130
3. Consideration of communications under the Optional Protocol	131
Introduction	131
(a) Progress of work	131
(b) Issues considered by the Committee	132
C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights	132
1. Organizational matters	132
2. Consideration of reports submitted in accordance with Economic and Social Council resolution 1988 (LX) by States parties concerning the implementation of rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant	133
3. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant	133
4. Question of the reporting obligations of the States parties to the International Covenant on Economic, Social and Cultural Rights	134
D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i>	134
1. Organization of the session	134
2. Consideration of reports submitted by States parties under article VII of the Convention	134
3. Consideration of the action of transnational corporations which operate in South Africa	135
 Section B. Relevant decisions, general recommendations, comments and observations of the supervisory bodies	
A. Committee on the Elimination of Racial Discrimination	137
1. Consideration of petitions, reports and other information relating to Trust and Non-Self-Governing Territories and to all	

	<i>Page</i>
other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention	137
2. Decisions adopted by the Committee at its thirty-fourth and thirty-fifth sessions	137
B. Human Rights Committee	141
1. General comments under articles 40, paragraph 4, of the Covenant	141
2. Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights	142
C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights ...	143
Recommendations of the Sessional Working Group	143
D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> .	146
E. Relevant resolutions and decisions of parent bodies	149
1. Commission on Human Rights	149
(a) Resolution 1986/7 of 28 February 1986 entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> "	149
(b) Resolution 1986/17 of 1 March 1986 entitled "Status of the International Covenants on Human Rights"	152
(c) Decision 1986/104 of 12 March 1986 on the administration of justice and the human rights of detainees	155
2. Economic and Social Council	155
(a) Resolution 1986/3 of 21 May 1986 entitled "Implementation of International Covenant on Economic, Social and Cultural Rights"	155
(b) Decision 1986/124 of 21 May 1986 entitled "International Covenant on Civil and Political Rights"	157
3. General Assembly	157
(a) Resolution 41/103 of 4 December 1986 entitled "Status of the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> "	157
(b) Resolution 41/104 of 4 December 1986 entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination"	159
(c) Resolution 41/105 of 4 December 1986 entitled "Committee on the Elimination of All Forms of Racial Discrimination"	160
(d) Resolution 41/119 of 4 December 1986 entitled "International Covenants on Human Rights"	162

	<i>Page</i>
(e) Resolution 41/121 of 4 December 1986 entitled "Reporting obligations under United Nations instruments on human rights"	165
(f) Resolution 41/147 of 4 December 1986 entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide"	167

PART III
INTERNATIONAL DEVELOPMENTS

Section A. United Nations organs

Introduction	171
A. Elimination of racial discrimination — Second Decade for Action to Combat Racism and Racial Discrimination	171
B. Measures against ideologies and practices based on racial intolerance, hatred and terror	172
C. Elimination of all forms of religious intolerance	173
D. Human rights of national, ethnic, religious and linguistic minorities	174
E. Question of the violation of human rights	174
1. Violations of human rights in southern Africa. <i>Ad Hoc</i> Working Group of Experts of the Commission on Human Rights with respect to southern Africa	174
2. Question of the violation of human rights in the occupied Arab territories, including Palestine	175
3. Question of human rights in Chile	176
4. Other matters relating to violation of human rights	177
Cyprus	177
El Salvador	178
Guatemala	178
Islamic Republic of Iran	179
Mass exoduses	181
Summary executions	181
F. Adverse consequences for enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa	182

	<i>Page</i>
G. The right of peoples to self-determination	182
Afghanistan	183
Democratic Kampuchea	184
Palestine	184
Western Sahara	185
H. Question of the human rights of persons subjected to any form of detention or imprisonment	186
I. Question of enforced or involuntary disappearances of persons .	186
J. Torture and other cruel, inhuman or degrading treatment or punishment	187
K. Slavery and the slave-trade	188
L. Rights of the child. Question of a convention on the rights of the child	188
M. Human rights of disabled persons	189
N. Indigenous populations	189
O. Human rights of migrant workers	190
P. Human rights and scientific and technological developments ...	190
Q. The right to development	191
R. Further promotion and encouragement of human rights and fundamental freedoms	192
1. Programme and methods of work of the Commission and its Sub-Commission	192
2. Public information activities in the field of human rights ...	192
S. Advisory services in the field of human rights	193

Section B. Specialized agencies

Office of the United Nations High Commissioner for Refugees (UNHCR)	194
1. Cartagena Declaration on Refugees	194
2. Conclusions adopted by the Executive Committee on the International Protection of Refugees	200
(a) General	200
(b) Accession to international instruments and their implementation	202
(c) Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol relating to the status of refugees	203
(d) Detention of refugees and asylum-seekers	204
(e) Military and armed attacks on refugee camps and settlements	205

Introduction

The *Yearbook on Human Rights* for 1986 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 "Guidelines for the contents and format of the *Yearbook on Human Rights*" and 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 consists of two sections:

Section A contains 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 1986.

Extracts from reports made by the following States under relevant international instruments in the field of human rights are reflected in the present *Yearbook*: Australia, Brazil, Byelorussian Soviet Socialist Republic, China, Central African Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Federal Republic of Germany, Finland, German Democratic Republic, Ghana, Haiti, Holy See, Hungary, India, Islamic Republic of Iran, Italy, Jordan, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Mexico, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Poland, Portugal, Republic of Korea, Spain, Sudan, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics, Yugoslavia and Zaire.

The material has been arranged under country headings with sub-headings related to the pertinent articles of the Universal Declaration of Human Rights as well as to relevant articles of 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.

PART II consists of two sections:

Section A reflects the practice of 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-first Session, Supplement No. 18 (A/41/18)*;

Report of the Human Rights Committee: *Official Records of the General Assembly, Forty-first Session, Supplement No. 40 (A/41/40)*;

Report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1986/49);

Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1986/30).

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.

* *Official Records of the General Assembly, Forty-first Session, Supplement No. 23 (A/41/23)*.

PART I

NATIONAL DEVELOPMENTS

Section A. States

AUSTRALIA

Introduction¹

This report to the Human Rights Committee established under the International Covenant on Civil and Political Rights is submitted by Australia in accordance with the requirements of article 40 of the Covenant. It is a product of a co-operative effort by the federal Government and the six constituent Australian States and the Northern Territory.

Australia has received and considered the guidelines adopted by the Human Rights Committee at its 44th meeting and has prepared its report in accordance with those guidelines. It looks forward to the opportunity to discuss the report and the issues associated with it with the Human Rights Committee.

As the Committee has determined that reports are to be presented every five years, the Australian Government has chosen to present this report as a self-contained document than merely to update material provided in its first report.

A. Right of appeal

(articles 8 and 10 of the Universal Declaration)

A general right of appeal by leave was limited in 1968 to matters of State jurisdiction. In 1975 that right was further limited by the abolition of appeals from the High Court so that, in matters of State jurisdiction, an unsuccessful party before a State Supreme Court had to choose between the High Court and the Privy Council in exercising his or her appeal rights. It was generally recognized that that position was unsatisfactory and federal/State discussions were commenced to resolve the constitutional difficulties which stood in the way of a complete abolition of Privy Council appeals. Those discussions led to the passage of the Australia Act 1986 (following the passage of requesting legislation in each State) and to

¹ Report submitted by State (CCPR/42/Add.2).

complementary legislation of the United Kingdom parliament. All residual constitutional links between Australia and the United Kingdom of Great Britain and Northern Ireland, including the avenue of appeal from State courts exercising State jurisdiction to the Privy Council, were abolished by the Australia Act 1986. However, the Act does not affect the role of the Queen in her capacity as Queen of Australia.

B. Elimination of racial discrimination

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

The role of the Human Rights Commission in monitoring the observance by the Commonwealth and its agencies of the provisions of the Covenant has already been mentioned. Since the passage of the Human Rights Commission Act 1981 and the Human Rights and Equal Opportunity Commission Act 1986, persons who consider that their rights under the Covenant have been infringed by acts or practices under Commonwealth law or acts or practices of the Commonwealth Government or its various statutory agencies or in a Territory have been able to complain about the matter to the Human Rights Commission and, since December 1986, to the Human Rights and Equal Opportunity Commission. Like the former Commission, the new Commission has the power to inquire into the complaint, to attempt to settle it by conciliation and, if conciliation is unsuccessful, to report the matter to the Commonwealth Attorney-General, who is required to table such reports in the Commonwealth parliament.

C. Prohibition of torture or cruel, inhuman or degrading treatment or punishment

*(article 5 of the Universal Declaration;
article 7 of the International Covenant on Civil and Political Rights)*¹

The Australian Law Reform Commission's report on the *Recognition of Aboriginal Customary Laws* (report No. 31), presented in 1986, examined the question of recognition of Aboriginal customary laws. Some of the traditional laws enforced by Aboriginal communities may involve punishments which are generally regarded as unacceptable and cruel. The Commission's report was prepared under a term of reference to ensure basic human rights to all Australians. The Commission noted that some of the more rigorous and severe punishments previously practised by Aboriginal communities had disappeared. However, current punishments enforced by communities do include thigh spearing, forms of corporal punishment, initiation or putting young offenders "through the law", exile to an outstation or another community and public "shaming" or "growling".

D. Treatment of offenders

*(article 5 of the Universal Declaration;
articles 10 and 14 (4) of the International Covenant on
Civil and Political Rights)¹*

Commitment to a penal institution can only be made pursuant to a court order. Federal and State Ministers are familiar with the requirements of the Standard Minimum Rules for the Treatment of Prisoners. However, it is noted that these Rules do not recognize a number of modern developments in sentencing and treatment of offenders. With these limitations in mind, the Australian Institute of Criminology has developed a set of guidelines to supplement the Standard Minimum Rules in their application to Australian prisons. At the May 1986 meeting of Correctional Ministers it was resolved to update the guidelines and a special meeting of administrators was held in November 1986 for that purpose. It is expected that a comprehensive document of Australian practice will emanate from that meeting. Ministers have also been examining the draft body of principles for the protection of all persons under any form of detention or imprisonment, which is being developed in the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. This is being done with the object of implementing the principles in Australia, where they are not already in operation as a matter of practice.

E. Right not to be subjected to arbitrary trial or detention; right to a prompt and fair hearing; right of everyone charged with a penal offence to all the guarantees necessary for his defence

*(articles 9, 10 and 11 of the Universal Declaration;
articles 7, 9 and 14 of the International Covenant on
Civil and Political Rights)¹*

The topic of child welfare generally, and child offenders in particular, has been the subject of considerable discussion in Australia over the last few years. An initiative recently adopted by South Australia was the establishment of Children's Screening Panels. These panels consider matters involving breaches of law by children and determine whether or not a child offender should be brought to court. In the Australian Capital Territory, the Children's Service Ordinance 1986 will comprehensively reform the law relating to child offenders, establishing an Office of Youth Advocate to monitor cases, and adopting a policy of pre-trial diversion from formal procedures whenever this is consistent with protection of children's legal rights.

BRAZIL

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

On 22 January 1986, the Minister of Justice handed to President Sarney the draft of an Act constituting a step forward in the promotion and protection of human rights, for it broadens the very concept of national security to encompass not only the defence of territorial integrity and national sovereignty but also a host of civil and political rights. Named "Act for the Defence of the Democratic State", this legal text, which will be submitted to Congress in due course, defines (art. 19) as a "crime against the nation and humanity" genocide and genocide-like practices, and provides for penalties ranging from 12 to 30 years in prison. Association of two or more people for the purpose of perpetrating genocide and genocide-like practices is punishable by two to six years' imprisonment. Incitement to these crimes is subject to 6 months' to 3 years' imprisonment. Article 39 of this Act provides that attacks against groups and persecution of ethnic, racial and religious minorities shall constitute a "crime against the exercise of citizenship"; penalties of two to four years' imprisonment apply, increased to five to 12 years if the crime results in death and to three to six years if serious bodily injury occurs.

¹ Report submitted by State (CERD/C/149/Add.3).

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Introduction¹

The Twenty-seventh Congress of the Communist Party of the Soviet Union set out a most extensive programme for the steady improvement of the people's well-being and the consistent consolidation of social justice. This programme is to be implemented during the twelfth five-year plan (1986-1990) on the basis of more rapid technological progress, the re-equipment and modernization of production and the intensive use of existing industrial potential.

The measures now being carried out in the Republic to implement the objectives and decisions of the thirtieth Congress of the Byelorussian Communist Party will ensure the qualitatively higher realization of the rights and freedoms of citizens enshrined in the International Covenant on Economic, Social and Cultural Rights.

A. 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*

With effect from 1 January 1986, monthly allowances for single mothers, widows and the families of servicemen on fixed terms of duty were more than doubled. These allowances are paid for each child up to the age of 16, or 18 in the case of students who do not receive an education grant.

B. Right to work, to just and favourable remuneration and to an adequate standard of living *(articles 23 (1), 23 (3) and 25 (1) of the Universal Declaration; articles 6, 7 and 11 of the International Covenant on Economic, Social and Cultural Rights)¹*

In the course of 1986-1990 and the period up to the year 2000 a further increase in wages and salaries is envisaged. The remuneration of workers in the non-material sphere will be increased.

¹ Report submitted by State (E/1986/4/Add.19).

C. 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)*²

The principle of the equality of citizens of the Republic, regardless of their race and nationality, is set forth in the Constitution (Fundamental Law) of the Byelorussian SSR, and applies to an entire range of rights and freedoms—the right to work, education, participation in State and public affairs, housing, medical care and social security in old age and sickness, and in the event of total or partial incapacity for work as well as the loss of the breadwinner, the right to enjoy the benefits of culture, and so forth.

This constitutional principle is consistently applied in all spheres of the Republic's legislation, which prohibits all manifestations of racial discrimination. The latter is defined in current legislation in accordance with the definition given in article 1 of the International Convention on the Elimination of all Forms of Racial Discrimination.

D. 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)*²

There is no place in socialist society for such a shameful product of racism as *apartheid*.

The Byelorussian people resolutely condemns the policy of *apartheid* practised by the racist régime of South Africa against the indigenous African population, the continuing illegal occupation of Namibia and the acts of aggression against independent African States. All measures must be taken to ensure strict observance by all States of the demand for international isolation of the *apartheid* régime.

The Byelorussian SSR is actively participating in the work of international bodies concerned with the struggle against racism, racial discrimination and *apartheid*, and has repeatedly figured among the sponsors of important instruments adopted by the United Nations and its specialized agencies. For example, at the fortieth session of the United Nations General Assembly it was one of the co-sponsors of four major resolutions on the struggle against *apartheid*, and at the forty-second session of the Commission on Human Rights it co-sponsored five resolutions directed against racism and racial discrimination and *apartheid*. The Byelorussian SSR adheres strictly to the provisions of the International Convention on the

² Report submitted by State (CERD/C/149/Add.5).

Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, to both of which it is a party, advocates wider accession to those Conventions, and supports and implements all decisions and recommendations of international bodies aimed at combating racism and *apartheid*.

CENTRAL AFRICAN REPUBLIC

A. Right to self-determination

*(articles 1, 2 and 28 of the Universal Declaration;
article 1 of the International Covenant on Civil and Political Rights)*¹

The Central African Republic has acceded to the Charter of the United Nations and to international instruments proclaiming, among other principles, the right of peoples to self-determination. In addition, the Central African Republic, aware of the utmost importance attached by the international community to the observance of the fundamental right of self-determination, has, in the preamble to its Constitution, solemnly proclaimed its commitment to that principle. It provides aid and assistance to territories still under foreign domination throughout the world, including those in Africa, by honouring the commitments it has entered into in connection with the Liberation Committee of the Organization of African Unity (OAU).

B. Non-discrimination

*(article 2 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

In the preamble to its Constitution, the Central African Republic affirms its determination to ensure the dignity of the individual through observance of the *DU KWE ZO* and *SO ZO LA*, which means that every individual, regardless of origin, must be unconditionally accepted and enjoy fully the rights recognized and protected by law. This axiom reflects clearly the philosophy of the people of the Central African Republic with regard to the individual. In this connection, Decree No. 66/264 and Ordinance No. 66/324 of 20 May 1966 define and prohibit respectively any manifestation of racism or tribalism throughout the territory of the Central African Republic. In addition, the reference to the ethnic origin of every newborn infant which previously had to be entered on the birth certificate was replaced in 1975 by the words "National of the Central African Republic".

¹ Report submitted by State (CCPR/C/22/Add.6).

C. 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*

In the Central African Republic, women enjoy the same rights as men in political, social and private life. Under this principle, as stated in the preamble to the Constitution, "men and women are born and remain free and equal before the law".

In politics, the participation of Central African Republic women in the activities of the single party is of particular importance in that the Union of Central African Republic women (UFCA) exerts an essential influence both at the grass-roots level of the party and in its upper echelons.

Similarly, a growing number of women hold senior positions in the civil service, the army and the police. The same cannot be said of the private sector, where criteria for recruitment to senior positions often place women at a disadvantage in that they lag some way behind men as far as vocational training is concerned. In an attempt to remedy this situation, specialized institutions have been set up to enable women to train for the career of their choice, in the same way as men.

With regard to private life, the Central African Republic legislature has purged national customs of all practices contrary to the principles of freedom and equality of individuals and, in general, of those detrimental to the dignity of the human person. In addition, the African dowry requiring the marriage settlement to be paid in cash by the suitor's family has been abolished on the grounds that it had degenerated to the point where it could be regarded as tantamount to selling an individual. The law abolishing the dowry also prohibited the return of the dowry in the event of divorce. The legislature, continuing its campaign to improve social customs, has prohibited the practice of female circumcision, which is regarded as a violation of the physical integrity of the individual punishable by imprisonment and a fine.

D. Equality before the law; right to a prompt and fair hearing; right of everyone charged with a penal offence to all the guarantees necessary for his defence

*(article 7 of the Universal Declaration;
articles 5 (a) and 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The equality of citizens before the law and protection of that equality are guaranteed by the Constitution, the preamble to which provides that "free access to justice shall enable every individual to defend his rights in accordance with the laws in force".

The principle of equality before the courts is strictly observed in the Central African Republic where, as stated earlier, the abolition of traditional courts means that litigants may apply to the same courts and be duly heard and fairly tried by judges qualified in modern law. Legal assistance and the rights of the defence are guaranteed by the legal system and the accused may, if he so wishes, appeal to a higher court if he regards the decision of a given court as unjust.

E. Right to life

(*article 3 of the Universal Declaration;
article 6 of the International Covenant on Civil and Political Rights*)¹

The right to life is guaranteed by the Constitution, the preamble to which states that the people of the Central African Republic are "motivated by the concern to guarantee each individual his dignity in the context of respect for the principles of the *DU ZO KWE ZO* and *SO ZO LA*".

The human person is sacrosanct, and the State has an obligation to respect and protect him or her. Accordingly, in the Central African Republic, the death penalty, although not abolished, is applicable only in the cases of voluntary homicide referred to in Act No. 61/239 of 13 May 1961, establishing the Criminal Code of the Central African Republic, and the amendments thereto, namely:

(a) Murder, parricide and poisoning, homicide committed with a view to cannibalism, any act of cannibalism (art. 174);

(b) Attempts to undermine the external security of the State (arts. 51, 53, 55 *et seq.*, 59, 65 and 66);

(c) Voluntary homicide preceded, accompanied or followed by another homicide or homicide committed with a view to preparing for, facilitating or committing an offence, or aiding the escape or ensuring the impunity of the principals or the accessories to such offence (art. 176);

(d) Crimes and offences against the internal security of the State (art. 73);

(e) Kidnapping of a child leading to the child's death (art. 213 (3));

(f) Unlawful arrest, detention or restraint and physical torture of individuals (art. 210 (4));

(g) The inflicting of injuries, delivering of blows or withholding of nourishment resulting in death, even if such was not the intention of the perpetrator (art. 187);

(h) Death resulting from the crime of castration (art. 189 (2)).

However, no death sentence may be carried out on national or religious holidays, or on Sundays. Furthermore, if a woman sentenced to death

declares herself to be pregnant and if such declaration is found to be true, the death penalty shall not be carried out until after delivery (art. 11 (4) and (5)).

The President of the Republic may, in pursuance of article 15 of the Constitution, exercise his power of clemency by commuting a sentence of death to one of life imprisonment.

F. Prohibition of slavery and forced labour

*(article 4 of the Universal Declaration;
article 8 of the International Covenant on Civil and Political Rights)¹*

One of the principles proclaimed in the preamble to the Constitution of the Central African Republic is that "the person is inalienable. No one may take or give the labour of services of another without fair and freely negotiated compensation".

The Criminal Code of the Central African Republic lists the following offences:

(a) Action by a group of individuals bound by a contract of any kind to deprive any person of his freedom, whether for a consideration or otherwise;

(b) Procuring or soliciting for prostitution or any act liable to promote the spread of prostitution.

Under the law, some crimes and offences may carry a penalty of forced labour for life or for a set period.

There has been no recorded case of slavery in the Central African Republic and, given the legal measures taken in this regard, it is highly unlikely that any case involving any form of slavery could occur.

The Labour Code prohibits forced labour in respect of employed labour and permits each citizen to practise the trade or profession of his choice, provided that his intellectual and physical abilities so permit.

G. Treatment of detainees

*(article 5 of the Universal Declaration; articles 7 and 10 of the
International Covenant on Civil and Political Rights)¹*

Prison conditions are still inadequate, even though the treatment of prisoners has undergone a marked improvement since 1981. Prisoners serving sentences or awaiting trial are not subjected to inhuman, degrading or cruel treatment. They may be visited by members of their families, their attorneys, ministers of religion, doctors and other persons. However, there is still room for improvement in this area since, at the moment, all efforts are

being directed towards improving the country's economic capacity, which is a prerequisite for any action to improve prison conditions.

H. Liberty of movement

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

Under the Constitution, "the right to leave and return shall be exercised freely in accordance with the applicable laws and regulations". Liberty of movement is further guaranteed by Act No. 63/443 of 3 February 1963 on the free movement of nationals of the Central African Customs and Economic Union (CACEU) and nationals of the European Economic Community (EEC) countries. This practice has been extended to nationals of such countries as the United States of America and Liberia.

In order to ensure security and public order, however, special provisions have been introduced to regulate the free movement of individuals throughout the national territory. For example, residence restrictions do exist in respect of convicted persons, who may be prohibited from visiting certain areas. The list of prohibited areas is drawn up by the administrative authority in the form of collective or individual orders. It is communicated to the convicted person before his release by the authority in question. In such cases, the residence restriction comes into effect on the same day (Criminal Code, art. 18 (1) (4)). Where the list is not communicated during detention, the residence restriction comes into effect on the day of release (art. 18 (5)).

Title III, article 9 of Act No. 60-79, on residence of aliens in the Central African Republic, provides that aliens who have immigrated to the Central African Republic or have elected to take up residence there may move freely within the country, except where reasons of security and public order require otherwise. Any collective or individual measure is announced in the press, on the radio or by any other means provided for in article 17 of the above-mentioned Act.

Act No. 64-13 of 6 May 1964, establishing the conditions for entry of foreign tourists into the Central African Republic, requires them, in article 2, to make use of official entry points and makes their entry conditional upon presentation of:

- (a) A valid passport or travel document;
- (b) A bond;
- (c) International vaccination certificates;

- (d) A transit or short-term or long-term residence visa;
- (e) A tourist or return ticket.

Aliens are also free to choose their residence. Aliens wishing to change their residence or occupation within or outside the country must, prior to departure or taking up such activity, obtain the approval of the competent administrative authority in the locality in question.

Residence and movement within mining areas is governed by Decree No. 60/24 of 26 January 1960. Article 3 of that Decree prohibits aliens from travelling or establishing themselves in mining areas, unless they have been issued with an appropriate travel authorization. Similarly, immigrants outside such zones must present a permanent travel authorization if they wish to travel through, or take up residence in, such zones. To obtain such authorization, they must purchase the appropriate revenue stamps, to be affixed to the alien identity card upon taking up residence.

Aliens from adjoining countries must enter through official entry points.

The law also requires Central African Republic nationals travelling abroad or wishing to emigrate to:

- (a) Be in possession of an international vaccination certificate;
- (b) Be in possession of a tourist or return ticket;
- (c) Be in possession of an exit visa signed by the competent authority;
- (d) Have paid the airport tax;
- (e) Be in possession of a discharge attesting to the fact that they have honoured their obligations towards the Public Treasury, the tax authorities, the National Water Company, the Central African Republic Energy Authority, the Central African Republic Social Security Office and the various local banks.

The exit conditions for aliens are established in the aforementioned Act No. 64/13. Any alien wishing to leave the national territory must present the following documents to the border control authorities:

- (a) A valid passport or alternative travel document;
- (b) A ticket;
- (c) An international vaccination certificate;
- (d) Discharges for the payment of outstanding debts.

He may then, on request, have the security deposit returned.

It would seem from these requirements that the Central African Republic has a tendency to restrict freedom of movement. This can easily be explained by a desire to protect a certain category of Central African Republic worker, most of whom have encountered inhuman conditions abroad, as well as a concern to develop the country's economic potential.

Act No. 61/212 of 20 April 1961, containing the Nationality Code, as amended by Ordinance No. 66/64 of 30 August 1966, sets out the rules relating to nationality. Under this Act, Central African Republic nationality may be:

(a) A nationality of origin;

(b) A nationality acquired through marriage, consanguinity or naturalization. Since loss of nationality results from an intentional act, only acquired nationality may be withdrawn.

In the Central African Republic, a person who has acquired nationality enjoys all the rights attaching to it as from the day on which he acquired it, subject to the restrictions provided for in article 41 of the Nationality Code which states that:

“A naturalized alien is subject to the following restrictions:

“(1) During the three years following the naturalization order he cannot vote when it is necessary to have the status of a Central African Republic national to be included in the electoral rolls;

“(2) During the five years following the date of naturalization he cannot hold any elective post or mandate for the exercise of which it is necessary to have the status of a Central African Republic national;

“(3) During the three years following the date of naturalization he cannot be State-employed, called to the bar or appointed to ministerial office.”

However, the above restrictions may be lifted, either wholly or in part, in the case of a naturalized person who has performed exceptional services or whose naturalization is particularly desirable (art. 42).

The Ministry of the Interior may decide to withdraw Central African Republic nationality from a naturalized person coming under the following provisions of article 52 of the Nationality Code:

“Central African Republic nationality may be withdrawn from any person who:

“Has been sentenced for an act classed as a crime or offence against the internal or external security of the State;

“Has been sentenced for an act classed as a crime or offence against the institutions;

“Has engaged, on behalf of a foreign State, in acts incompatible with the status of a Central African Republic national and harmful to the interests of the Central African Republic;

“Has been sentenced in the Central African Republic or abroad for an act classed as a crime by the law and involving a sentence of at least five years' imprisonment without possibility of remission.”

Withdrawal of nationality, which is incurred only if the facts in question took place within 10 years of the date of naturalization, is pronounced by

decree and does not apply to minors who are of foreign origin or retain foreign nationality. It cannot be applied to minors unless it is also applied to the spouse.

In summary, Central African Republic nationality is granted by law, and loss of nationality results from an intentional act. This means that certain categories of person cannot be deprived of the right to live in, leave and return to the Central African Republic.

I. Freedom of thought, conscience and religion

*(article 18 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Constitution of the Central African Republic, dated 21 November 1986, gives high priority to freedom of thought, conscience and religion, with regard to which it states in its preamble:

“There shall be no discrimination on the grounds of wealth, race or creed freely practised by an individual.”

As regards legislative measures, title VIII, article 43, of the Constitution provides that:

“The institutions provided for by this Constitution shall be established within the 12 months following the promulgation of the Constitution. During this period, the President of the Republic shall be empowered to adopt by means of ordinances measures coming within the purview of the law.”

This transitional provision merely reflects the absence of an Assembly and of legislative instruments.

The Central African Republic has thus authorized all religious manifestations in its territory, and the major religions as well as the syncretic sects have undergone an unprecedented revival since 1981. The only restriction so far imposed continues to be the prohibition of Jehovah's Witnesses on the grounds of the preservation of national unity and the good name of the State. Despite the provisional closure of their churches, however, the Jehovah's Witnesses continue their activities.

J. Freedom of expression

*(article 19 of the Universal Declaration;
articles 1 (a) and 5 (d) 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*

Freedom of expression is among the principles set out and guaranteed by the Constitution. The only legislative restrictions provided for are those

concerning insults against the representatives of the public authorities or threats and violence against them (Criminal Code, chapter VI, arts. 130-142).

The legislative texts provide for the repression of such offences.

The institutionalization of the single party, the Rassemblement Démocratique Centrafricain (RDC), does not constitute a restriction on freedom of expression. On the contrary, the main aim of this political grouping is to unite all the country's social and ethnic strata with a view to strengthening national unity. In the party cells, Central African Republic nationals participate, collaborate and discuss issues relating to politics and thus to the State itself. There are no impediments to this freedom. This right is restricted by the requirements of the texts and regulations and by respect for others.

In the Central African Republic there is no censorship of books. However, according to article 253 of the Criminal Code:

“Any dissemination or publication of writings, musical compositions, drawings or paintings, or any production, printed or engraved wholly or in part, in breach of the regulations concerning copyright is fraudulent and shall be treated as an offence.”

K. Freedom of assembly and association

*(articles 20 and 23 of the Universal Declaration;
article 5 (d) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

This principle is embodied in the preamble to the Constitution, which lays down:

“The right to come and go, and the right of expression and assembly shall be freely practised in conformity with the applicable laws and regulations.”

All meetings organized outside the party which are of a political nature or are liable to disturb public order are forbidden throughout the territory.

Pupils' and students' associations, parents' associations, women's associations, the national doctors' association, the association of disabled persons, etc. are emerging and playing an indirect but beneficial role. They are inspired for the most part by international rules intended to protect the most elementary rights of individuals, and are a reaction to the abuses experienced under the Empire. The most famous example of the contribution of associations to the protection of human rights was the refusal by the College of Central African Republic Physicians, invoking the Hippocratic oath which they had sworn and also their status, to take part in 1972 in

operations to cut off ears; subsequently the decree authorizing this mutilation of the physical integrity of individuals was repealed.

The law forbids and severely punishes associations of criminals or officials with the aim of harming others or bringing the administration to a halt (arts. 87 and 163 of the Criminal Code).

The legislature has maintained an unfortunate silence regarding the earlier suspension of trade union associations and the right to strike.

L. Political rights

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

“The Rassemblement Démocratique Centrafricain, the sole party, encompasses within itself the entire nation. It represents the various segments of the population and participates in the expression of the electorate’s will.”

The party is open to all citizens and, despite the brevity of its existence, already benefits from the sure support of the population; it seeks ways and means of organizing the socio-economic development of the population, and indubitably constitutes a reaction to the disorder which characterized a short-lived and misunderstood multi-party system.

M. Liberty and security of person

*(articles 3 and 9 of the Universal Declaration;
article 5 (b) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The rights attaching to security of person are protected by the Constitution which includes the following among the principles embodied in the preamble: “The human person is inalienable.” The provisions of the Criminal Code further safeguard this right, since they forbid all forms of arbitrary arrest or detention.

Arrests may be carried out in the following cases:

(a) During the investigation of flagrant offences or a judicial inquiry or for the purpose of enforcing an arrest warrant or carrying out a sentence—on preventive grounds;

(b) For detention in the event of expulsion or extradition.

The criminal police officer may, during the investigation of flagrant offences, hold the following persons in custody:

- (a) Persons who may be able to contribute information;
- (b) Suspected persons who may be charged;
- (c) Persons whose identity the criminal police officer can establish for the purposes of verification during the investigation.

The examining magistrate may, during the judicial inquiry, issue warrants to compel attendance, arrest warrants or summonses. The summons gives the accused formal notice to appear before the judge at the time specified. The warrant to compel attendance is an order given by the judge to the forces of law and order to bring the accused immediately before him. The arrest warrant is the order to seek out the accused and to bring him to a gaol where he is admitted and detained. These warrants indicate the charge for which they have been issued and are shown to the accused by the officer, who gives him a copy of them.

When the examining magistrate considers that the charges against the accused so justify, he orders the accused to be held in detention pending trial. In this case he issues a committal order which indicates the indictment and the provisions of the law which may be applicable. However, the issue of a detention order is justified only if the offence carries a penalty of imprisonment. It should be noted that pre-trial detention is not the rule.

Provisional release may in some cases be granted to the accused within five days after his initial appearance for questioning if he meets the following conditions:

- (a) Being domiciled in the Central African Republic;
- (b) Not having been sentenced to a term of more than three years for a crime or offence.

If the accused has not been questioned within 24 to 48 hours following his detention, he must immediately be granted provisional release. In other cases, the examining magistrate may order provisional release, particularly when he considers detention to serve no useful purpose or to be incompatible with the state of health of the accused, provided that the latter undertakes to appear for all stages of the proceedings and the execution of the judgement as soon as he is required to do so. The Public Prosecutor's Department may also require his appearance within 24 hours; the examining magistrate shall in this case hand down a decision within the five days following the application for provisional release.

The indictments chamber (*chambre d'accusation*) is empowered to keep any accused person in custody during proceedings. The same is true of the court of summary jurisdiction, which may also grant provisional release to a person detained under a committal order of the Public Prosecutor's Department for *flagrante delicto*.

It should be noted that the accused or his counsel may apply to the examining magistrate for provisional release at any stage of the proceedings.

The accused may be provisionally released *ex officio* in two instances:

(a) If the examining magistrate does not render a decision in the 72 hours following date of the application by the Public Prosecutor's Department, the accused may refer the matter to the indictments chamber which shall hand down a decision within five days, failing which the person held shall be provisionally released;

(b) In the event of an appeal following a refusal by the examining magistrate, the Public Prosecutor's Department and the indictments chamber are also required to hand down a decision within five days, failing which the accused will automatically be granted provisional release.

Where it is not granted automatically, provisional release may be subject to the obligation to furnish security in the form of a cash deposit by a third party or by the accused. The amount of this security is established by the examining magistrate.

It can be seen from the foregoing that the accused benefits from certain guarantees adequate to prevent the proceedings from being unduly protracted. The President of the indictments chamber plays a decisive role in that it is his responsibility to ensure that examining magistrates' offices function properly and to take the necessary steps to avoid any delay in the proceedings.

CHINA

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

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* of South Africa and supported the people of South Africa and other countries in their justified struggle against racial discrimination.

On 13 June 1986, the Ministry of Foreign Affairs of the People's Republic of China issued a statement on the adoption by the South African authorities of the State Emergency Act which expressed the great indignation of the Chinese Government and people and their strong condemnation of the fierce atrocities of the South African authorities in intensifying racist domination and suppression of the people of South Africa. The Chinese Government and people will, as always, stand by the people of South Africa and continue to support their justified struggle until their final triumph.

On 15 June 1986, Chinese Premier Zhao Ziyang, in his message of congratulations to the World Conference on Sanctions against Racist South Africa, emphasized that the South African racist régime had aggravated its policy of *apartheid* and grossly violated the territories and State sovereignty of other countries, thus trampling upon the norms of international law. The Chinese people will, as always, support the South African people in their struggle against racism.

In September 1986, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Social Science Academy of China, the State Nationality Affairs Commission of China and the Chinese National Commission for UNESCO co-sponsored the International Expert Meeting on *Apartheid*. The main agenda item of the meeting was a study on the causes of turbulence and the system of *apartheid* in southern Africa in particular and the development of a study programme for the next five years to expose further the crimes of racial discrimination and racial suppression and their harmful effects on world peace and human progress.

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

B. Protection of human rights and freedoms

*(article 2 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The implementation of the Law on Regional National Autonomy of the People's Republic of China continued, three years after its enactment. From 1985 to 1986, 22 autonomous counties were established upon the approval of the State and the number of regional autonomous areas in the country reached 140. More than 3,700 nationality townships were established in 24 provinces, autonomous regions and municipalities with a total population of more than 6 million of the minority nationalities.

The State has paid special attention to ensuring the equal right to vote and stand for election of people of all nationalities and their right to participate in the State administration on an equal footing. In December 1986, the Sixteenth Session of the Standing Committee of the Sixth National People's Congress revised the Election Law of the National People's Congress and Local People's Congresses of the People's Republic of China (hereinafter referred to as "the Election Law"). The revised Election Law continues to adhere to the principle that "all citizens of the People's Republic of China who have reached the age of 18 shall have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence."

The State has striven to help minority nationalities develop their cultural and educational undertakings with a view to improving the quality of life of the minority nationalities and promoting their advancement and prosperity. In April 1986, the State promulgated the Compulsory Education Law of the People's Republic of China, which provides that "all children who have reached the age of six shall enrol in school and receive compulsory education for the prescribed number of years, regardless of sex, nationality or race. In areas where that is not possible, the beginning of schooling may be postponed to the age of seven". It further provides that "the State shall assist areas inhabited by minority nationalities to implement compulsory education by providing them with teachers and funds" and "schools in which the majority of students are of minority nationalities may use the spoken and written languages of those nationalities in instruction".

In June 1986, in their note on the implementation of the Compulsory Education Law of the People's Republic of China, the State Education Commission and the Ministry of Finance decided that the minority nationality areas and the poverty-stricken and remote areas that enjoy exemption from student tuition and other fees shall continue to do so. The State shall adopt a stipend system in the junior middle schools and some of the primary schools.

The State Education Commission stipulated in the 1985 enrolment exercise for ordinary universities that "in the enrolment examination for universities or departments that give lectures in the language of the nationality in the autonomous region, the provinces and autonomous regions concerned shall assign separate test papers". In the 1986 enrolment the Commission stipulated that the "best minority nationality students shall be enrolled who come from border, mountainous and pastoral areas and areas where minority nationalities live in concentrated community, after the minimum enrolment level is lowered in accordance with the actual conditions of the localities. Priority shall be given to the minority nationality examinees living in the Han nationality areas who achieve the same score as those of the Han nationality".

C. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Article 43 of the Election Law of the National People's Congress and Local People's Congresses of the People's Republic of China, which was revised for the second time in December 1986, provided that "in order to ensure that the voters and deputies freely exercise their right to vote and stand for election, administrative or criminal sanctions shall, in accordance with the law, be taken against persons who commit any of the following illegal acts:

- (a) Use of violence, threat, deception, bribery or other illegal means to disrupt an election or interfere with a voter or deputy in the free exercise of his right to vote and stand for election;
- (b) Forgery of electoral documents, falsification of vote tallies or other illegal acts; and
- (c) Suppression of or retaliation against anyone who incriminates or informs against a person committing illegal acts in an election or who demands the recall of a deputy".

CUBA

A. Freedom of assembly and association

*(articles 20 and 23 of the Universal Declaration;
article 5 (d) (ix) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Associations Act

The purpose of this Act is to regulate the exercise of the freedom of association granted to all citizens by article 53 of the Constitution of the Republic through the establishment of a new arrangement for the activities and registration of associations.

The Act also meets current needs and responds to the growing interest shown by Cuban manual workers and intellectuals, peasants, women and students in the formation, registration and development of socially useful associations.

The provisions of this Act do not cover the social and mass organizations referred to in article 7 of the Constitution of the Republic, ecclesiastical or religious organizations, farming co-operatives, loan and service associations and others authorized by the Act.

The previous "Associations Act", No. 1320 of 27 November 1976, was repealed by Act No. 54/85.

Decision No. 53 of 14 July 1986 of the Ministry of Justice, published in the *Gaceta Oficial Ordinaria* No. 56 of 23 July 1986 is the decision adopting the "Regulation giving effect to the Associations Act". The purpose of the Regulation is to establish additional norms for carrying out the Act without prejudice to other provisions that may be enacted for the same purpose.

B. 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

During the period under consideration, Cuba has continued to play an active part in international forums on the questions of racism, racial discrimination and *apartheid* including, in particular, the following.

¹ Report submitted by State (CERD/C/158/Add.4).

During 1985 and 1986, in connection with African Liberation Day, the Republic of Cuba staged various activities in support of the struggle of the national liberation movements and received visits from leaders of those movements. These activities were basically organized by the Cuban-African Friendship Association and the Cuban Institute for Friendship with Peoples.

It should be pointed out that in December 1986 a seminar with international participation was held in the province of Matanzas to mark the centenary of the abolition of slavery in Cuba. Several papers on this topic by Cuban and foreign scholars were discussed, and the seminar was given extensive coverage by press, radio and television.

CZECHOSLOVAKIA

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

The prohibition of discrimination on the grounds of race permeates the whole legal order of the CSSR and its internal and foreign policy. Czechoslovakia has always emphatically condemned and condemns the policy of *apartheid* pursued by the racist régime of South Africa. Czechoslovakia has ratified the Convention on the Suppression and Punishment of the Crime of *Apartheid* of 1973 which characterizes *apartheid* as an international crime endangering international peace and security. The CSSR does not maintain any relations with the racist régime of South Africa; it fully supports all the resolutions of the Security Council and of other United Nations bodies aimed at isolating the racist régime of South Africa and at compelling it to refrain from the policy of *apartheid*. The CSSR also supports the national liberation movement of the people of South Africa and of the victims of the *apartheid* régime.

It is apparent from this provision that the Czechoslovak penal law in force prosecutes any manifestations of racial intolerance and discrimination and that under this penal law *apartheid* is a severe criminal offence. Violence directed exclusively against a member of a certain race or nationality is prosecuted within the whole range of penalty clauses. In cases where an individual is seriously injured or where such an injury results in incapacity for work lasting more than 42 days or in lasting mental anguish, the offenders may be punished by imprisonment for a term of 12 to 15 years or, in the most serious cases, by death.

B. Equal protection of the law for nationals and aliens

(articles 2 and 7 of the Universal Declaration;
article 13 of the International Covenant on Civil and Political Rights)¹

Czechoslovak penal law is based on the constitutional principle that all citizens are equal before the law. This means, on the one hand, that the

¹ Report submitted by State (CERD/C/149/Add.2).

procedural equality of the parties in criminal proceedings is maintained in the penal order and, on the other, that the penal law does not admit any violation of this equality, i.e. the penal law applies to all citizens in an identical and equal manner.

C. Right to health

*(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)*²

Under article II of Act No. 20 of 1966 concerning care for the health of the people, each individual has the right to physical and mental health and, at the same time, the obligation to live in a sound way and evade effects harmful to his health. The establishment and protection of healthy living conditions are matters that concern all elements of society. They form an inseparable part of economic and cultural progress and are provided for by technological, economic, social, cultural and health service measures as part and parcel of national economic and technological development. The above Act stipulates the obligation of all corporations, co-operatives and other organizations, within their spheres of operation, to do all that is necessary to provide and protect health and healthy living conditions and makes them responsible for meeting these obligations. In this connection the Act lays down and outlines the tasks of the public health service and bodies of the hygienic service in the professional orientation of health care and in the establishment and protection of healthy living conditions. The requirements of such care are projected in a number of legal norms and State and specific technical standards in the sense that all bodies and other organizations are under an obligation to fulfil the tasks stipulated for health protection in keeping with the principles of the above Act, in close co-operation with the bodies of the hygienic service and the public health service in general.

The right of each citizen to physical and mental health is ensured by the system of State administrative bodies in the sphere of health and by health service facilities. Chief among these are the Ministries of Health of the Czech and the Slovak Socialist Republics, which are the central bodies of the two Republics' State administration in charge of the professional orientation of therapeutic and preventive care and of the establishment and protection of healthy living conditions, medical schools, spas and natural curative sources, and the pharmaceutical industry. The Ministries nominate, as their hygienic service authorities, Chief Hygienists of the Czech and of the Slovak Socialist Republics, subordinate to whom are regional and district hygienists.

² Report submitted by State (E/1986/4/Add.15).

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

A. Protection of motherhood

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

The State enforces a maternity-leave system to give sufficient rest to all working women until the full recovery of their health after childbirth; this is in addition to their regular and additional paid leave and irrespective of their length of service. The Government of the Democratic People's Republic of Korea lengthened the period of maternity leave from 77 to 150 days in pursuance of resolution No. 20/1986 of the Administration Council, an epochal measure for protecting women's health in more stable conditions and raising healthy children. The State offers provisions, subsidies and shares to women on maternity leave and to their dependants.

B. Right to health

*(article 25 (1) of the Universal Declaration;
article 14 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The Government of the Democratic People's Republic of Korea adopted a new Law on Environmental Protection in April 1986 with a view to legalizing the achievements in environmental protection, and is vigorously pushing forward with environmental protection work to meet the requirements of developing realities.

¹ Report submitted by State (E/1986/31/Add.5).

DENMARK

A. Right to self-determination

(articles 1, 2 and 28 of the Universal Declaration;
article 1 of the International Covenant on Civil and Political Rights)¹

As of 1 January 1986 the remaining activities of the Greenland Trade Department as well as the legislative powers with regard to competition have been transferred to the home rule authorities. In the years ahead, areas such as housing and the technical organization of Greenland are to be the sole responsibility of the home rule government.

B. 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)²

Denmark condemns all forms of racial discrimination, in particular South Africa's policy of *apartheid* which represents a unique system of institutionalized racism. Denmark has worked in all relevant international forums in order to translate its strong and unequivocal condemnation of the *apartheid* system in South Africa into concrete action.

The objective of Denmark's policy *vis-à-vis* South Africa is to contribute to a complete and peaceful elimination of the *apartheid* system and the institution of equal and democratic rights for all South Africans. Denmark holds the view that increased international pressure on and isolation of the *apartheid* régime in South Africa are urgently needed to bring about a peaceful dismantling of the *apartheid* system. Denmark considers mandatory sanctions adopted by the Security Council to be the most effective means. However, in the absence of such sanctions Denmark, together with other countries and unilaterally, implemented a number of concrete measures.

The financial and material assistance of the member States of the European Community to the victims of *apartheid* has been further increased following the meeting of the European Council in June 1986. In the absence of any significant progress towards the abolition of *apartheid*, the Twelve

¹ Report submitted by State (CCPR/C/37/Add.5).

² Report submitted by State (CERD/C/158/Add.8).

decided in September 1986 to impose a ban on new investments and on imports of iron, steel and gold coins from South Africa.

On 22 May 1986 the Danish Parliament enacted a bill prohibiting importation of coal from South Africa and Namibia. The prohibition has been effective as from 30 November 1986.

According to Act No. 289 of 4 June 1986 all trade in goods and services between Denmark and South Africa and Namibia has been prohibited as from 15 December 1986.

C. Protection of children

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

Under section 7, subsection 2 of the Majority Act No. 443 of 3 October 1985, which became effective on 1 January 1986, custody of a child entails the duty to protect the child against physical or psychological violence and other humiliating treatment.

Section 20 of the Social Assistance Act provides that any person who becomes aware that a child under 18 years of age is exposed to neglect or humiliating treatment by the parents or other educators or is living under circumstances which may endanger his or her health or development is under an obligation to inform the local social welfare committee accordingly.

³ Report submitted by State (CCPR/C/37/Add.5).

EGYPT

A. 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)*¹

The Arab Republic of Egypt has consistently pursued a policy of combating all forms of racial discrimination. As mentioned in the previous reports, article 40 of the Constitution embodies the principle that all citizens are equal before the law in regard to their rights and obligations, without any discrimination on grounds of sex, origin, language, religion or belief. Article 46 further stipulates that the State guarantees freedom of belief, as well as freedom to engage in religious observance.

B. 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 legal and social systems in Egypt are based on the principles of national unity, equality among citizens in regard to their rights and obligations, and the impermissibility of applying or concurring in any form of classification of people by race or religion or any discrimination between them on grounds of sex, origin or belief. The information media and the national and party newspapers are full of programmes and articles advocating a spirit of intercommunal harmony and integration and condemning ideological extremism and racist propaganda. The legislation currently in force contains nothing that is inconsistent with the provisions of the Convention. All citizens have the right to attend the schools and universities, to join clubs, societies and private associations and to benefit from all the facilities and services that the State provides for individuals as well as from the pension and the social insurance schemes, without any distinction on grounds of race, religion or colour.

¹ Report submitted by State (CERD/C/149/Add.22).

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)¹

In keeping with its cultural heritage and its policy of commitment to the principles of equality and the right of peoples to self-determination, and within the context of its domestic legislation and its international obligations, Egypt has condemned, and will continue to condemn, the policy of *apartheid* and the practices of the racist régime in South Africa, as well as that régime's illegal occupation of Namibia, its attacks on neighbouring African States and its persistent defiance of the will of the international community.

On this basis, Egypt has consistently boycotted the racist régime in South Africa, supported the peoples of South Africa and Namibia in their struggle to recover their legitimate rights and assisted the recognized liberation movements of the people of South Africa and Namibia by every diplomatic, legal, material, technical and moral means.

Egypt has diligently supported the international endeavours to isolate the racist régime in South Africa. Egypt played an effective role in the preparation and proclamation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the International Convention against *Apartheid* in Sports. It ratified the first convention on 13 June 1977 and signed the second on 16 May 1986.

In addition to its international activity in regard to the condemnation and prevention of the crime of *apartheid*, Egypt has also taken the following measures:

(a) A boycott of the Government of the racist régime in all diplomatic, economic and other fields;

(b) Provision of full diplomatic, material and moral support for the liberation movements representing the peoples of South Africa and Namibia and recognized as such by the Organization of African Unity;

(c) Egypt is helping to train technical and scientific personnel through the fellowships and academic facilities that it offers to students from South Africa and Namibia and through the various forms of assistance that it provides for refugees from South Africa and Namibia;

(d) The various information media are following the causes of the peoples of South Africa and Namibia with considerable attention.

D. Political rights

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

The other civil rights referred to in article 5 (d) of the Convention have already been detailed in Egypt's previous reports. However, reference should be made to the fact that freedom of movement and choice of place of residence within the country are guaranteed to all in accordance with article 50 of the Constitution, which stipulates that "No citizen shall be prohibited from residing in a specific place, nor shall he be compelled to reside in a specific place, except under the circumstances prescribed by law."

EL SALVADOR

Limitation on rights: emergency situations

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

When, for any of the reasons mentioned earlier, the authorities of El Salvador are obliged to suspend constitutional guarantees, the rights affected by the state of emergency are:

- (a) Freedom of residence;
- (b) Freedom of movement;
- (c) Freedom of expression and inviolability of correspondence;
- (d) Freedom of association and assembly.

At no time do basic human rights, such as the rights to security of person, to life and to freedom of thought, conscience and religion, go unprotected.

Constitutional guarantees continue to be suspended in El Salvador by extensions or consecutive ratifications, since the circumstances which led to the original suspension have continued.

Decree No. 331 of 17 April 1986 suspends the above-mentioned guarantees and introduces a *modus operandi* for all previous ratifications, including the right to freedom of expression with an explicit exception for political parties. The latter provision was granted by the Legislative Assembly in order to prevent political groups that are not legally constituted from continuing to take unscrupulous and irresponsible advantage of the benefits afforded by a democracy in order to insult and attack the civil and military authorities.

¹ Report submitted by State (CCPR/C/14/Add.7).

FINLAND

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*

With regard to access to public office, equality between the sexes was realized in the police force in 1974. Thus women may hold, and do hold in practice, posts in the police force, including posts requiring the handling of weapons as well as higher posts. As to the prison service, full equality between the sexes has been introduced quite recently by an amendment to a statutory order (No. 134/1986), which entered into force on 1 March 1986. Discrimination between the sexes still applies to those posts in the armed forces which require military training.

B. Right to liberty and security of person

(articles 3 and 10 of the Universal Declaration)¹

With respect to other forms of deprivation of liberty in administrative matters, legislative measures have been taken recently in order to minimize periods of forcible detention. A new Act on the treatment and protection of alcoholics, drug addicts, etc. (No. 41/1986) was passed on 17 January 1986 and will enter into force on 1 January 1987. The regular maximum period of detention is five days, with a possibility of extending the period by 30 days by a decision of the county (provincial government) court. If the initial decision (concerning the five-day period) has not been taken by the county court, an appeal may be lodged to that court. In all cases a further appeal may be made to the Supreme Administrative Court. The new Act will repeal altogether the old Vagrancy Act (No. 57/1936), vagrancy thus disappearing as a concept of administrative law. It should also be noted in this context that with respect to the Mental Illness Act (No. 187/1952), there is always a possibility of appeal against deprivations of liberty to the county court and further on to the Supreme Administrative Court.

¹ Report submitted by State (CCPR/C/32/Add.11).

C. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)²*

Teaching of the Sami language has increased in comprehensive schools. In the academic year 1986/87 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.

Progress in the teaching of or in the Sami language is slowed down by the shortage of teachers and teaching material. This is one reason why parents are not always eager to put their child in a Sami school or section despite having Sami as their mother tongue.

The Sami language is taught at university level in Helsinki, Oulu and Rovaniemi. The University of Oulu and the Lapland Institute of Higher Education (Rovaniemi) have a joint quota of five Sami mother-tongue students in their comprehensive school teachers' training programmes. Sami is also taught at Lapland Summer University and folk academies.

The Sami culture committee (1986) proposed that the position of the Sami language be safeguarded through legislation, and that knowledge of the Sami language should be deemed a special merit in the appointment of administrative, educational and other positions in the Sami areas.

Under a Decree issued in April 1986 (321/86), a Council for Sami Education Affairs was established on 30 October 1986. The Council assists the Ministry of Education and deals with larger matters of principle pertaining to the development of education in the Sami language as well as taking initiatives and issuing statements in these matters. The Council works in connection with the Lapland Provincial Office. The Decree provides for the Sami Education Council to take special measures to preserve and develop the Sami language and culture and to secure instruction of and in Sami for Sami children as prescribed in the school legislation. The Council should also take into account international co-operation connected with Sami education and culture. The Decree also states that the Ministry of Education and the National Boards of General and Vocational Education must consult the Sami Education Council on matters pertaining to the general development of Sami education, related questions of principle and annual budgets before taking relevant decisions.

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

D. 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)*²

A project has begun to develop the laws governing legislation against racial discrimination. In 1986 a working group set up by the Ministry of Justice completed a proposal for reforming the provisions of the Criminal Offences Act concerning breaches of authority (publication 10/1986, Ministry of Justice, Legislative Department). Following contributions from appropriate authorities, a Government bill based on the final and comprehensive report will be prepared. This report suggests an essentially technical amendment to chapter 13, article 65, on discrimination. If the proposal is adopted, a Government official guilty of discrimination will be sentenced both for discrimination and breach of authority, i.e. the penalty will be somewhat harsher than under the present provisions.

In respect of future legislation, it should be noted that the revision of the laws governing breach of authority is linked with the Civil Service Act of 24 October 1986 (755/86). Article 17 of the Act specifically prohibits discrimination by stipulating that all civil servants must receive equal treatment in service. Article 13, paragraph 3, of the Act prohibits discrimination in appointments to the civil service. These provisions stress the civil servants' responsibility under criminal law in service relationships.

GERMAN DEMOCRATIC REPUBLIC

A. Protection of the family, motherhood and childhood *(articles 16 (3) and 25 (2) of the Universal Declaration)¹*

The promotion and protection of the family, care for mothers and children, and assistance to families with children and to young married couples form an integral part of the country's social welfare policy.

In recent years, conditions have gradually been improved enabling women to enjoy equal rights with men in everyday life and ensuring that mothers may undergo training and pursue a career without having to worry about their children.

The German Democratic Republic has continued its policy of promoting families with children. The 11th Congress of the Socialist Unity Party of Germany (SED) adopted further social policy measures, especially in support of families with children, which go beyond the schemes and regulations described in the first report of the German Democratic Republic.

Under the Decree on the further improvement of working and living conditions for families with children, of 24 April 1986, mothers may, as of 1 May this year, take 12 months' paid leave for child care after the first baby is born. The Decree also stipulates that married working mothers with two or more children may take paid leave to look after a sick child.

Under article 11 of the above Decree, paid release from work in the two cases mentioned may be granted to the husband or a grandmother rather than the mother. This provision gives effect to the principle of equality and allows women to go on working or continue their training or advanced training without any long interruption.

Also as of 1 May 1986, the amount of interest-free loans available to young married couples was raised from 5,000 to 7,000 marks. This money may be used to reconstruct or modernize an apartment and to buy furniture and household goods. The age limit has gone up from 26 to 30 years.

¹ Report submitted by State (E/1986/4/Add.11).

B. 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*)²

A firm commitment to solidarity with the peoples suffering under colonial and racial oppression is a constitutional principle. In this context, paragraph (3) of article 6 of the Constitution contains the following provisions: "The German Democratic Republic supports the States and peoples fighting against imperialism and its colonial régime, for national freedom and independence in their struggle for social progress".

The people and the Government of the GDR resolutely stand up for the eradication of the *apartheid* régime and endorse all resolutions adopted by the United Nations to this effect. Like the large majority of States, the GDR maintains no political, economic, cultural or other relations with the racist State. It supports every measure which is suited to isolate further the *apartheid* régime. It is particularly imperative that the political, economic and military collusion with the régime in South Africa be stopped immediately. The German Democratic Republic shares the opinion of many States that this collusion constitutes a major obstacle to the elimination of the *apartheid* régime. The front-line States stand in the forefront of the struggle against the racist régime. The German Democratic Republic maintains its solidarity with those States in support of their struggle against the most abominable form of racism of our time, namely *apartheid*, with a view to safeguarding peace, security and social progress in the region.

² Report submitted by State (CERD/C/170/Add.1).

GERMANY, FEDERAL REPUBLIC OF

A. Protection of the family, mothers and children

*(articles 16 (3) and 25 (2) of the Universal Declaration)*¹

The Parental Allowance and Parental Leave Act (*Bundeserziehungsgeldgesetz*) entered into force on 1 January 1986. It recognizes the problems of working parents in bringing up their children and seeks to improve their financial position, particularly in the case of young households.

A parental allowance of DM600 per month is granted until the child is 10 months old (from 1988 on, 12 months old) to any mother (provided that she is not receiving a maternity allowance—see section B below) or to the father—the choice being left to the parents—or to some other individual looking after the child, as long as the mother/father or other individual personally minds and brings up the child. Until the child reaches the age of six months, this allowance is granted irrespective of the parents' income; thereafter, the amount varies according to income.

Men or women who were engaged in professional activity before the birth of a child are also entitled to parental leave during the period when the parental allowance applies. Members of the statutory sickness and unemployment insurance scheme continue to be insured without having to make any contributions.

Persons benefiting from parental leave (including fathers) are protected against dismissal while taking such leave in the same way as women are during pregnancy and for the period laid down by the Mothers Protection Act; in other words, the employer does not have the right to terminate the contract of employment for the duration of parental leave, other than in very exceptional cases where the authorities have given their consent.

B. Right to health

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

The independent medical practitioners, the hospital establishments and the public health service are the three pillars on which the organized health

¹ Report submitted by State (E/1986/4/Add.10).

system rests in the Federal Republic of Germany. The public health service is responsible for implementing a large amount of health legislation enacted by the Federal authorities and the Länder, such as the Federal Act on Communicable Diseases (*Bundes-Seuchengesetz*), as well as for giving advice to the general public on special health problems and supervising the exercise of the health professions; it is the body responsible for the school health service and the dental service for children and adolescents.

Responsible, in co-operation with the Länder, for the organization of the public health service, the Federal Government seeks to ensure that the tasks entrusted to it by the law are carried out in as uniform a manner as possible throughout the country, and encourages the exchange of experience with other countries. The existence of a modern and efficient public health service is one of the necessary preconditions for the Federal Republic of Germany's co-operation with the various international health organizations.

The regulations governing dangerous substances (*Verordnung über gefährliche Stoffe*) will come into force on 1 October 1986. They will govern the sale to the public and the handling of dangerous chemical substances and preparations, and are aimed at further improving the protection both of workers and of consumers against the risks created by these substances. They will replace the regulations governing dangerous substances (*Arbeitsstoffverordnung*) currently in force, as well as the 27 regulations laid down under the legislation on toxic substances and pesticides and the eight regulations on work at home, and will bring 14 European Community Directives in this area into force in German law. This will represent a considerable simplification and a less bureaucratic application in comparison with existing regulations, and at the same time strengthen European harmonization.

GHANA

Elimination of racial discrimination

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

There are laws in Ghana which prohibit racial discrimination. An old enactment—The Avoidance of Discrimination Act, 1957 (No. 38)—enacted before the Convention prohibits any body or group of persons having a common racial origin and whose membership is substantially restricted to any body or group of persons from having as one of its objectives the exposure of any other association of persons or any part of the community to hatred, contempt or ridicule on account of their race. Conviction under this Act could attract a fine or a term of imprisonment or both.

The courts and tribunals in Ghana are available to all without any reference whatsoever to ethnic, tribal or racial origin. The Judicial Oath, which a judge in the Judicial Service of Ghana has to take before assuming duty, states as follows:

“I swear that I will and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the laws and usages of Ghana without fear or favour, affection or ill-will. So help me God.”

Except in specified cases where laws are made to help deprived sections of the community or young persons, all laws are made to apply equally to all the people in the country.

Under the Education Act, 1961 (Act 87) provision is made in section 22 that no person shall be refused admission to a school on account of his religion, nationality, race or language or that of his parents. This Act also provides in section 2 as follows:

“2 (1) Every child who has attained the school-going age as determined by the Minister shall attend a course of instruction as laid down by the Minister in a school recognized for the purpose by the Minister.”

¹ Report submitted by State (CERD/C/149/Add.13).

HAITI

A. Elimination of racial discrimination

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

In the domestic sphere, since the fall of the Duvalier dictatorship on 7 February 1986, a large number of legislative, judicial, administrative and other measures have been enacted by the National Governing Council (CNG) to eliminate any after-effects of colonialism and racial discrimination and to safeguard and promote human rights in Haiti.

Of these measures, the decree of 30 July 1986 regulating the activities of political parties in a rational manner, that of 31 July 1986 revoking the decree of 31 March 1980 on the press and replacing it by legislation more consistent with the current democratic criteria and, finally, the new democratic Constitution of 10 March 1987 are of outstanding importance.

B. Trade union rights

*(article 23 (4) of the Universal Declaration;
article 8 of the International Covenant on Economic,
Social and Cultural Rights)*¹

Trade union freedom is guaranteed under article 35-3 of the Constitution. Private sector as well as public sector employees may join a trade union concerned with their professional activities for the exclusive protection of their employment interests.

Their right to strike within the limits determined by law is also recognized under article 35-5.

Since 7 February 1986, strikes and peaceful demonstrations under the protection of the forces of law and order have taken place in order to draw the attention of the persons responsible to the problems encountered by certain sectors of the country.

¹ Report submitted by State (CERD/C/147/Add.2).

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*

The Decree of 30 July 1986 regulating the activities of political parties in a rational manner enables every Haitian citizen to form political parties in complete freedom. To exercise the right to vote, one must be a Haitian citizen, have attained 18 years of age and exercise one's civil and political rights. Illiterate persons also have this right. Each candidate's ballot is of a different colour, thus enabling his supporters, illiterate or not, to recognize it.

HOLY SEE

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

South Africa continues to suffer from bloody racial conflicts and tribal opposition. The solution to the problem of *apartheid* and the beginning of a concrete dialogue between Government authorities and representatives of the legitimate aspirations of the people are indispensable means for re-establishing justice and concord and banishing fear. To the extent possible, it is necessary to avoid allowing internal conflicts to be exploited by others to the detriment of justice and peace. The international community can and must exercise its influence on different levels in a constructive sense, using the means guaranteed by law.

The Holy See reiterates its total and convinced repudiation of every form of racial discrimination (cf. General Audience, 7 August 1985). While strongly condemning the inhumanity of *apartheid* and expressing solidarity with the victims of the violence *apartheid* generates, the Holy See believes it to be imperative for the Church and the world to support and encourage the initiatives undertaken by the parties involved to bring about a prompt, just and non-violent solution to this vexatious question.

¹ Report submitted by State (CERD/C/149/Add.6).

HUNGARY

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

The Hungarian People's Republic condemns racial segregation and *apartheid*, complies with the provisions of article 3 of the Convention and systematically reports on the condemnation and suppression of *apartheid* to the Group of Three of the Commission on Human Rights.

It is a matter of policy of the Hungarian Government not to maintain any diplomatic, political, economic or cultural relations with the racist régime of South Africa. The Hungarian People's Republic fully complies with the relevant resolutions of the United Nations General Assembly and the Security Council, actively co-operates in their implementation and urges all States to observe them. At international forums it takes a stand against the policy of the racist régime of South Africa and calls for effective measures which will contribute to the full and final elimination of the shameful policy of *apartheid*. Accordingly, it consistently applies all the sanctions laid down in the resolutions of the General Assembly and the Security Council, calls for the full implementation of the relevant resolutions and participates in the realization of the resolutions and declarations which are adopted by the United Nations and its specialized agencies and aimed at the elimination of the inhuman régime of *apartheid*.

B. Protection against racial discrimination; prohibition of organizations promoting racial discrimination

*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The Hungarian People's Republic condemns all propaganda and organizations based on ideas or principles professing any kind of superiority and takes part in the international struggle for their elimination.

¹ Report submitted by State (CERD/C/149/Add.9).

The Hungarian legal system ensures the implementation of article 4 of the Convention. Any propaganda activity professing, or inciting to, racial discrimination is prohibited by article 148 of the Penal Code. Article 137, paragraph 10, of the Penal Code (interpretative provisions) prohibits the promotion of racial discrimination before a large public, i.e. through the press or other mass-communication media. Under articles 148 and 289 of the Penal Code commission of the crime in an organized manner, by members of a group, is subject to more severe punishment.

The Hungarian Government is convinced that the legislation of the Hungarian People's Republic and the socio-political conditions prevailing in the country go far in meeting the requirements of article 4 of the Convention.

C. Equal protection of the law

*(article 7 of the Universal Declaration;
articles 9 and 14 of the International Covenant on
Civil and Political Rights)¹*

Equality before the law is ensured by article 61, paragraph 1, of the Constitution. This constitutional principle serves as a basis for the statutory provisions on criminal, civil and administrative proceedings, which guarantee the observance of equality before the law in the field of enforcing civil, political, economic, social and cultural rights. It is to be noted in this context that "State administration" in Hungary is taken to mean "public administration".

The Hungarian Government points out anew that, under the Hungarian system of law, equality of rights is also enjoyed by aliens.

D. 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*

The Hungarian Government is consistently working to promote understanding, tolerance and friendship among nations, nationalities and racial or ethnic groups, and is fully supported by the Hungarian people in this effort.

INDIA

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

India is committed to the cause of eliminating racial discrimination in all its forms, including *apartheid*, as a matter of both its basic conviction and policy. It has played a pioneering role in the struggle against racism and racial discrimination and for equality of all individuals and groups irrespective of their race, colour, descent or origin. The struggle of the people of India against racial discrimination constituted an intrinsic and essential element in its struggle for national independence and covers a period of several decades spanning the best part of this century. Well before India became independent in 1947, from the time of Mahatma Gandhi who lived and worked in South Africa for some years and started a passive resistance movement there for asserting human dignity and equality, India has firmly opposed racial discrimination. The issue of racism in South Africa was first inscribed on the agenda of the United Nations in 1946 at India's instance and since independence the country has followed the same traditions. India has imposed comprehensive sanctions against South Africa and has severed all ties with the Government of South Africa. India has also complied with the provisions of Security Council resolution 418 (1977) imposing an arms embargo on South Africa. India acceded to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* in October 1977 and enacted the *Anti-Apartheid Act* to give effect to the provisions of that Convention in 1981. It was in the same spirit that India had earlier actively participated in the development of the International Convention on the Elimination of All Forms of Racial Discrimination.

As the founding member of the Non-Aligned Movement which has given expression to the legitimate rights and aspirations of peoples to be free from relations of subordination and dependence and to shape their own destinies in accordance with their national aims and objectives, India has continued to strive for the elimination of all forms of domination, discrimination, exploitation and inequality and the fulfilment of the aspirations of all peoples for justice, security, development and prosperity in place of the present order. The Seventh Conference of Heads of State or Government of

¹ Report submitted by State (CERD/C/149/Add.11).

Non-Aligned Countries held in New Delhi in March 1983 reaffirmed the commitment of India and all the non-aligned countries in this direction.

India has always believed that the policies of *apartheid* and racial segregation are not only repugnant to the ideals of any human society but scientifically false, socially unjust, morally condemnable and legally untenable. It has unequivocally and steadfastly condemned racial segregation and *apartheid* and believes them to be the antithesis of everything humanity stands for; namely, equality, justice, peace and progress. Indeed, they are contrary not only to the Charter of the United Nations and the Universal Declaration of Human Rights but also to the eternal values of mankind. The idea of inequality between races and men is repugnant to all. For India, which remained under alien domination for about two centuries, what could be more important than the idea of freedom and the dignity of human beings? It is a matter which constitutes the core of Indian values. The struggle for the independence of India was, in a large measure, also a struggle against racism. And this struggle, to which the Government and people of India are totally committed, will continue until the remaining vestiges of racism in all its forms are eradicated.

The practice of *apartheid* followed by the Government of the Republic of South Africa epitomizes the policy of racism and racial discrimination. It is based upon a system of racial segregation and domination imposed in order to deny the black Africans and Coloured people equal political, educational, employment and land ownership rights in order to maintain and perpetuate the stranglehold of the privileged white minority on the South African majority of blacks. In addition to the provisions of the Indian Constitution which prohibit these practices, the Indian Parliament has enacted the Anti-*Apartheid* Act which provides very strict penalties for offences committed in India or abroad. The details of the Act have been dealt with comprehensively in India's seventh periodic report.

More recently, the political declaration adopted by the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries at New Delhi in April 1986 expressed strong condemnation of Pretoria for the barbarous acts of oppression, repression and discrimination against the imprisonment and detention of all those who opposed the *apartheid* régime that had increased to alarming proportions the tragic and brutal massacres of the defenceless population, including schoolchildren. The Ministers reiterated that a just, durable and universally acceptable solution of the situation in South Africa could only come about with the total eradication of the *apartheid* system and the establishment of a non-racial and democratic society. India and the non-aligned countries are pledged to intensify their efforts in support of freedom fighters of South Africa who are campaigning not only for their independence but also to uphold principles dear to humanity as a whole. They are also pledged to continue to work, hand in hand, with the United Nations in its effort to combat *apartheid* and racial segregation.

The so-called reforms and constitutional changes, including elections to a tricameral legislature, are a farce aimed at dividing the non-white population of South Africa. India considers these reforms as an attempt to perpetuate the system of *apartheid* whereby the ruling minority would continue to deprive the vast majority of the population of any meaningful say in the political process of their own country. It is a move aimed at splitting the liberation movements and sowing discord between the Coloured and the Indian communities on the one side and the black majority on the other. India urged all the people of South Africa, and especially all those of Indian origin, to take no part in the so-called election and to maintain unity in the struggle against *apartheid* and racial segregation. The elections held in August 1984 were not successful in motivating the majority of the electorate to exercise their franchise despite a massive and sustained campaign launched in favour of participation by the Government. As a measure of India's sympathy and support for all those struggling to introduce an equitable and democratic régime in South Africa, the Government of India decided in May 1986 to ban entry into India of any member of the Coloured and Asian legislatures which form part of these so-called constitutional reforms, as they are not representatives of the Coloured or Asian communities in South Africa and their participation in the exercise by the *apartheid* régime only serves to divide and weaken the struggle against *apartheid*.

B. Equal protection of the law

*(articles 2 and 7 of the Universal Declaration;
articles 2 (1) and (2) and 26 of the International Covenant on
Civil and Political Rights)¹*

The rights of any person to equality before the law and to equal treatment before the judiciary as a component of equal protection of laws are fully protected in India and are given the status of fundamental rights under the Indian Constitution.

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*

Every Indian citizen enjoys political rights, including the right to vote and contest elections, and to participate in public affairs and services without any discrimination, as envisaged in article 5 (c) of the Convention. India's political system is based on parliamentary democracy. It is the largest democracy in the world, where elections are periodically held on the basis of universal and equal adult franchise. Part XV of the Constitution deals with the procedure of elections. The Election Commission has been

established under the Constitution to conduct and supervise the elections. Article 325 of the Constitution ensures that no person shall be ineligible for inclusion in the general electoral roll on grounds only of religion, race, caste, sex or any of these. In the period between the consideration of India's seventh report and the submission of the present report, the Indian electorate participated in the eighth general elections after which the present Government was constituted at the centre. Elections for State Assemblies are also similarly conducted by the Election Commission of India. Indian citizens fully enjoy the right to participate in public affairs and all Indians have equal access to employment in the public services. While guaranteeing these rights, the Constitution provides for reservations in favour of the scheduled castes and tribes, and other underprivileged groups.

D. Right to health

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

Public health in India is primarily the responsibility of the State Governments. The central Government, however, guides, sponsors and supports major schemes for improving the health of the people. The main objective of Government has been to provide better primary health care and medical care services to rural areas, tribal areas and poor people with the underlying philosophy that the needs of many should prevail over those of a few. The driving force behind health planning is the commitment of the nation to achieve the goal of health for all by the year 2000 as envisaged in the National Health Policy approved by Parliament in 1983 drawn up in conformity with the Alma Ata Declaration of 1978, of which India is a signatory.

The programmes initiated and executed over the past three decades have strengthened the health care system in the country and yielded considerable dividends, particularly in the field of communicable diseases. Measures have been initiated to correct the regional imbalances prevalent within the system, to improve referral services and to augment health care services in the rural areas through the Minimum Needs Programme (MNP). Life expectancy at birth has gone up from 27.4 years from the 1941-1951 decade to an estimated 54.71 years in 1985-1986, while the infant mortality rate has come down from 146 per thousand live births during the 1950s to 110 in 1981. The health infrastructure has been strengthened considerably. The country currently has about 83,000 sub-centres, 11,000 primary and subsidiary health centres and 650 community health centres.

IRAN (ISLAMIC REPUBLIC OF)

Right to education

*(article 26 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Extension and development of primary education has priority in the educational system of the Islamic Republic of Iran, and the Ministry of Education, while providing educational facilities, has utilized different impetuses to raise the rate of enrolment in primary schools. For example, the abolishment of tuition after the victory of the Islamic Revolution is one of the measures which has been taken in order to encourage parents to enrol their children in school. According to statistics, the number of students enrolled in elementary schools increased from 4,314,415 in the academic year 1977/1978 to 6,788,323 in 1985/1986.

¹ Report submitted by State (E/1982/3/Add.43).

ITALY

A. Freedom of conscience and religion

*(article 18 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Rules were established concerning the organization of legal entities, the property of the Catholic Church and the autonomous means of subsistence of the clergy, which were ratified by the Protocol of 15 November 1984 and given practical application by Act No. 222 of 1985. Among other things, the legislative reform has affected the provisions on recognition of religious holidays and the procedure for appointing Catholic bishops and priests, which is now entirely free of any outside intervention. An agreement was also concluded between the Ministry of Education and the Italian Episcopal Conference regarding optional instruction in the Catholic religion in State schools; in this connection, it should be recalled that, following the adoption of the Act of 18 June 1986, schoolchildren over 14 years of age are free to choose whether or not to receive religious instruction.

B. Prohibition of incitement to racial discrimination

*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

A national daily newspaper published a letter under the title "The UN, Israel and a certain Hitler", the contents of which were clearly a justification of genocide. For publishing this letter, the editor and assistant editor of the newspaper in question were tried under an emergency procedure before the Assize Court at Rome, for the offence of justification of genocide under article 110 of the Penal Code and article 8 of Act No. 962 of 9 December 1967. They were later acquitted for an act not constituting an offence.

At the request of the Attorney-General of the Republic, the Assize Court and Appeals Court at Rome modified the preceding charge and found the editor and assistant editor of the newspaper guilty of failure to exercise control to prevent the publication of such an article. The two journalists

¹ Report submitted by State (CCPR/C/37/Add.9).

were sentenced to suspended prison terms of eight months and six months respectively.

The accused appealed against the latter verdict. The Court of Cassation, through its judgement of 16 January 1986, upheld the judgements of the Assize and Appeals Courts and added a sentence to compensate for harm to the heritage of the Jewish communities and to certain individuals.

JORDAN

Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)*¹

Article 23 of the Jordanian Constitution stipulates that all citizens shall enjoy the right to work, that the State shall ensure the exercise of this right by Jordanians through its guidance and development of the national economy, and that the State shall promulgate legislation to protect this right.

Pursuant to article 23 of the Constitution, the right of Jordanians to work has been confirmed in a number of legislative acts, the most recent of which is Act No. 21 of 1960, as amended by Act No. 2 of 1965 and Act No. 25 of 1972.

Several measures have recently been taken to protect the right to work.

In view of the increasing numbers of foreigners working illegally in Jordan (70,000 workers on 17 February 1986), the Provisional Labour Act No. 18 was promulgated in 1984. Article 2 of this Act stipulates that an employer is permitted to recruit a non-Jordanian worker only if he requires experience or expertise that cannot be provided by Jordanian workers or if the available number of suitably qualified Jordanians is insufficient to meet his requirements.

At a meeting held in December 1985, the Jordanian Council of Ministers decided to take measures to protect the labour force in the agricultural sector. In short, this decision called for the liberalization of the market prices of Jordanian agricultural produce which, in accordance with a previous ministerial decision, were subject to price-fixing through the publication of a daily list of prices set by the Agricultural Marketing Board.

In June 1986, the Jordanian Government launched a campaign for the eradication of mendicity through the implementation of rehabilitation, employment and social programmes.

The objective of the Ministry of Labour and Development's Five-year Plan for 1986-1990 is to achieve a vertical and horizontal expansion in the scope of vocational training with a view to covering all fields of occupational specialization.

¹ Report submitted by State (E/1984/6/Add.15).

KUWAIT

A. Elimination of racial discrimination

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

In this connection, we refer to the articles of the Kuwaiti Constitution quoted in the eighth report and which emphasize the rejection of racial discrimination, firmly establish the principle of equality among individuals and guarantee their equal enjoyment of the rights stipulated in chapter II of the Kuwaiti Constitution.

Furthermore, it is Kuwait's policy to accede to international conventions calling for the elimination of racial discrimination and to participate in international organizations, bodies and committees endeavouring to achieve this objective. This point was amply illustrated in the eighth report, in which reference was made to the international conventions to which the State of Kuwait had already acceded with a view to the achievement of the above-mentioned objective. To these should be added the conventions to which the State of Kuwait has subsequently acceded, as well as its activities in international organizations in this respect, as exemplified by its endeavours to combat racial discrimination within the context of the International Labour Organisation and the League of Arab States.

Moreover, the Government of the State of Kuwait, wishing to ensure the optimum effectiveness of the required reports and of related studies on the subject of human rights, has established a working group to monitor the measures that the Government has adopted in regard to the elimination of racial discrimination. This working group has assumed the form of a Standing Committee which monitors those measures and submits the requisite recommendations in this respect to the authorities concerned. The group also exercises other functions in the field of human rights.

The eighth periodic report indicated that the International Convention on the Elimination of All Forms of Racial Discrimination was applicable under Kuwaiti law on the basis of article 70 of the Kuwaiti Constitution. Under the same heading, reference was also made to the international conventions to which the State of Kuwait has acceded and to the implementation of which it is committed. At the time of writing, a number of other

¹ Report submitted by State (CERD/C/149/Add.16).

international conventions are being studied with a view to Kuwait's accession to them.

With regard to article 70 of the Kuwaiti Constitution, concerning treaties and the manner of their conclusion, ratification and implementation and the extent to which they have the force of law, and whether the Convention or national legislation would prevail in the event of a conflict between them, we wish to indicate that Kuwaiti constitutional legislation adopts the principle that accession to an international convention requires the promulgation of an internal legislative act through the channels specified in the Constitution. Consequently, the international principle must be incorporated within the body of domestic law in order to acquire the force of law and prevail over any conflicting legal provisions.

The eighth report also referred to the role of the Kuwaiti legal system in the application of international conventions. With respect to the question whether the Constitutional Court had abolished any legislation or implementing regulations comprising racial discrimination, and what would happen in the case of a person who had been a victim of such discrimination caused by the legislation that had been abolished, we refer to article 1 of Act No. 14 of 1973. This act, under which the Constitutional Court was established, stipulates that the Court shall be competent to interpret constitutional texts, to issue rulings in disputes concerning the constitutionality of legislative acts, decrees and regulations, and to hear appeals against the election or entitlement to serve of members of the National Assembly, etc. However, it is possible that damage may be suffered by a person who has been a victim of discrimination caused by legislation against which an appeal is lodged with the Constitutional Court. Such a situation is dealt with in article 6 of Act No. 14, which stipulates that, if the Constitutional Court rules that a legislative act, decree or regulation is unconstitutional . . . the competent authorities must promptly take the requisite measures to rectify such incompatibility and to remedy its past effects.

On the question whether there are any national court decisions concerning the implementation of article 1 of the Convention, this report reiterates the statement made in the eighth report that no cases involving the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination have been brought before the courts.

B. Right to form trade unions

*(article 23 (4) of the Universal Declaration;
article 22 of the International Covenant on Civil and Political Rights)¹*

Chapter XIII of the Private Sector Labour Act No. 38 of 1964 makes provision for freedom of association, including the right to form trade unions with a view to dealing with labour problems and improving the

intellectual and professional standards of workers. Article 69 of Act No. 38 of 1964 stipulates:

“The right of employers to form associations and the right of workers to organize trade unions are guaranteed in accordance with the provisions of this Act. Associations and trade unions formed in conformity with the provisions of this chapter shall enjoy corporate personality. The provisions of these articles shall apply to persons working in the governmental sector.”

LIBYAN ARAB JAMAHIRIYA

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 Socialist People's Libyan Arab Jamahiriya has studied the plan of action for the Second Decade to Combat Racism and Racial Discrimination and has begun to implement the activities specified therein.

The Jamahiriya is doing its utmost to promote the elimination of all forms of racism through the unlimited support that it gives to freedom-fighters in South Africa and occupied Palestine. The Jamahiriya has spared no effort to assist colonial territories and peoples. As is well known, the declaration of the people's authority implies support for freedom throughout the world; this support includes political, military, economic and other forms of assistance to colonial territories and peoples such as South Africa and occupied Palestine, as well as endeavours in various fields to promote existing concepts and laws concerning the protection of human rights without any distinction whatsoever between members of the human race.

¹ Report submitted by State (CERD/C/172/Add.2).

LUXEMBOURG

A. Equality before the law

(*article 7 of the Universal Declaration;
article 26 of the International Covenant on Civil and Political Rights*)¹

As already explained in the second report, the principle of equality before the law also applies to aliens, provided that a distinction based on nationality is not explicitly laid down by law. This extensive interpretation is confirmed by case law.

“Aliens in the Grand Duchy enjoy all rights that are not specifically denied them. In the absence of a contrary provision, they are assimilated to Luxembourg nationals. An alien may not be denied any right, unless the Legislature has made an express decision to that effect” (State Council, 4 February 1964).

This interpretation by case law of article 11 of the Constitution is uncontested. Since the Constitution takes precedence over national legislation, no derogation may be made from it. The only possible exceptions are those relating to participation in public policy (active and passive voting) and access to public office.

B. Right to a nationality

(*article 15 of the Universal Declaration*)¹

The law makes no discrimination concerning acquisition of Luxembourg nationality.

The granting of Luxembourg nationality is effected primarily according to the rule of *jus sanguinis*, an expanded rule since it relates not only to Luxembourg progenitors, but also to adoptive or merely presumed parents.

The automatic transfer of nationality normally operates in favour of the father and only exceptionally in favour of the mother. In this respect, therefore, there is still discrimination in civil law in respect of a Luxembourg mother. This discrimination will be eliminated by a bill currently under consideration.

¹ Report submitted by State (CERD/C/128/Add.2).

Still in connection with the granting of nationality, and specifically automatic transfer, *jus soli* operates only in cases involving determination of nationality where an ascendant may transfer his right of citizenship to his descendant.

As to methods of acquiring Luxembourg nationality, the law provides for the right of option and naturalization. Option is a simpler method of acquiring nationality. In this case, birth in Luxembourg or a link with a progenitor who was previously of Luxembourg nationality or has acquired Luxembourg nationality is instrumental.

Similarly, the foreign wife of a Luxembourg national may make a declaration of option. The future law will also establish a right of option for a foreigner who has married a Luxembourg woman.

It should be further noted that a minor automatically obtains Luxembourg nationality if his father or the principal exercising the right of custody over him obtains (by option or by naturalization) or regains Luxembourg nationality.

With regard to proof of adequate assimilation (in the event of option or naturalization) it should be noted that this condition primarily concerns integration of the candidate in the social environment. No discrimination based on race or nationality of origin is permitted. Knowledge, even passive knowledge, of the Luxembourg language is not an essential requirement.

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)*¹

Racial segregation and *apartheid*, in other words, the institutionalized forms of racial discrimination, do not exist in Luxembourg and there is no danger that they will appear. Consequently, special measures in this respect are not necessary.

In the area of international relations, Luxembourg has consistently condemned racial segregation and *apartheid*. Under Luxembourg chairmanship, the European Community decided to adopt certain restrictive measures against South Africa.

Apart from the embargo on arms exports to South Africa, the 10 States members of the European Communities, together with Spain and Portugal, have taken the following restrictive measures against *apartheid*:

(a) Strictly enforced embargo on exports of arms and paramilitary material to South Africa;

(b) Strictly enforced embargo on imports of arms and paramilitary material from South Africa;

(c) Withdrawal of military attachés from South Africa, and refusal to accredit South African military attachés;

(d) Discouragement of cultural and scientific agreements, except in cases where they are likely to contribute to the elimination of *apartheid* or do not have the effect of supporting it, and freezing of official contacts and international agreements in the areas of sport and security;

(e) Discontinuance of oil exports to South Africa;

(f) Refusal of all co-operation in military matters;

(g) Discontinuance of exports of sensitive material intended for the South African army or police;

(h) Prohibition of any further co-operation in nuclear matters.

D. Right of aliens to vote

*(articles 4 and 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination)*²

With particular reference to the right of aliens to vote, the Grand Duchy is unquestionably in a special situation by virtue of the fact that, of all the members of the European Community, it has the highest proportion of aliens, amounting to more than a quarter of its total population.

Moreover, in a recent study on voting rights in local elections for Community nationals (*Bulletin of the European Communities*, Supplement 7/86), the Commission of the European Communities noted that the fact that the member States which did not grant the right to vote were those with the largest population of foreign residents could not be ignored. With regard to the situation of Luxembourg, the Commission also noted that:

“Politically the situation in the Grand Duchy is very delicate, since any extension of the electorate would tend to alter the traditional political balance. There is no doubt that in Luxembourg, more than anywhere else, demography has a decisive bearing on the political and legal approach to the problem.”

² Report submitted by State (CERD/C/155/Add.2).

MEXICO

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

Since 20 July 1981, the date on which Mexico submitted its initial report, the legal position in respect of *apartheid* has remained virtually unchanged.

Discriminatory practices based on race are quite unknown in Mexico and, accordingly, no inhuman acts are committed for the purpose of establishing and maintaining domination by one racial group of persons over any other group. Mexico has adopted measures that fully guarantee the enjoyment of human rights and fundamental freedoms for every individual throughout Mexico.

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

*(article 5 of the Universal Declaration;
article 7 of the International Covenant on Civil and Political Rights)*²

On 20 January 1986, the President of the Republic signed Mexico's instrument of ratification of the Convention, which was deposited with the Secretary-General of the United Nations on 23 January 1986.

The Congress of the Union adopted the Federal Act for the Prevention and Punishment of Torture, which was published in the *Diario Oficial de la Federación* on 28 May 1986 and entered into force 15 days after publication. This Act originated in an initiative taken by the Human Rights Commission of the Senate of the Republic and is based on the conviction that "the State and its organs act solely as prescribed by law and must unfailingly respect the human being". This Act is in conformity with the Charter of the United Nations, which provides that States have a duty to promote universal respect for and the observance of fundamental rights and freedoms, and is intended to safeguard the individual guarantees embodied in the Constitution of the United Mexican States.

¹ Report submitted by State (E/CN.4/1987/26/Add.14).

² Report submitted by State (CCPR/C/46/Add.3).

C. Administration of justice

*(articles 10 and 11 of the Universal Declaration;
articles 14 and 15 of the International Covenant
on Civil and Political Rights)²*

The Government of Mexico set itself the task, in the National Development Plan (1983-1988) and as a central objective of the policy of legal reform and reform of the administration of justice and public security, of undertaking a thorough revision of national laws and regulations and ensuring genuine access by all individuals to justice and legality in accordance with the Constitution.

D. Political rights

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

On 29 December 1986, the Congress of the United Mexican States enacted the Federal Electoral Code, published in the *Diario Oficial de la Federación* on 12 February 1987.

With regard to its structure, the Federal Electoral Code contains eight books, divided systematically into specific titles and chapters. The electoral process is regulated chronologically and consistently, from the outset to the final result of the election, through all stages and acts, including the preparation, development and supervision of the electoral process, the individual being the focus of the attribution of political rights and obligations.

Book I determines the purpose and goal of this legal instrument, by defining political rights. The Mexican constitutional tradition has preserved the idea that the recognition of individual rights forms the basis of the structure of the political community and its organs of power. This consideration underlies the listing and definition of political rights, such as the right to vote, eligibility and eligibility requirements.

Book II is composed of provisions governing citizens' forms of political organization. It highlights matters relating to national political parties and establishes rules relating to their responsibilities in the electoral process and their composition, registration and operation. The chapter relating to the prerogatives of political parties covers the introduction of a system of supplementary public financing of party income; since, according to the Constitution, the political parties are entities of public interest, they are given greater State support so that they will have more resources with which to fulfil their important function of helping to substantiate the national will.

MONGOLIA

A. Protection of the family, mothers and children

(articles 16 (3) and 25 (2) of the Universal Declaration)¹

In Mongolia, the family is protected by the State. Family relations are governed by the Family and Civil Codes, the Act on Citizenship and other legal instruments.

The State's protection of the family is based on two main principles: the voluntary nature of the marital union between husband and wife and the total equality of the spouses' rights in family relations. Conjugal life is conducted on the principles of mutual love and respect between the persons contracting marriage (Family Code of the Mongolian People's Republic, article 3).

Freedom of decision is guaranteed by the stipulation in the Family Code of a minimum age for marriage. For both women and men, that age is 18. Marriages must take place in State registry offices.

Article 10 of the Family Code prohibits marriage between persons one of whom is already married, between relatives, and between persons one of whom has been judged incompetent by a court as a result of a mental disorder.

Spouses enjoy equal rights as to children's upbringing (art. 41).

The State is required to furnish family care through the creation and expansion of a network of kindergartens, nurseries and other children's institutions, the improvement of amenities and the public catering service, the granting to women of paid pregnancy and maternity leave, the payment of State allowances to mothers of large families and the provision of other benefits. These requirements are laid down in the Mongolian Constitution (art. 84) and Family Code (art. 6).

The social-consumption funds play an important role in State assistance to the family: they are used to cover families' principal requirements as regards the protection of mothers and children. The possibility of attendance at pre-school institutions occupies an important place in the system of measures for material assistance to families.

There has recently been widespread construction of pre-school institutions of the nursery-cum-kindergarten type for workers' children.

¹ Report submitted by State (E/1986/4/Add.9).

Currently, more than 82,300 children attend a total of 419 nurseries and 686 kindergartens. For children up to the age of three, attendance at nurseries is free. Except for a negligible contribution by parents to the children's upkeep, kindergartens are paid for entirely by the State.

Large families are the subject of considerable attention. Families with three or more children are given priority in the allocation of housing and pay less for the children's attendance at kindergartens.

Every year the State pays from 400 to 3,150 tugriks to mothers having between 4 and 10 children, while mothers having 10 or more children are given 400 tugriks for every child below the age of 16.

Over 90,000 mothers of large families are currently receiving State allowances. The annual total of such allowances exceeds 80 million tugriks.

The system of payments from the social-consumption funds encompasses pregnancy and maternity allowances, sickness benefits, allowances for single mothers, and pensions for disability and for the loss of the breadwinner.

B. 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*

In accordance with the programme of the Mongolian People's Revolutionary Party and the decisions of the 19th Party Congress, the highest objective of socialist society is the consistent improvement of the people's well-being and the fullest possible satisfaction of its material and intellectual needs.

Article 17 of the Mongolian Constitution declares the purpose of socialist production to be the maximum satisfaction of people's steadily growing needs.

In the period 1981-1985, capital investment in the strengthening of the material and technical base of the various branches of the national economy totalled 21.8 million tugriks and the fixed assets in the economy increased by a factor of 1.7. Social production developed rapidly and its efficiency rose. National income produced grew by 37 per cent. There was also growth in labour productivity and this was an important factor of the rise in national income.

In agriculture, average annual gross output was 18 per cent higher than in the previous five-year period. Industrial output was 56 per cent higher.

During the seventh five-year planning period, the resources allocated from the State budget to the financing of socio-cultural measures were

1.4 times greater than during the period 1976-1980. Real per capita income rose by 12 per cent. There was growth in the average wages of manual and non-manual workers and the monetary incomes of the members of agricultural production associations and various other measures were taken to increase people's earnings.

During the period under review, there were increases in the salaries of engineering workers in the electric power industry, of teachers of middle-level classes in general-education schools, and of certain categories of middle-level medical personnel. In addition, wage supplements and certain benefits were introduced for agricultural specialists and for building workers completing continuous periods of specialized work. Additional benefits were instituted for young workers in certain sectors of the economy and young livestock farmers as an encouragement to them to stay in their places of initial assignment.

The pensionable age for members of agricultural production associations is the same as for the manual and non-manual workers in other sectors. The State pension system covers the members of such associations and the pensions for the disabled and for people who have lost their breadwinner have been increased.

Other developments during the validity of the seventh five-year plan included a 24 per cent increase in retail trade turnover. The range of goods on offer to the public expanded and there was a substantial rise in sales of consumer durables.

The legally conferred right to housing is of great importance as regards the securing of an adequate standard of living.

Mongolia is coping successfully with the task of increasing the supply of housing for its working people.

During the period under review, the housing stock grew and the provision of communal and consumer services was greatly expanded. Housing construction during the validity of the seventh five-year plan totalled 860,000 square metres and resulted in improved living conditions for some 140,000 people. Between 1.1 and 1.2 million square metres of housing will become available for use during the current five-year planning period, when it is intended to increase housing construction in rural areas by no less than 30 per cent. Every possible support will be provided for the efforts of mechanics and specialized workers employed in rural areas to acquire or build individual accommodation. Citizens will be provided with bank loans for the construction of individual dwellings and arrangements have been made for the sale of building materials.

C. Right to health

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

In Mongolia, care for citizens' health is an integral part of the State's efforts constantly to improve the people's material and social welfare and working, living and leisure conditions.

The Act on Health Care states that "citizens of the Mongolian People's Republic are guaranteed free and public skilled medical assistance, which shall be provided by State health-care institutions" (art. 3).

Protection of the population's health is ensured by expansion of the network of health-care institutions, the taking of prophylactic measures, the widespread introduction of scientific and technological advances, the protection of the environment, the supply of medicines and drugs to medical establishments and the public, the training and employment of highly skilled staff, etc.

The Act on Health Care makes care for the population's health an obligation of all State, co-operative and public organizations (art. 9).

The provision of free, skilled medical assistance is effected through a broad network of clinics, specialized hospitals, polyclinics and health centres providing in-patient and out-patient care and home nursing and carrying out prophylactic measures.

The development of prophylactic measures, the broader provision of health centres, the extension of the district services system and the creation of a ramified sanitary-and-epidemiological service are the subject of considerable attention.

Sanitary-and-epidemiological centres are in operation in all provinces and towns. They monitor sanitary conditions for the State, with a view to halting and preventing environmental pollution, preventing health hazards in the home and workplace and improving hygiene in public catering operations.

Mongolia has been very successful in the prophylaxis of infectious diseases. An expanded programme of immunization has been instituted. In 1979, the Mongolian Ministry of Health approved a new vaccinations schedule and basic regulations for the organization of vaccination campaigns and the transport and storage of vaccines. The practical arrangements for and the conduct of vaccination campaigns are the responsibility of health-care institutions.

The administration of vaccinations is co-ordinated and monitored by the Ministry of Health and the provincial and urban health directorates.

Immunization campaigns among children are carried out by the mother- and child-protection service, while such campaigns among older population groups are the responsibility of the general medical service.

All children and young people are vaccinated. Special arrangements have been made for the delivery of vaccines to rural areas.

The reanimation and intensive-care units in all types of medical establishment have been enlarged. The past few years have seen the establishment of three specialized sanatoriums for adults in various parts of the country and of seasonal sanatoriums for delicate children in all provinces and towns.

The medicines for the treatment of certain somatic diseases are available free of charge. The cost of various other medicines has been cut by 50 per cent.

Home nursing is available for persons with oncological problems. Children and young people who have suffered accidents or certain diseases can now receive prostheses at a 50 per cent discount or, in some instances, free of charge.

The provision of medical care to the inhabitants of rural areas is an active concern of the Mongolian health authorities. An intensive programme for the expansion and strengthening of rural medical establishments is now in progress. Another programme has been launched for the provision to provincial hospital groups of special vehicles fitted with X-ray machines, laboratories and dispensaries and equipment and supplies for central care and disinfection.

These mobile clinics serve as many as 300,000 people in rural areas every year.

The number of beds in provincial and rural hospitals has been increased by 10.6 per cent in three years. More medicines are now available free for out-patient or home treatment.

New staffing regulations have been approved for rural medical establishments and the reanimation departments of provincial hospitals and are now in force. Specialized departments (for, *inter alia*, reanimation and intensive care, psychoneurology or diagnostic medicine) are being established in provincial hospitals.

There has been an expansion in recent years of such services as the home delivery of medicines and the organization of special sales of medicines in remote rural settlements.

Improved medical care is now available for children in pre-school establishments and schools. Since the addition to their staffs of paediatricians and obstetrico-gynaecologists, rural health centres have been able to offer patients a wider range of care.

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)²

In consistently speaking out against *apartheid* and racism, the Mongolian People's Republic actively participates in the work of international bodies aimed at eliminating these shameful phenomena. Thus, in 1986 it took part in the World Conference on Sanctions against Racist South Africa (Paris), the International Conference for the Immediate Independence of Namibia (Vienna), and the special session of the General Assembly on Namibia (New York). Mongolia has frequently co-sponsored resolutions condemning the policy of *apartheid*. Thus, at the fortieth and forty-first sessions of the United Nations General Assembly, it was a sponsor of a number of resolutions on combating *apartheid*. The Mongolian People's Republic fully supports the appeal contained in the documents of these meetings to adopt comprehensive, mandatory sanctions against the South African régime in accordance with the provisions of Chapter VII of the United Nations Charter.

² Report submitted by State (E/CN.4/1988/Add.3).

MOROCCO

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

In Morocco, racial discrimination against persons, groups of persons or institutions invariably constitutes a breach of the law. For instance, in administrative matters, if some applicants are turned down with a view to favouring others, this is a breach of article 1 of the *Dahir* of 24 February 1958, governing the terms and conditions of the civil service, which provides for "equality of all citizens, men and women, in the matter of public employment".

Furthermore, in the event of any infringement of this principle, there is a remedy at final instance before the Supreme Court, which consists of five divisions (the Civil Division, the Personal Law and Succession Division, the Criminal Division, the Social Welfare Division and the Administrative Division). It should be noted in this connection that the President of the Administrative Division of the Supreme Court is Mr. Maxime Azolay, a Moroccan of Jewish faith.

The Moroccan State has always demonstrated its unswerving devotion to Islam and to its moral and religious teachings, by which the State considers itself bound. Accordingly, it takes the view that on no account can race, colour, and tribal ethnic grouping establish a right or create political or social ties having the effect of placing individuals outside Moroccan society as a whole.

Immediately after independence, Morocco embarked on the repeal of those parts of its internal law, dating from the Protectorate period, which could have given rise to discriminatory treatment of individuals.

Although racial discrimination does not exist in Morocco, measures to combat any possible manifestations of racist or discriminatory behaviour or practices are a predominant feature of Moroccan law as well as Government policy as a whole. It is the constant concern of Morocco, whose inborn and

¹ Report submitted by State (CERD/C/148/Add.2).

discerning sense of hospitality precludes any form of xenophobia, to remain a stronghold of religious and racial tolerance.

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

Although, at the national level, it has never been felt necessary to adopt special legislative, judicial, administrative or other measures to combat racial discrimination, the Moroccan Government has none the less unfailingly supported all action by the international community designed to vigorously condemn *apartheid* and racial segregation, particularly in southern Africa.

At the World Conference on Sanctions against Racist South Africa (Paris, 16-20 June 1986), the Moroccan representative made the following statement:

“ ...

“The Kingdom of Morocco has always endeavoured to eliminate all forms of discrimination and has constantly contributed to the fight to eradicate all prejudices based on race, sex, language or religion.

“ ...

“No one can deny that the root cause of the conflict in southern Africa is and continues to be *apartheid*. So long as that system is not abolished, the disorders afflicting South Africa will persist and will heighten instability in the region.

“ ...

“Morocco once again wishes to express its active solidarity with the front-line countries and strongly condemns the repeated attacks by the South African forces of which they are victims.

“ ...

“Given this situation, we believe that any expression of indignation or censure will be pointless unless it is followed up by specific measures to make the South African racist régime respect the will of the black majority and to eradicate *apartheid* completely.

“In our view, therefore, isolation of the Pretoria régime is the most effective way of bringing about a genuine change in that country.

“In this connection, we consider that the application of mandatory and global sanctions against the Pretoria régime, under Chapter VII of the Charter of the United Nations, offers the only path that could lead to the elimination of *apartheid*.

“ ...

“We, however, trust that more appropriate and resolute measures will be adopted with a view to making an effective contribution to the downfall of the system.

“ ...

“At the same time, the total eradication of *apartheid* is still dependent on the collaboration of all those countries which continue to maintain economic relations with the Pretoria régime, either directly or through certain multinational corporations whose financial and material support is the mainstay of the South African economy.

“ ...

“None the less, Morocco considers that such efforts should be maintained and strengthened. Morocco appeals urgently to the international community as a whole to take the necessary measures to make South Africa completely abandon the *apartheid* system once and for all.”

Morocco does not have any kind of relations with the racist South African régime. It will not depart from this steadfast position so long as the indigenous peoples do not enjoy all their legitimate rights.

NAMIBIA

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 5 September 1986, Proclamation 101.R. was amended by the South African Parliament to include the following:

“(5) No court shall be competent to inquire into or pronounce upon the validity of any Act of Parliament enacted before or after the commencement of the Proclamation.”

The life of the black Namibian is thus entirely subjected to the arbitrary power of the Pretoria régime. Consequently, mechanisms whereby the black Namibian can seek the protection of the court are very few or non-existent.

On 23 July 1986, the Cabinet of the so-called interim Government, at the instance of the racist South African President, issued a certificate under this subsection terminating the trial of four white South African Defence Force members. The soldiers had been charged with the murder of Frans Uapota, a 48-year-old father of five, whom they allegedly attacked and beat to death on 28 November 1985 near Ohangwena in northern Namibia. The section further provides that no court of law shall have the power to review, set aside or declare to be void or otherwise question the validity of the certificate and that the State President and Cabinet of the “interim Government” shall not be obliged to furnish any reasons for the authorization for, or for the issue thereof.

The discriminatory policies of the *apartheid* régime are also evident in the field of higher education. The régime prefers to keep costly educational institutions virtually empty rather than allow black Namibians to attend. For example, the newly established teacher-training college in Windhoek was built to accommodate 1,500 students, but currently has a total enrolment of only 200 white students. In 1986, there was massive publicity by the “interim Government” that schools and the Windhoek College would be open to all races; so far, there have been no signs of such integration.

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

Libraries are also segregated. For instance, the Windhoek Library, controlled by the white second-tier Government, is exclusively for whites.

The right to equal participation in cultural activities does not exist. Blacks may not attend the same cultural activities as whites. Black cultural groups may organize their own activities, but in most cases these are often closed down by the Security Police and the group members arrested.

Concerning the right of access to places or services intended for use by the general public, despite recent pronouncements by the South African régime on the relaxation of “petty *apartheid*” in Namibia, black Namibians still have no access to certain amenities.

NETHERLANDS

A. Political rights

(article 21 of the Universal Declaration;
article 5 of the International Covenant on Civil and Political Rights)¹

A Bill amending the 1929 Central and Local Government Personnel Act in respect of the exercise of civil and political rights was presented to the Lower House of Parliament on 21 April 1986. The tabling of this Bill furthermore reflects the view that, given the growing significance attached to fundamental rights, rules or measures which relate or might relate in any way to a fundamental right should be anchored wherever possible in an Act of Parliament. The Bill provides for the insertion of subsection 125a in the Act of 1929, to read as follows:

“1. Public servants shall refrain from making public thoughts or opinions and from exercising the right of association, assembly or demonstration where the exercise of those rights would not be compatible with a reasonable guarantee of the adequate performance of their duties or the adequate functioning of the public service, in so far as the latter is connected with the performance of their duties.

“2. The provision of the first paragraph relating to the right of association shall not apply to membership of:

“(a) A political group whose name or designation is registered in accordance with articles G1 or G2 of the Franchise Act (*Bulletin of Acts, Orders and Decrees*, 1951, 290) or the European Elections Act (*Bulletin of Acts, Orders and Decrees*, 1978, 652);

“(b) A political group whose name or designation is registered in accordance with article G3 of the Franchise Act and which, if after registration elections were held for the municipal councils, has participated in most recently held elections;

“(c) A trade union.”

With this amendment to the Act of 1929 the Government seeks to restrict the civil and political rights of public servants only in so far as such restriction is essential to the proper functioning of the public service (and the proper performance of the public servant's duties).

¹ Report submitted by State (CCPR/C/142/Add.6).

B. Rights to liberty and security of person
*(articles 3 and 10 of the Universal Declaration)*¹

Article 15, paragraph 2, which lays down the principle of habeas corpus, constitutes a new element in the Constitution. By virtue of this provision, anyone deprived of his liberty other than by order of a court may petition a court to order his release and must be heard by the court within a period to be laid down by Act of Parliament. If the court considers the deprivation of liberty to be unlawful, it will order his immediate release. This corresponds precisely with article 9, paragraph 4, of the Covenant. It should be noted that this provision may not be departed from even during a state of emergency: article 15 is not included among the civil and political rights which may be derogated from under article 103 of the Constitution. In this respect the scope of this right is wider than under the Covenant, it being possible by virtue of article 4 thereof to depart from article 9. Two Acts of Parliament concerning a state of emergency consequently need to be amended. A Bill amending the War Act and the Civil Authority Special Powers Act was presented to the Lower House in May 1986.

C. Prisoners' rights
*(article 5 of the Universal Declaration)*¹

A number of amendments, *inter alia* to the Franchise Act and the Criminal Code, entered into force on 7 April 1986, with the result that most prisoners will now be able to vote in elections for general representative bodies. Offenders may henceforth only be deprived of the right to vote by the courts, and then only in conjunction with a prison sentence of at least one year. The number of offences for which the court may impose the additional punishment of disqualification from voting is limited.

D. Freedom of religion
*(article 18 of the Universal Declaration;
article 18 of the International Covenant on Civil and Political Rights)*¹

Since 17 February 1983 the right of the individual freely to manifest his belief has been recognized by the Constitution and placed on an equal footing with the freedom of religion, and has thus been brought into line with the provisions of international instruments (Covenant, art. 18 and European Convention on Human Rights, art. 9). The term "manifest" includes not only holding certain religious or ethical beliefs but also acting in accordance with them. A person may manifest his religion or belief either individually or jointly with others.

Under the same provision, restrictions on the exercise of this right within buildings and enclosed places may be imposed by Act of Parliament only. The right to manifest one's religion or belief other than in buildings and enclosed places may be restricted either by Act of Parliament or by regulations issued by a lesser authority which must be based on a specific provision of an Act of Parliament conferring the power to restrict the exercise of this right for the purpose of protecting one of the interests referred to in article 6 (2) of the Constitution. The grounds on which this right may be restricted are thus more closely defined here than in article 18, paragraph 3, of the Covenant. In so far as it relates to the exercise other than in buildings or enclosed places of the right referred to in article 6 (1), article 6 is scheduled to enter into force by 17 February 1988 (additional article III). A transitional period of up to five years following the entry into force of the Constitution was considered necessary to allow Parliament time to deal with the necessary implementation legislation. A Bill regulating the exercise of the freedom of religion and belief and the right of assembly and demonstration was presented to the Lower House on 25 February 1986 (*Parliamentary Documents II*, 1985-1986, 19427).

E. Right to self-determination

*(articles 1, 21 and 22 of the Universal Declaration;
article 1 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The right to self-determination is a basic precondition for peace and security and the protection of national integrity. No country can afford to implement this right selectively, since it cannot be certain that its own right to self-determination will never be threatened.

As regards South Africa, the Netherlands has repeatedly condemned the system of *apartheid* and demanded that it should be abolished. It has also repeatedly called for the unconditional release of Nelson Mandela and other political prisoners. However, the United Nations should above all encourage peaceful solutions in accordance with the principles of the Charter. The thesis that the maintenance of relations with a State implies encouragement or approval of that State's policies cannot be accepted.

NEW ZEALAND

Prohibition of inhuman or degrading treatment or punishment *(article 5 of the Universal Declaration)*¹

New Zealand signed the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 14 January 1986. New Zealand intends to ratify the Convention and a review of necessary implementing legislation is currently under way.

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

NIGER

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 2 September 1986, Niger ratified the International Convention against *Apartheid* in Sports, after having co-sponsored the draft resolution relating to that valuable instrument within the context of the anti-*apartheid* campaign.

On 15 July 1986, Niger ratified the African Charter on Human and Peoples' Rights. The affirmation of its determination to fight for the total elimination of the odious system practised by the South African régime has prompted Niger to participate in international meetings within the context of the non-aligned movement, the Organization of African Unity (OAU) and other bodies.

In conjunction with this international activity, *apartheid* awareness campaigns continue to be directed at the various social sectors within Niger. Thus, in accordance with a resolution adopted at the twenty-second OAU summit, held in July 1986, Niger devoted the first day of the 1986/1987 school year to information and consciousness-raising in educational establishments. The following slogan was written on all blackboards in schools throughout the country: "*Apartheid* is a crime against humanity."

This multi-faceted campaign to mobilize public opinion, which reflects Niger's commitment to support the just struggle of the South African people, has continued, *inter alia*, through the issue in 1986 of postage stamps portraying the black leader Nelson Mandela.

B. Political rights

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

The National Charter provides that officials shall be democratically elected at all levels of the institutions of the Development Society: village

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

development council, local development council, subregional development council, regional development council and national development council. Thus, within the context of the Development Society, popular sovereignty will be exercised on the basis of universal suffrage.

C. Freedom of opinion and expression

*(article 19 of the Universal Declaration;
articles 19 and 20 of the International Covenant
on Civil and Political Rights)¹*

In Niger, private individuals, as well as the State, may legally own information organs, subject to observance of public order and decency. However, experience has shown that organs founded by private individuals appear irregularly or even cease publication after a certain time because of management problems and limited readership.

NIGERIA

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

As stated in the eighth periodic report, Nigeria is in the forefront of the fight against racism, *apartheid*, and racial discrimination, not only within her own borders but beyond her shores. This position has remained the same throughout the period covered by this report. Nigeria still holds the chairmanship of the United Nations Special Committee against *Apartheid*, a post which it has held for years.

In pursuance of Nigeria's role as a leading opponent of South Africa's *apartheid* policies on the continent, Nigeria is a member of the Commonwealth Eminent Persons Group (EPG) on South Africa, whose report appears as "another nail in the coffin of *apartheid*".

Following the raid carried out on some front-line States on 19 May 1986, Nigeria gave a ₦10 million aid package to three front-line States whose capitals were attacked during the raid.

A five-day conference (from 16 to 20 June 1986) was organized by the United Nations Special Committee against *Apartheid* headed by Nigeria, in co-operation with the Organization of African Unity (OAU) and the Movement of Non-Aligned Countries. The Conference, otherwise known as the World Conference on Sanctions against Racist South Africa, took place at UNESCO headquarters in Paris. At the Conference, Nigeria pledged the sum of ₦50 million as aid to the front-line States, which sum will be spread over five years. Nigeria also renewed its pledge to rebuild the houses destroyed in Zambia and Botswana as a result of the terrorist activities of South Africa's military forces.

¹ Report submitted by State (CERD/C/149/Add.25).

NORWAY

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

Since the seventh periodic report Norway has, on a national basis and together with the other Nordic countries, adopted a number of unilateral measures against South Africa in order to increase the international pressure on that country to abolish *apartheid*.

During 1985 the Norwegian Government also introduced a number of national measures in order to reduce further Norway's economic relations with South Africa. These include:

(a) Norway's import and export of goods to South Africa will be subject to automatic licensing. This licensing shall be carried out in pursuance of the Act of 13 December 1946 No. 29 relating to a ban on imports and No. 30 relating to a ban on exports. The licensing scheme entered into effect on 1 August 1985 and 1 January 1986, respectively.

(b) Import licences for fresh and processed fruit and vegetables will not be granted. The ban shall be carried out in pursuance of the Act of 1946 on a ban on imports and the Act relating to a ban on imports etc. on 22 June 1984 No. 5. This measure entered into effect on 27 January 1986.

(c) Export licences will not be granted for ships and drilling platforms, nor for civil equipment which may also be used for military purposes.

(d) The Government will examine in which way the authorities can give support to individual companies which, as a result of the measures introduced against South Africa, seek other sources of raw materials or markets. Such support may be granted only to companies that are dependent on imports from or exports to South Africa.

(e) A registration system for all Norwegian-owned tankers which call at South African ports was established as of 1 April 1986 by the Norwegian Shipowners' Association. The system will cover the number of calls and tonnage. The information will be submitted to the Ministry of Commerce and Shipping on a quarterly basis, and will be available to the public. The Government expects that this measure will put a stop to most oil transport with Norwegian-owned ships to South Africa.

¹ Report submitted by State (CERD/C/132/Add.5).

(f) The Government will take the initiative to consult with individual members of the Security Council in order to examine the basis for adopting binding decisions by the Security Council on registration of ships carrying crude oil to South Africa.

(g) The Government will review the effects of these measures, and will, if necessary, put forward additional proposals for stronger measures.

These measures, which also relate to Namibia, were adopted by Parliament on 17 June 1986. In addition, Parliament asked the Government to consider introducing a national legal basis for some of the already existing measures, such as prohibition of transfer of patents and manufacturing licences to South Africa, export to South Africa of equipment which can be used for both civilian and military purposes and sale of Norwegian ships to South Africa.

A clear majority in Parliament asked the Government to study the consequences of a total trade embargo of South Africa. The Government is now undertaking this work and will this autumn submit a bill to Parliament containing a proposal of a total embargo on trade with South Africa and Namibia.

On 17 June this year Parliament adopted a bill banning the sale of Norwegian petroleum to South Africa. The Act covers crude oil as well as gas.

B. Right to education

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

The Working Group on Education under the Advisory Committee on Human Rights has, in co-operation with the College of Education in Levanger, prepared a seminar called "Human Rights—ideals and realities" which will take place in September 1986. The aim is, *inter alia*, to focus on the role of human rights in teaching, taking into account the upbringing of young persons in favour of peace, the relationship between wealthy and poor nations and Norwegian immigration policy. The crucial question will be how the individual can involve himself in human rights questions within his own field of activity.

C. Right to take part in cultural life

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

For 1986, the Ministry of Local Government and Labour has set aside 50 per cent (approximately NKr500,000) of its project funding for

immigrant purposes in order to test various forms of self-help programmes in immigrant organizations and groups. The aim will be to assist immigrants in their contact with public authorities and increase their knowledge to combat anti-racist attitudes. On the basis of experiences gained from these immigrant-directed self-help projects the Ministry will evaluate the need for a permanent system of grants.

Several cultural and information centres have now been established in the municipalities. In addition to being gathering places for the immigrants themselves, they supply information about immigrant cultures to the Norwegian society. Furthermore, these centres constitute an important contribution to anti-racist efforts. It is important that such work be initiated and run by the immigrant groups themselves.

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

*(articles 2 and 7 of the Universal Declaration; article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination)*¹

The Oslo City Court rendered judgement on 16 April 1986 on a case involving an article on immigrants which was allegedly in violation of the law. The Court found that the author's statements were directed not only at Norwegian immigration policy but also contained allegations aimed directly at immigrants in Norway and particularly at immigrants of another race. The expressions used in the article were extremely derogatory and crude. The immigrants were characterized, *inter alia*, as murderers of their own people, destroyers of human beings, warriors in disguise, propagators of crime and violence, conquerors and invaders. Referring to the Convention and previous Supreme Court rulings, the Court concluded on the basis of a factual assessment that the article did come within the scope of section 135a.

The accused was given a suspended sentence of 21 days' imprisonment. As mitigating factors, it was taken into consideration that the magazine in which the article was printed had a limited circulation and that considerable time had elapsed since the offence was committed. Moreover, the accused had, because of his views, been dismissed from his post as a teacher and had been unable to find another job since then.

E. Protection of the family, mothers and children

*(articles 16 (3) and 25 (2) of the Universal Declaration)*²

In order to be entitled to the maternity allowance, the woman must as a general rule have been working for at least 6 months during the 10 months

² Report submitted by State (E/1986/4/Add.21).

preceding the birth. If after confinement the woman resumes her work, the father of the child may on certain conditions receive the benefits for the remaining days.

The family allowances have been increased since the first periodic report. The annual benefits for each supported child under 16 years of age are, as of 1 July 1986:

- NKr5,448 for the first child;
- NKr6,000 for the second;
- NKr7,416 for the third;
- NKr8,040 for the fourth;
- NKr8,424 for the fifth and each additional child.

A single provider still receives a supplement to these benefits.

For children living in orphanages, special schools or similar institutions a benefit of NKr5,448 per year is paid to the institution. When one of the children of a family is staying in such an institution, the benefit for his brothers or sisters—if any—is calculated on the basis of the rates for the second child and for subsequent children.

The scheme is still financed by the State and administered by the National Insurance Institution and the local insurance office; if a claim is rejected, the decision may be brought before the Social Insurance Court of Appeal.

About 521,000 families received family allowances in 1984. Benefits were paid for a total of about 898,000 children including about 1,000 children in various institutions. Expenditures for 1984 were NKr4,652,400.

The National Insurance pays maternity allowance to occupationally active women for a total of 90 days (calculated on the basis of a five-day working week), but for not more than 60 days before the birth. When a woman has more than one child, this period is prolonged by two weeks for each child. The maternity allowance is equal to the daily sickness allowance, i.e. 100 per cent of income from work.

A lump sum of NKr4,000 (1986) is granted to women who are not occupationally active.

A benefit is granted a surviving spouse who must leave the care of his/her children to someone else because of vocational training or work away from home. The benefit amounts to NKr5,580 a year (1986) for the first child and NKr2,232 for each subsequent child.

Where a widow gives birth to a child whose father is her deceased husband, she is entitled following confinement to a maternity allowance amounting to NKr7,740.

A new Act establishing an Ombudsman for children was adopted on 6 March 1981. The first Ombudsman was appointed the same year. The purpose of the Act is to promote the interests of children in society. According to the Act, the Ombudsman shall, in particular:

- (a) Protect the interests of children in connection with planning and studies in all fields;
- (b) Ensure that legislation relating to the protection of children's interests is observed;
- (c) Propose measures which may strengthen the legal position of children;
- (d) Propose measures which can solve or prevent conflicts between children and society;
- (e) Ensure that sufficient information is given to the public and private sectors concerning children's rights and measures required for children.

PAKISTAN

A. Equality before the law

*(article 7 of the Universal Declaration;
article 26 of the International Covenant on Civil and Political Rights)¹*

The Constitution of the Islamic Republic of Pakistan contains several provisions of direct relevance to the implementation of article 2 of the Covenant. Of central importance is the principle of equality before the law and equal protection by the law for every citizen of Pakistan irrespective of race, religion, caste or sex.

The other relevant constitutional provisions are as follows:

(a) The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among citizens (art. 33);

(b) The State shall safeguard the legitimate rights and interests of minorities including due representation in the federal and provincial services (art. 36);

(c) The State shall promote, with special care, the educational and economic interests of the backward classes or areas (art. 37(a));

(d) The State shall secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of the general interest and by ensuring equitable adjustment of rights between employers and employees and landlords and tenants (art. 38(a)).

The Government of Pakistan is fully responsive to the development needs and requirements of the less developed areas and has initiated several programmes for this purpose. In order to ensure that all segments of the population are provided with equal opportunity and in the interest of equitable representation in the legislatures, local bodies as well as government services, special seats are reserved and quotas fixed for the economically disadvantaged areas as well as for the minorities.

¹ Report submitted by State (CERD/C/149/Add.12).

B. Condemnation of racial segregation and *apartheid*
*(articles 1 and 2 of the Universal Declaration)*¹

The Government of Pakistan holds in total abhorrence the policies and practices based on racism, racial discrimination and *apartheid*. Pakistan has always remained in the forefront of the international campaign against *apartheid* and unreservedly condemns the racist régime in South Africa for its repressive measures against the people of Azania and Namibia.

Pakistan continues to provide moral and material support to the people of southern Africa in their just struggle against colonialism, racism and *apartheid*. Pakistan does not maintain relations of any kind with the racist régime in Pretoria and observes a complete boycott in so far as political, diplomatic, economic, social, cultural, sports or other contacts are concerned.

POLAND

A. Protection of the family, mothers and children

(articles 16 (3) and 25 (2) of the Universal Declaration)¹

The following have been adopted:

(a) Ordinance of the Council of Ministers of 6 March 1986 amending the ordinance concerning child care leaves (*Journal of Law*, No. 9 of 18 March 1986, item 48);

(b) Ordinance of the Minister of Labour, Wages and Welfare of 6 March 1986 amending the ordinance concerning family income and care supplements (*Journal of Law*, No. 9 of 18 March 1986, item 50);

(c) Ordinance of the Minister of Labour, Wages and Welfare of 6 March 1986 concerning the establishment of the amount of income which entitles a person to receive benefits from the alimony fund (*Journal of Law*, No. 9 of 13 March 1986, item 51);

(d) Ordinance of the Minister of Wages, Labour and Welfare and the Minister of Justice of 6 March 1986 amending the ordinance concerning welfare benefits out of the alimony fund (*Journal of Law*, No. 9 of 18 March 1986, item 52).

B. Right to life

(article 3 of the Universal Declaration;

article 6 of the International Covenant on Civil and Political Rights)¹

Poland safeguards the right to life by following a peaceful international policy, its own peace initiatives and support for such initiatives put forward by other States. Special importance is attached to the containment of the arms race, especially with regard to nuclear armament. In accordance with the resolution of the General Assembly proclaiming 1986 as the International Year of Peace, Poland set up the International Peace Year Committee at the beginning of 1986. The Committee has organized many nationwide and international events of considerable moral impact and informative content.

¹ Report submitted by State (E/1986/4/Add.12).

C. Right not to be subjected to arbitrary arrest or detention

(article 9 of the Universal Declaration;

*article 9 (3) of the International Covenant on Civil and Political Rights)*¹

In its resolution of 10 November 1986, III CZP 17/86, the Supreme Court pronounced on preventive detention. It decreed that the courts should examine the circumstances and the legality of detention only in cases pertaining to the protection of personal interest or freedom (art. 24, para. 1, of the Civil Code) infringed by or in connection with the detention of a citizen by a functionary of the Civic Militia or of the Security Service.

PORTUGAL

Economic, social and cultural rights

*(articles 22-27 of the Universal Declaration;
article 5 (e) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Decree-Law 2/86, of 2 January 1986, defined the basic principles to be followed by the *lares*, that is, centres for juveniles who, temporarily or permanently, are outside the family environment.

This Decree-Law, which recalls that the State and society are responsible for the protection of children and young people and, in particular, of orphans and those who have been abandoned, reaffirms the need to provide for their physical, intellectual and moral development and for integrating them into the community.

¹ Report submitted by State (CERD/C/126/Add.3).

REPUBLIC OF KOREA

Condemnation of racial segregation and *apartheid*
*(articles 1 and 2 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles IV and V of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)*¹

The Republic of Korea has decided to provide financial assistance to the Namibian people, especially for the Namibian refugees in Angola, during 1986. Discussions with the United Nations Council for Namibia for the implementation of the aid plan are under way.

¹ Report submitted by State (CERD/C/144/Add.1).

SPAIN

A. Right of aliens faced with possible expulsion from a State

(article 14 of the Universal Declaration;

*article 13 of the International Covenant on Civil and Political Rights)*¹

The following decrees may be cited:

(a) Royal decree 1,099/1986 of 26 May on the entry, residence and employment in Spain of citizens of the States Members of the European Communities;

(b) Royal decree 1,119/1986 of 26 May which approves the regulations for implementation of the Aliens Act.

A proposal has been submitted by the Parliamentary Socialist Group for the establishment of an administrative organ for matters concerning the Gypsy community and of a National Plan for the Advancement of Gypsies.

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

As regards condemnation of racial segregation and *apartheid*, in addition to the information given previously in Spain's eighth report, we should emphasize that Spain co-operates in the endeavours of the United Nations in this regard. It took part in the World Conference on Sanctions against Racist South Africa (Paris, 16-20 June 1986) and the two earlier seminars (the seminar on the arms embargo, held in London from 28 to 30 May, and the seminar on the oil embargo, held in Oslo from 4 to 6 June). Similarly, in line with other EEC countries, Spain has adopted a number of restrictive measures and positive measures in the case of South Africa.

The only official contacts with South Africa are made through the usual diplomatic channel. The isolated contacts this year have been confined to two visits: the first by Mr. Estrella, President of the Senate Foreign Affairs Commission, in his capacity as a member of a commission of inquiry of the

¹ Report submitted by State (CERD/C/149/Add.14).

European Parliament, and the other, by two eminent persons in the Spanish Workers' Socialist Party (PSOE), who took advantage of an international meeting in Botswana to make a brief stopover in South Africa and contact members of the political opposition.

An additional requirement has been introduced in the case of South African sportsmen and sportswomen for an entry visa into Spain (compulsory for all South African subjects): they must during their stay in Spain participate in events not as official representatives of South Africa but in their private capacity.

Spain strictly monitors all its exports, not only of crude oil but also of oil by-products, through the licensing system operated by the Secretariat of State for Trade. The Government has also issued precise instructions on exports to South Africa and taken special precautions to ensure that the embargo is not avoided through trade with Namibia.

SUDAN

Political rights

*(article 21 of the Universal Declaration;
article 25 of the International Covenant on Civil and Political Rights)*¹

With regard to political rights, the Electoral Act of 1985 regulates the right to participate in elections, by voting or standing as a candidate on the basis of universal and equal suffrage. This was the basis on which the elections in the Sudan were organized in April 1986.

¹ Report submitted by State (CERD/C/114/Add.1/Rev.1).

SWEDEN

A. Elimination of racial discrimination

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

The Government recently presented a Bill on immigration policy to Parliament. Part of the Bill proposes amendments to the provision on unlawful discrimination. The Bill aims at an increase of the maximum punishment from six months' to one year's imprisonment. Another proposal concerns an amendment to the 1972 Tort Act to the effect that a person who has been the victim of unlawful discrimination should be entitled to compensation for his suffering. Such a possibility exists at present only if the unlawful discrimination is also considered as defamation. Moreover, the Bill contains a proposal that the category of persons able to commit the crime of "unlawful discrimination within the public sector" could be expanded, so that not only public officials but also politically elected representatives would be included. The amendments, which have been decided upon by Parliament, are to become effective on 1 July 1986.

The Bill also contains a special Act aimed at preventing ethnic discrimination. The principal idea of this piece of legislation is that an ombudsman shall, by taking various measures, combat ethnic discrimination on the labour market and in other fields of community life. The ombudsman's activities shall include advice and information to private persons, discussions at workplaces and public meetings, and information to the public. The Bill contains rules, *inter alia*, on the obligation, ultimately under threat of monetary penalty, of employers to negotiate with the ombudsman and to give relevant information to him. The Bill does not contain any other sanctions. The aim of the Bill is above all that the ombudsman shall play an active part in the labour market, with the particular task of combating ethnic discrimination against applicants for work. He should also be in close contact with the employees' organizations. In addition, employers' and the employees' organizations are at present engaged in collaborating with the Swedish Immigration Board on a common policy called "immigrants in the enterprise". This collaboration is expected to have significant effects in this field.

It is also proposed that the ombudsman should be actively engaged in other fields of community life, for example, schools, housing, public health

¹ Report submitted by State (CCPR/C/32/Add.12).

and medical care service, associations, trade and industry and the public sector. In these fields, as well as in the labour market, there are extensive rules of law that offer protection against ethnic discrimination. The task of the ombudsman in this connection is intended to be principally advisory, preventive and investigatory. An important task for him will be to judge whether there will be a need for further measures, including legislation, and to report continuously to the Government about this.

B. Freedom of movement, right of asylum

*(articles 13 and 14 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

An application for asylum, that is, an application for a residence permit on grounds of political persecution or the like in the applicant's native country, is submitted to the police authority on arrival in Sweden. If the police authority finds that the reasons given as grounds for the application are obviously incorrect, it can decide to turn the alien away. Refusal of entry may only take place within three months of the arrival of the alien in Sweden. Before a decision of refusal of entry by the police authority may be put into effect, it must be reported to the Swedish Immigration Board (SIV). If the Immigration Board does not agree with the police authority's assessment, it shall take over responsibility for the matter.

If the alien is not refused entry, he/she may stay in Sweden until the application for a residence permit and the associated questions of expulsion have been dealt with. The Immigration Board is the authority that decides in the matter of residence permits. The basic investigation is made by the police authority, however. The police investigations normally take between one week and a month and a half, while the time it takes to deal with the matter at the Immigration Board is normally about three months. If the Immigration Board rejects the application for a residence permit, an expulsion order is generally issued at the same time. An appeal against such a decision can be made to the Government and, until the Government has adjudicated the appeal, it cannot be put into effect. The time it takes for the matter to be dealt with by the Government varies between seven and ten months, depending on whether or not statements on the matter need to be obtained from the Immigration Board.

It should be stressed that the lengths of time specified for dealing with such matters are average. Some matters are expedited much faster while others take even longer. When it takes a long time, it is often because the alien puts forward, at later stages in the procedure, new circumstances which need to be examined.

If, when expulsion is to be effected, the alien gives new reasons of a political nature against the expulsion or strong personal reasons against it,

the police authority shall refer the matter of enforcement to the Immigration Board. The Immigration Board may then withdraw the expulsion order. If, in a case where enforcement has been submitted to it, the Immigration Board finds no reason to change the expulsion decision, an appeal against this Immigration Board decision may be lodged with the Government. According to a Bill, which has been decided upon by Parliament, as from 1 July 1986 an alien will have the possibility of appealing against a police authority decision not to submit a matter of enforcement to the Immigration Board.

C. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)*²

The parental insurance scheme has undergone some changes, which came into effect on 1 January 1986. The previous system, in which there were two kinds of parent's benefit, has been replaced by a comprehensive system. The changes also mean, among other things; that the parental insurance scheme provides parental benefit during the child's first four years. Previously, the parent was entitled to a special parent's allowance if the child was under 8 years old; a new parent's allowance for temporary care has now been brought into use. This means that if a parent wants to visit the child's day care centre or school, the allowance is paid for at most two days per year per child.

D. 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)*³

In 1986 the Government appointed the first Ombudsman against Ethnic Discrimination for a period of three years. The Ombudsman is Mr. Peter Nobel, attorney-at-law, who for many years has been specializing in the law relating to aliens.

² Report submitted by State (E/1986/4/Add.13).

³ Report submitted by State (CERD/C/158/Add.7).

TUNISIA

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

The aim of Tunisian development plans is to raise the population's standard of living. The Sixth Development Plan (1982-1986) attached particular importance to the creation of employment opportunities as a means of improving the standard of living of job-seekers by guaranteeing them a steady income. The Seventh Development Plan attaches great importance to steady and sustained agricultural development not only for the purpose of raising the standard of living of Tunisian citizens in general and guaranteeing them adequate food, but also for the purpose of increasing the income of farmers, who constitute a sizeable population group.

¹ Report submitted by State (E/1986/3/Add.7).

UNION OF SOVIET SOCIALIST REPUBLICS

A. Right to just and favourable conditions of work

*(article 23 of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)*¹

Decrees of the CPSU Central Committee, the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions were adopted in September and October 1986 concerning improvements in the wages of workers in productive sectors of the national economy and wage increases for public health and social security workers. The wages of workers employed in the individual State museums of the country were increased in June 1986.

B. Right to health

*(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)*²

Guarantees of health protection are established by the Act on the Legal Status of Aliens in the USSR. Article 9 of the Act provides principally that aliens in the USSR shall have the right to health protection, thus extending to them the application of article 42 of the Soviet Constitution, which concerns the right of Soviet citizens to health protection. The Act also stipulates that aliens residing permanently in the USSR shall have access to medical assistance on an equal footing with Soviet citizens (art. 9). The granting of special arrangements for these categories of alien as far as medical assistance is concerned involves first and foremost granting them, in the same way as for Soviet citizens, free qualified medical assistance in State health care institutions.

The Soviet Constitution sets out all the principal aspects of efforts to protect the health of individuals and society. Regulations govern maternal and child health, the harmonious development of children, State supervision of and concern for young people, labour safety, protection and health, and the protection and shaping of an environment conducive to human health.

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

² Report submitted by State (E/1986/4/Add.14).

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

A. Protection of the family

*(article 25 of the Universal Declaration;
article 23 of the International Covenant on Civil and Political Rights)*¹

In December 1986 the Matrimonial Causes (Amendment) Act 1986 was enacted which removed discrimination against women in matrimonial matters.

B. Right to self-determination

*(articles 1, 2 and 28 of the Universal Declaration;
article 1 of the International Covenant on Civil and Political Rights)*¹

In July 1986, following disclosures of administrative malpractice, the United Kingdom Government amended the Constitution of the Turks and Caicos Islands temporarily suspending ministerial government. A Constitutional Commission subsequently reviewed the position and made recommendations for constitutional change and a return to ministerial government.

¹ Report submitted by State (CCPR/C/32/Add.15).

YUGOSLAVIA

A. Right to education

*(article 26 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Constitution of the Socialist Federal Republic of Yugoslavia and the Constitutions of the Socialist Republics and of the Socialist Autonomous Provinces guarantee all citizens the right to education without discrimination as to sex, race, nationality, religious belief, etc. Over 95 per cent of the population between the ages of 7 and 14 is enabled to acquire the eight-year compulsory education and a high percentage is also enabled to attend institutions of secondary and higher education. The extension of the duration of compulsory education from 7 to 8 years is considered particularly significant. In the past, the enrolment in secondary and higher schools practically depended on the number of schools. Presently, however, it depends on the cadre planning policy and the actual needs.

In the SFR of Yugoslavia primary education lasting eight years is compulsory for children between the ages of 7 and 15. Teaching is conducted in primary schools, specialized schools for handicapped children and various institutions for the primary education of adults.

The eight-year primary education has been compulsory since the 1952/53 school year. It has been developing rapidly and today an average of about 95 per cent of the children between the ages of 7 and 15 attend primary school. An average of about 90 per cent successfully complete primary school and some 89 per cent enrol in secondary school immediately, while 11 per cent continue their education subsequently. These percentages vary from one republic, province or community to another depending on the geographical features and the level of development of the particular area.

The principal objectives of the educational policy are to ensure that all children of school age receive the primary eight-year education; to decrease as much as possible the number of drop-outs and repeaters, and to eradicate illiteracy—above all, illiteracy among the economically active population. These objectives are continually and consistently being pursued by the application of the Law on Compulsory Primary Education.

¹ Report submitted by State (E/1982/3/Add.39).

Yugoslavia devotes special attention to providing all nationalities with primary schools and classes where teaching is conducted by teachers of a particular nationality in their respective mother tongue. Nationalities are also provided with corresponding textbooks and other reference material. Furthermore, in Yugoslavia there also exist bilingual schools.

The secondary objective of the primary education development policy of Yugoslavia is to change the programme and organizational structure of primary education. According to the conception and the laws and regulations, primary school is a school of general education where children acquire the basis for further education and development of their personality. As such the primary school has many tasks. First, it is not strictly speaking a selective type of school but a developmental type of institution and it should, therefore, contribute to the optimum development of each individual pupil in accordance with his own individual development possibilities and capabilities. Second, as a compulsory school, it must do all it can to enable all mentally and physically fit children to complete successfully their primary education.

The largest number of problems and changes in Yugoslavia, as in other countries, are encountered at the level of secondary education. At this stage young people opt for a particular field of studies; by choosing a particular school they actually decide on their further education and future area of work. Within the framework of the educational reform Yugoslavia has focused its attention on secondary education. In addition to ensuring equal rights, the imperative of further democratization of education was securing equal educational opportunities and equal opportunities for work and higher education in line with the general trend of the self-management transformation of society.

In Yugoslavia there is a whole range of institutions within the system of post-secondary education: faculties, art schools (art academies), institutions of high and higher learning. Students who have completed the third and/or fourth level of guided secondary vocational education may enrol in institutions of post-secondary education. As a rule they are admitted to these institutions on the basis of a competition. Requirements are established by each institution independently (on the basis of merit in secondary school in general or in a group of subjects, the entrance examination and a test of specific capabilities, etc.). For candidates with special diplomas, i.e. *cum laude* graduation certificates from secondary schools, in the majority of cases there is no entrance examination. Foreign students may study in Yugoslavia under equal conditions.

B. Right to take part in cultural life

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

The model of self-managing cultural policy differs in essence from the models existing in other countries. In the Yugoslav system, the basic protagonists in developing cultural policy are not the authorities but the actual producers (workers) who decide directly, within the system of self-managing organization of culture, on all relevant questions concerning cultural policy: expression, harmonization and satisfaction of their cultural interests and needs, preparation, adoption and realization of cultural development projects.

ZAIRE

A. Protection of the family, motherhood and childhood

(articles 16 (3) and 25 (2) of the Universal Declaration)¹

Special assistance must be given to young families and young mothers (regular medical examination of infants, crèches, post-natal care, etc.). During the present term of office (1984-1991) of the President of the Republic, special emphasis will be placed, *inter alia*, on increasing purchasing power and improving housing standards.

As regards marriage, the consent of the future spouses is required for a marriage to be valid. This fundamental principle is established in the Family Code, which has recently been approved by the Legislative Council (Parliament) and is at present before the President of the Republic for promulgation. The new Family Code grants all children equal rights, regardless of the nature of their filiation. Thus, any father whose children are born out of wedlock is required to recognize them and provide for their education in accordance with his means. Similarly, all children of the same father have equal rights of inheritance from him regardless of their origin and filiation.

Every worker is entitled to receive family allowances for the children for whom he is responsible.

B. Right to health

(article 25 (1) of the Universal Declaration;
article 12 of the International Covenant on Economic,
Social and Cultural Rights)²

By State decision No. 46/C.C of 11 April 1986 relating to public health, the Central Committee of the People's Movement for the Revolution adopted the following measures to be implemented by the Executive Council:

Establishment of sickness-insurance mutual societies as soon as possible;

¹ Report submitted by State (E/1986/3/Add.7).

² Report submitted by State (E/1986/6/Add.18).

Allocation of adequate financial resources to the specialized offices of the Department of Public Health responsible for combating the major endemic diseases;

Granting of adequate subsidies to the Central Medico-Pharmaceutical Depot for the importation of essential medicines and equipment for the State medical agencies;

The conclusion of agreements for the management of certain State medical agencies in conjunction with religious or other associations having sufficient means and of recognized good moral character and standing;

Organization and intensification of health education and environmental improvement campaigns.

C. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)²*

Under the provisions of article 27 of the Constitution and article 2 of the Labour Code, "every Zairian shall have the right and the duty to contribute, through his work, to the construction and the prosperity of the Nation... No one may be jeopardized in his work because of his origins, sex or beliefs."

Thus, for every Zairian, work is not only a right but also a duty. It is an obligation for all those who are not prevented from working by age or physical or mental handicap. However, under article 14 (2) and (3) of the Constitution, no one may be compelled to perform labour against his will.

D. Right to a just and favourable remuneration

*(article 23 (3) of the Universal Declaration;
article 11 of the International Covenant on Economic,
Social and Cultural Rights)²*

With regard to remuneration, a fundamental principle is that equal remuneration is to be given to all persons who perform the same kind of work. This principle is embodied in article 72 of the Labour Code, which states: "In cases of equality of type of work, skill and output, equal remuneration shall be given to all workers irrespective of their origin, sex and age."

As can be seen, this provision also proclaims another important principle, namely non-discrimination among persons possessing the same

skills and producing an equal output. This principle is applied without regard to origin, sex or age. It is the simple application of the constitutional principle of equality among citizens. The very general terms in which this principle of non-discrimination in respect of remuneration is couched show that it clearly also applies to foreign workers.

E. Trade union rights

*(article 23 (4) of the Universal Declaration;
article 8 of the International Covenant on Economic,
Social and Cultural Rights;
article 22 of the International Covenant on Civil and Political Rights)²*

Every worker or employer, without any distinction whatsoever, may join any association he chooses or leave the same.

A registered trade union shall be endowed with legal personality. It shall have the right to become owner, as defined in the ordinary law of the movable or immovable property necessary for the promotion and defence of its members' interests. The buildings and their annexes, the furniture contained therein, books and teaching equipment required for meetings, libraries and training courses for the members of a registered trade union shall not be liable to seizure.

The trade unions registered in accordance with the provisions of this Code may join together freely to promote and defend the interests of workers and employers.

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 16 May and 5 June 1986. It adopted a set of conclusions and recommendations contained in the report of its Sub-Committee on Small Territories in which, *inter alia*, it 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 implementation of the Declaration contained in General Assembly resolution 1514 (XV), which fully applies to the Trust Territory; it noted the statements delivered by petitioners relating to the situation in the Trust Territory of the Pacific Islands. The Committee noted with regret that there was no co-operation between the Trusteeship Council and the Special Committee in relation to the Territory despite the expressed readiness of the Special Committee to engage in such co-operation; it recalled General Assembly resolution 1514 (XV), and all other United Nations resolutions relating to military bases and installations in colonial and Non-Self-Governing Territories, reaffirmed its strong conviction that the presence of military bases and installations in the Trust Territory could constitute a major obstacle to the implementation of the Declaration and that it is the responsibility of the Administering Authority to ensure that the existence of such bases and installations does not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter; it urged the Administering Authority to continue to take all necessary measures not to involve the Trust Territory in any offensive acts or interference against other States and to comply fully with the purposes and principles of the Charter, the Declaration and the resolutions and decisions of the General Assembly relating to military activities and arrangements by colonial powers in Territories under their administration; it stressed the necessity of improved health care for the population of the Trust Territory and underscored the obligation of the Administering

Authority to promote that sector. It further emphasized the importance of encouraging greater participation in the field of health care by qualified indigenous people. It noted with satisfaction the continued co-operation in the health field between the Trust Territory and the specialized agencies and other organizations of the United Nations system such as the World Health Organization, the United Nations Children's Fund and the United Nations Fund for Population Activities; it expressed its wish to encourage the local authorities of the Trust Territory to develop closer relations with the various regional and international agencies, in particular those of the United Nations system. The Committee urged that priority continue to be given to the promotion of closer contacts with countries of the region, not only in the economic field but also at the political, educational and cultural levels.

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

B. NON-SELF-GOVERNING TERRITORIES

I. American Samoa

The Special Committee considered the question of American Samoa on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and approved its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of American Samoa.¹

The draft was adopted on 31 October 1986 as resolution 41/23, in which, *inter alia*, the General Assembly 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; it 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; reaffirmed the responsibility of the administering Power, under the Charter, to promote the economic and social development of

¹ *Official Records of the General Assembly, Forty-first Session, Supplement No. 23 (A/41/23), chap. IX.*

American Samoa and called upon the administering Power to intensify its efforts to strengthen and diversify the economy of the Territory and to make it more viable in order to reduce its heavy economic and financial dependence on the United States and to create employment opportunities for the people of the Territory; urged the administering Power to continue to facilitate close relations and co-operation between the peoples of American Samoa and the neighbouring island communities and between the territorial Government and the regional institutions in order to enhance further the economic and social welfare of the people of the Territory.

2. Anguilla

The Special Committee considered the question of Anguilla on 4 August 1986. It recommended to the General Assembly the adoption of a draft resolution on the question of Anguilla.¹

The draft was adopted on 31 October 1986 as resolution 41/17, in which, *inter alia*, the General Assembly 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 natural resources and to establish and maintain control over their future development; and recalled the recommendation of the Visiting Mission that the administering Power should continue to make every effort to facilitate and encourage the participation of representatives of the Territory in regional and international organizations, including the Economic Commission for Latin America and the Caribbean, in order to enable them to examine political, economic and social developments in other Territories and countries similar to their own.

3. Bermuda

The Special Committee considered the question of Bermuda on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Bermuda.¹

The draft was adopted on 31 October 1986 as resolution 41/18, in which, *inter alia*, the Assembly 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; reaffirmed that, in accordance with the relevant provisions of the Charter of the United Nations and the Declaration, it is ultimately for the people of Bermuda themselves to determine their own future political status; urged the administering Power, in co-operation with the territorial Government, to continue the assistance necessary for increased employment of the local population in the civil service, particularly at senior levels; emphasized the desirability of sending a Visiting Mission to the Territory and requested the administering Power to facilitate such a mission at the earliest possible opportunity.

4. British Virgin Islands

The Special Committee considered the question of the British Virgin Islands on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the Territory.¹

The draft was adopted on 31 October 1986 as resolution 41/19, in which, *inter alia*, the Assembly 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; reaffirmed that it is ultimately for the people of the British Virgin Islands themselves to determine their future political status in accordance with the relevant provisions of the Charter of the United Nations and the Declaration, and in that connection reaffirmed the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination; urged the administering Power, in co-operation with the Government of the British Virgin Islands, to safeguard the inalienable right of the people of the Territory 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; and reiterated its call upon the administering Power to continue to facilitate the participation of the British Virgin Islands in various international and regional organizations of the United Nations system.

5. Cayman Islands

The Special Committee considered the Territory on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. 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 41/20 of 31 October 1986, in which, *inter alia*, the Assembly 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. The Assembly also reaffirmed the responsibility of the administering Power to promote the economic and social development of the Territory and recommended that priority must continue to be given to the diversification of the Territory's economy in order to provide the foundations for sound social and economic development; and called upon the specialized agencies and other organizations of the United Nations system, as well as regional institutions such as the Caribbean Development Bank, to continue to take all necessary measures to accelerate progress in the social and economic life of the Territory.

6. East Timor

On 4 March 1986, the Government of Portugal stated that conditions prevailing in East Timor had prevented the Portuguese Government from assuming its responsibility for the administration of the Territory and it regretted being unable to provide the information requested.²

The Special Committee considered the Territory between 4 and 15 August 1986. It decided to continue consideration of the item at its next session, subject to any directives which the Assembly might give in that connection at its forty-first session.³

7. Falkland Islands (Malvinas)

The Special Committee considered the Territory on 12 and 14 August 1986. On 14 August 1986 it adopted a decision on the question of the Falkland Islands (Malvinas).⁴

On 25 November 1986 the General Assembly adopted a substantially identical resolution on the question (41/40), in which, *inter alia*, the Assembly 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 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; it also requested the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request and to take necessary measures to that end.

8. Gibraltar

The Special Committee considered the Territory on 15 August 1986. Taking into account the continuing discussion between the parties con-

² A/AC.109/871.

³ A/41/23, chap. IX.

⁴ A/41/23, chap. X.

cerned, it decided to continue its consideration of the item at its next session, and to transmit the relevant documentation to the Assembly.⁵

On 2 December 1986, the General Assembly adopted decision 41/407, in which, *inter alia*, it urged the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland to continue the negotiating process with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.

9. Guam

The Special Committee considered the Territory on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of Guam and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Guam.⁵

The draft resolution was adopted on 31 October 1986 as resolution 41/25, in which, *inter alia*, the Assembly 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; took note of the statement by the representative of the administering Power that should the Guamanian voters approve it in a plebiscite planned for 1987, the draft text of the Commonwealth Act proposed by the Guam Commission on Self-Determination will be submitted to the United States Congress for consideration; urged the administering Power, in co-operation with the territorial Government, to continue to take effective measures to safeguard and guarantee the right of the people of Guam to the natural resources of the Territory, including marine resources within its exclusive economic zone, and to establish and maintain control over the future development of those resources and requested the administering Power to take the necessary steps to protect the property rights of the people of the Territory.

10. Montserrat

The Special Committee considered the Territory on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Montserrat.⁵

The draft was adopted on 31 October 1986 as resolution 41/21, in which, *inter alia*, the Assembly 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

⁵ A/41/23, chap. IX.

Peoples relating to Montserrat; reiterated 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 applies to Montserrat; urged the administering Power, in co-operation with the Government of Montserrat, to take effective measures to safeguard, guarantee and ensure the rights of the people of the Territory to own and dispose of the natural resources of the Territory, including marine resources within its exclusive economic zone, and to establish and maintain control over the future development of those resources; and called upon the administering Power, in co-operation with the Government of Montserrat, to take urgent steps to facilitate the readmission of the Territory as an associate member of United Nations Educational, Scientific and Cultural Organization.

11. Namibia

The Special Committee considered the question of Namibia at various meetings between 4 and 11 August 1986. On 11 August 1986⁵ it adopted a decision, in which, *inter alia*, the Special Committee reaffirmed that Namibia was the direct responsibility of the United Nations until self-determination and national independence were achieved. It strongly condemned South Africa's brutal repression of the Namibian people, its efforts to destroy the national unity and territorial integrity of Namibia and its persistent refusal to comply with the relevant resolutions and decisions of the United Nations; 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 only two parties to the conflict, the people of Namibia, led by their sole and authentic representative, SWAPO, on the one hand, and the illegal occupation régime of South Africa, on the other; and demanded that South Africa release all Namibian political prisoners, including those imprisoned or detained under the so-called internal security laws, martial law or any other arbitrary measures, whether they had been charged or tried or were being held without charge, either in Namibia or South Africa. It also demanded that all captured Namibian freedom fighters be accorded prisoner-of-war status under the Geneva Convention of 12 August 1949 and Additional Protocol I.

In its resolution 41/39 A, adopted on 20 November 1986, the General Assembly, *inter alia*, endorsed the Declaration of the International Conference for Immediate Independence of Namibia, and urged the international community to implement it; reaffirmed that the South West Africa People's Organization, the national liberation movement of Namibia, was the sole and authentic representative of the Namibian people; urged the Security Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council

resolution 435 (1978) was not undermined or modified in any way and that it was fully respected and implemented; and called once again upon all Governments, especially those that had close links with South Africa, to support, in cooperation with the United Nations Council for Namibia, the actions of the United Nations to defend the national rights of the Namibian people until independence and to isolate the racist régime of South Africa.

12. Pitcairn

The Special Committee considered the Territory on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and adopted the draft consensus. It recommended to the General Assembly the adoption of a draft decision on the question of Pitcairn.⁵

The draft was adopted as decision 41/406 of 31 October 1986, in which, *inter alia*, the Assembly 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; 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 lifestyle that the people of the Territory had chosen and to preserve, promote and protect it.

13. St. Helena

The Special Committee considered the Territory on 4 August 1986. It adopted the draft decision contained in the report of its Sub-Committee on Small Territories giving an account of its consideration of the Territory. It recommended to the General Assembly the adoption of a draft decision on the question of St. Helena.⁵

The draft was adopted as decision 41/408 on 31 October 1986 in which, *inter alia*, the Assembly expressed the view that the administering Power should continue to implement infrastructure and community development projects aimed at improving the general welfare of the community, including the critical unemployment situation, and to encourage local initiative and enterprise, particularly in the areas of fisheries development, forestry, handicrafts and agriculture; and noted with deep concern the continued presence of military facilities on the dependency of Ascension Island and, in that regard, recalled all the relevant 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 between 12 August and 10 September 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and adopted the draft resolution. It recommended to the General Assembly the adoption of a draft resolution on the question of Tokelau.⁶

The draft was adopted as resolution 41/26 on 31 October 1986, in which, *inter alia*, the Assembly 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 Tokelau; reaffirmed the inalienable right of the people of Tokelau to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV); and requested the administering Power, taking into account the Visiting Mission's observations, conclusions and recommendations, to continue to enlist the assistance of the specialized agencies, as well as other regional and international bodies, in the development and strengthening of the economy of the Territory.

15. Turks and Caicos Islands

The Special Committee considered the Territory on 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft regulation on the question of the Turks and Caicos Islands.⁶

The draft was adopted as resolution 41/22 of 31 October 1986, in which, *inter alia*, the Assembly 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; and urged the administering Power in consultation with the territorial Government, to continue to provide the assistance necessary 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 4 August 1986. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions

⁶ A/41/23, chap. XI.

and recommendations. It recommended to the Assembly the adoption of a draft resolution on the question of the United States Virgin Islands.

The draft was adopted on 31 October 1986 as resolution 41/24, in which, *inter alia*, the Assembly 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 responsibility of the administering Power under the Charter of the United Nations to promote the economic and social development of the United States Virgin Islands; and 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 11 August 1986 respectively. It decided to give consideration to the item at its next session, subject to any directives which the General Assembly might give in that connection at its forty-first session and to transmit the relevant documentation to the Assembly.⁷

On 31 October 1986 the General Assembly adopted resolution 41/16 on the question of Western Sahara. In this 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; and 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-second session.

⁷ A/41/23, chap. IX.

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 its thirty-third regular session (750th-776th meetings) at United Nations Headquarters, New York, from 3 to 21 March 1986.¹

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

At its 751st meeting, the Committee established an informal working group consisting of five members to consider financial, organizational and other related matters affecting its future work and the discharge of its responsibility under the Convention.

1. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTIETH SESSION

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

The Committee considered this item at its 772nd meeting, on 18 March 1986. The Rapporteur of the Committee introduced the item, noting in particular 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 referred to General Assembly resolution 40/28, entitled "Report of the Committee on the Elimination of Racial Discrimination", particularly to the adoption of paragraphs 4, 5 and 13 of the resolution. With reference to paragraph 4 of the resolution, by which the Assembly considered that the Committee "should not take into

¹ *Report of the Committee on the Elimination of Racial Discrimination, Official Records of the General Assembly, Forty-first Session, A/41/561.*

² *Ibid.*, para. 11.

consideration information on Territories to which General Assembly resolution 1514 (XV) applies unless such information is communicated by the competent United Nations bodies in conformity with article 15 of the Convention", the Rapporteur drew particular attention to the legal interpretation of that paragraph, given by the Office of Legal Affairs. Several members of the Committee made statements in connection with paragraph 4 of the resolution and the importance of the practice followed by the Committee regarding dependent Territories.

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

The Committee considered this question at its 775th meeting (thirty-third session), on 20 March 1986.

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 resolution 40/116 of 13 December 1985.

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 procedure 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.

The Committee decided to take note of the Secretary-General's report and of General Assembly resolution 40/116 and to defer its consideration of the question of the reporting obligations of States parties until a future session.

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

At its thirty-third session, the Committee examined the reports and additional information submitted by the following 19 States parties under article 9 of the Convention.

<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 of consideration contained in the report (A/41/561) paragraphs</i>
Central					
African					
Republic . . .	Seventh	CERD/C/117/Add.5	751-752	4/3/86	63-77
Rwanda	Fifth	CERD/C/115/Add.2	752-753	4 and 5/3/86	78-94

<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 of consideration contained in the report (A/41/561) paragraphs</i>
Barbados	Sixth	CERD/C/106/Add.13	753-754	5/3/86	95-113
Mali	Fifth and sixth	CERD/C/105/Add.7 CERD/C/130/Add.2	754	5/3/86	114-125
Malta	Seventh	CERD/C/117/Add.6	755	6/3/86	126-134
Tunisia	Eighth	CERD/C/118/Add.27	755-756	6/3/86	135-150
Ghana	Eighth	CERD/C/118/Add.28	757	7/3/86	151-159
Finland	Eighth	CERD/C/132/Add.1	757	7/3/86	160-173
Cuba	Seventh	CERD/C/131/Add.4 and Corr.1	759	10/3/86	174-185
Peru	Seventh	CERD/C/117/Add.7	760-761	10 and 11/3/86	186-198
Bulgaria	Eighth	CERD/C/118/Add.17/ Rev.1	761-762	11/3/86	199-226
Senegal	Fifth, sixth and seventh	CERD/C/131/Add.5	763	12/3/86	227-245
Denmark	Seventh	CERD/C/131/Add.6	763-765	12 and 13/3/86	246-267
Sri Lanka	Second	CERD/C/126/Add.2	764-765	12 and 13/3/86	268-298
Iraq	Eighth	CERD/C/132/Add.2	765-767	13 and 14/3/86	299-312
Netherlands	Seventh	CERD/C/131/Add.7	766, 767 and 769	14, 15 and 17/3/86	313-328
China	Second	CERD/C/126/Add.1	767-769	14 and 17/3/86	329-346
Sweden	Seventh	CERD/C/131/Add.2/ Rev.1	768-769	14 and 17/3/86	347-364
Algeria	Seventh	CERD/C/131/Add.3	769-770	17/3/86	365-386

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.³ 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, para. 1) 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 149 of the Convention at its thirtieth session, in 1984. It continued its work under the same article at its thirty-third session, in 1986. Under article 14, paragraph 8, of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon. The Committee's work had not yet reached that reporting stage.

4. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF 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.

The Committee was informed by the Secretary-General of the action taken by the Special Committee in 1985 in connection with article 15 of the Convention. At its 132nd meeting, held on 11 August 1986, the Special Committee, having regard to the information required of it under article 15 of the Convention and in General Assembly resolution 40/28, decided to request the administering Powers concerned to include the required information in their annual reports to the Secretary-General transmitted under Article 73 of the Charter.

³ The competence of the Committee to exercise the functions provided for in article 14, paragraph 9, of the Convention became effective on 3 December 1982.

The Secretary-General was subsequently informed that no petitions falling under the terms of article 15 of the Convention had been received by the Special Committee during 1986.

5. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

The Committee considered this item at its 774th meeting (thirty-third session).⁴

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

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 because of lack of financial resources.

B. Human Rights Committee

INTRODUCTION

The Human Rights Committee held two sessions in 1986: the twenty-seventh session (650th to 675th meetings) was held at United Nations Headquarters, New York, from 24 March to 11 April 1986, and the twenty-eighth session (676th to 701st meetings) was held at the United Nations Office at Geneva from 7 to 25 July 1986.⁵

⁴ *Ibid.*, para. 861.

⁵ *Report of the Human Rights Committee, Official Records of the General Assembly, Forty-first Session, Supplement No. 40 (A/41/40), para. 4.*

I. ORGANIZATIONAL AND OTHER MATTERS

(a) *Working groups*

In accordance with rules 89 and 62 of its provisional rules of procedure, the Committee established working groups to meet before its twenty-sixth and twenty-seventh sessions.⁶

The Working Group established under rule 89 was entrusted with the task of making recommendations to the Committee regarding communications under the Optional Protocol.⁷

The Working Group established under rule 62 was mandated to prepare concise lists of issues or topics concerning second periodic reports scheduled for consideration at the Committee's twenty-sixth and twenty-seventh sessions, to make recommendations to the Committee as to how, in general, supplementary reports should be dealt with, to prepare a programme for the Committee's further work on the drafting of general comments, and to consider any draft general comments that might be put before the Working Group.

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

At its 670th meeting, held on 8 April 1986, the Committee considered this item in the light of the relevant summary records of the Third Committee and General Assembly resolutions 40/114, 40/115 and 40/116 of 13 December 1985.

Members of the Committee welcomed the exchange of views regarding the Committee's work that had taken place in the Third Committee and expressed gratification at the high degree of interest shown by the General Assembly, which was reflected, in particular, in resolution 40/115. It was understood that the members of the Committee, notwithstanding their capacity as independent experts, would bear in mind, in the exercise of their functions, the observations made by delegations.

The Committee noted with satisfaction the inclusion, in General Assembly resolution 40/114, of a reference to the fact that 1986 marked the twentieth anniversary of the adoption of the International Covenants on Human Rights and that the General Assembly had decided to convene a plenary meeting on 16 December 1986 to commemorate that anniversary. It further noted in that connection that 1986 also marked the tenth anniversary of the entry into force of the two Covenants.

As requested by the General Assembly in paragraph 9 of resolution 40/116, the Committee gave particular attention to the report of the Secretary-General concerning the reporting obligations of States parties to

⁶ *Ibid.*, para. 6.

⁷ *Ibid.*, para. 7.

the United Nations conventions on human rights (A/40/600 and Add.1). Members of the Committee were also gratified to note that the General Assembly in the same resolution had decided to consider, at its forty-first session, the convening, in 1987, of another meeting of the chairmen of the supervisory bodies entrusted with the consideration of reports submitted under United Nations conventions on human rights, and of the Commission on Human Rights, since they considered it essential that the work of those bodies be adequately co-ordinated.

2. CONSIDERATION OF REPORTS SUBMITTED BY THE 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-sixth, twenty-seventh and twenty-eighth sessions, with reviewing the reports and information submitted by the Governments of Sweden, Finland, Mongolia, the Federal Republic of Germany, Czechoslovakia, Hungary and Tunisia 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.

(ii) Additional information

At its twenty-sixth session, the Committee agreed on the following procedure for handling any additional information submitted by States parties and for dealing with cases where additional information had been promised but not submitted:

(a) Whenever additional information is received at the same time as the next periodic report or shortly before the next periodic report is due, to consider the additional information together with the periodic report;

(b) When additional information is received at other times, to decide, on a case-by-case basis, whether it should be considered, and to notify the State party concerned of any eventual decision to examine the additional information;

(c) Where promised additional information has not been received, the Bureau of the Committee will consider sending appropriate reminders to the States parties. The Secretariat, in corresponding with States parties concerning the date for submission of their next periodic reports, is also to remind them of their promise, during consideration of their previous reports, that additional information would be supplied to the Committee.

(iii) 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-sixth, twenty-seventh and twenty-eighth sessions. These sections are only summaries, based on the summary records of the meetings at which the reports were considered by the Committee.⁸

<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 of consideration contained in the report (paragraphs)</i>
Germany, Federal Republic of ...	Second	CCPR/C/28/Add.6 and Corr.1	663-667	3-4/7/1986	262-314
Czechoslovakia ..	Second	CCPR/6/28/Add.7	679-683	9-11/7/1986	316-370
Hungary	Second	CCPR/C/37/Add.1	684-688	14-16/7/1986	372-410

(b) *General comments of the Committee*

(i) Choice of subjects

At its twenty-sixth session, the Committee considered, on the basis of recommendations made by its Working Group under article 40 of the Covenant, how subjects for possible elaboration in future general comments should be selected. It was agreed that individual members should be encouraged, as in the past, to take the initiative in suggesting topics or elaborating drafts for consideration by the Working Group. The Committee also agreed that the decision to proceed with further work on draft general comments at the level of the Working Group should be guided by the following considerations: the relevance of the proposed subjects to the problems being encountered by States parties in implementing the Covenant; the topicality of the proposed subject; and the prospects for reaching consensus within the Committee on the eventual draft general comments.

(ii) Work on general comments

After preliminary exchanges of views at its 590th, 607th and 618th meetings on the draft general comment prepared by its Working Group, the

⁸ *Ibid.*, para. 46.

Committee decided, at its 633rd meeting, that further consideration of the draft should be suspended pending the gathering of more information on the subject. To that end, the Committee agreed that particular attention would be devoted to article 27 during the consideration of reports from States parties in the future.

On the basis of a draft provided by its Working Group, the Committee discussed a general comment on the position of aliens at its 639th, 641st, 652nd, 655th, 656th and 670th meetings, and adopted a text in English at its 671st meeting. That text was further discussed at the Committee's 678th meeting and revised at its 696th meeting. The Committee approved revised texts in all the languages at the same meeting.

3. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

Introduction

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. Thirty-seven of the 83 States that have acceded to or ratified the Covenant have accepted the competence of the Committee to deal with individual complaints by ratifying or acceding to the Optional Protocol. These States are Barbados, Bolivia, Cameroon, Canada, the Central African Republic, Colombia, the Congo, Costa Rica, Denmark, the Dominican Republic, Ecuador, Finland, France, Iceland, Italy, Jamaica, Luxembourg, Madagascar, Mauritius, the Netherlands, Nicaragua, 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.

(a) Progress of work

Since the Committee started its work under the Optional Protocol at its second session in 1977, 211 communications concerning 22 States parties have been placed before it for consideration (189 of these were placed before the Committee from its second to its twenty-fifth sessions; 22 further communications have been placed before the Committee since then, that is, at its twenty-sixth, twenty-seventh and twenty-eighth sessions, covered by the present report). A volume containing selected decisions under the Optional Protocol from the second to the sixteenth sessions (July 1982) was published in 1985.

The status of the 211 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: 72;

(b) Concluded in another manner (inadmissible, discontinued, suspended or withdrawn): 106;

(c) Declared admissible, but not yet concluded: 12;

(d) Pending at pre-admissibility stage: 21 (20 thereof transmitted to the State party under rule 91 of the Committee's provisional rules of procedure).

During the twenty-sixth to twenty-eighth sessions the Committee examined a number of communications submitted under the Optional Protocol. It concluded consideration of four cases by adopting its views thereon. These are cases Nos. 138/1983 (*Ngalula Mpandanjila et al. v. Zaire*), 147/1983 (*Lucía Arzuaga v. Uruguay*), 156/1983 (*Luis Alberto Solórzano v. Venezuela*) and 157/1983 (*André Alphonse Mpaka-Nsusu v. Zaire*). The Committee also concluded consideration of five cases by declaring them inadmissible. These are cases Nos. 112/1981 (*Y.L. v. Canada*), 118/1982 (*J.B. et al. v. Canada*), 165/1984 (*J.M. v. Jamaica*), 170/1984 (*E.H. v. Finland*), and 184/1984 (*H.S. v. France*). The texts of the views adopted on the four cases as well as of the decisions on the five cases declared inadmissible are reproduced in annexes VIII and IX to the present report. Consideration of nine other cases was discontinued. Procedural decisions were adopted in a number of pending cases (transmitted to the State party under rule 91 of the Committee's provisional rules of procedure or declared admissible). Secretariat action was requested on other pending cases.

(b) *Issues considered by the Committee*

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. A selection of the Committee's decisions adopted under the Optional Protocol up to and including its sixteenth session (July 1982) has been published in United Nations publication, Sales No. E.84.XIV.2.

C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights

I. ORGANIZATIONAL MATTERS

The Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural

Rights, established in accordance with Economic and Social Council resolutions 1988 (LX) of 11 May 1976 and 1982/33 of 6 May 1982 and Council decision 1978/10 of 3 May 1978, met at United Nations Headquarters from 14 April to 2 May 1986.⁹

2. CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES CONCERNING THE IMPLEMENTATION OF RIGHTS COVERED BY ARTICLES 6 TO 9, 10 TO 12 AND 13 TO 15 OF THE COVENANT

The Group of Experts considered the reports submitted by States parties concerning rights covered by articles 6 to 9 of the Covenant at its 16th to 27th meetings, articles 10 to 12 at its 2nd to 11th, 13th, 14th, 16th, and 19th to 21st and 23rd meetings, and articles 13 to 15 at its 12th to 18th, 21st and 22nd meetings, from 15 April to 1 May 1986.

For each report, the Group of Experts heard introductory statements by a representative or representatives of the State party whose report was being considered. Comments were then made by the Group of Experts on the report and the introductory statements, and questions were asked of the representative or representatives of the State party.

The representative or representatives of the State party submitting the report then replied to questions raised during the consideration of the report.

3. FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES IN ORDER TO ASSIST THE COUNCIL TO FULFIL, IN PARTICULAR, ITS RESPONSIBILITIES UNDER ARTICLES 21 AND 22 OF THE COVENANT

The Group of Experts considered issues arising from the consideration of reports of States parties to the Covenant at its 29th meeting, on 2 May 1986.

Taking into account Economic and Social Council resolution 1985/17 of 28 May 1985, in which the Council decided to establish the Committee on Economic, Social and Cultural Rights composed of individual experts to succeed the Group in its task, the Group agreed to bring the following matters once again to the attention of the Council to assist the Committee in the fulfilment of its functions:

The Council may wish to 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

⁹ Report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1986/49), para. 1.

periodic reports if the above condition has not been met; the Group of Experts recommended that the Council request the Secretary-General to revise the guidelines for the preparation of reports by States parties, taking into account the above-mentioned suggestions and recommendations; States parties should be encouraged 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; the Group of Experts welcomed the participation of representatives of the specialized agencies in its 1986 session and, to facilitate the Committee's discussions, recommended that the Council urge the specialized agencies, on the basis of the experience gained and of the reports so far submitted and considered by the Group, to provide to the Committee their views on the implementation of the Covenant within their special fields of competence.

4. QUESTION OF THE REPORTING OBLIGATIONS OF THE STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Group of Experts 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.¹⁰

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 ninth (1986) session at the United Nations Office at Geneva from 27 to 31 January 1986. The session was opened by the Deputy-Director of the Centre for Human Rights.¹¹

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

The Group had before it the following documents: a note by the Secretary-General (E/CN.4/1986/29) concerning the status of the Conven-

¹⁰ *Ibid.*, para. 29.

¹¹ Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1986/30), para. 6.

tion and the submission of reports by States parties under article VII of the Convention; reports submitted after the forty-first session of the Commission on Human Rights by Peru (E/CN.4/1986/29/Add.1), Suriname (E/CN.4/1986/29/Add.2), Ecuador (E/CN.4/1986/29/Add.3), Gabon (E/CN.4/1986/29/Add.4), German Democratic Republic (E/CN.4/1986/29/Add.5), Iraq (E/CN.4/1986/29/Add.6), Syrian Arab Republic (E/CN.4/1986/29/Add.7), and Czechoslovakia (E/CN.4/1986/29/Add.8).

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 since its 1979 session.

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 1985/10, the Group of Three continued to consider whether the actions of transnational corporations operating in South Africa came under the definition of the crime of *apartheid*, 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 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 40/27, 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 is an encouragement to the intensification of its odious policy of *apartheid*.

The Group held that the activities designed to identify such transnational corporations and banks which participate in racist exploitation in South Africa and Namibia or render assistance in some form or another to the *apartheid* régime are extremely important with a view to registering and securing assets that can be used to settle the compensation claims of the people of South Africa and Namibia in general and the victims of the *apartheid* régime in particular, as well as of the States directly affected by South African acts of aggression.

The Group took note of the initiatives undertaken by some Western countries concerning the activities of the corporations under their jurisdic-

tion which had interests in South Africa. Nevertheless, the Group thought that the measures of disinvestment which had been taken should be accompanied, in order to be efficient, by the application of effective sanctions to be decided by the Security Council.

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

A. Committee on the Elimination of Racial Discrimination

1. 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 its resolution 40/28 of 29 November 1985, the General Assembly, *inter alia*, took note of the report of the Committee on the work of its thirty-first and thirty-second sessions and the part of the report relating to Trust and Non-Self-Governing Territories and other Territories to which General Assembly resolution 1514 (XV) applied, drew the attention of the relevant United Nations bodies to the Committee's opinions and recommendations relating to those Territories, called upon those bodies to ensure that the Committee was supplied with all relevant information on the Territories and urged all administering Powers to co-operate with those bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention, and considered that the Committee should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applied, unless such information was communicated by the competent United Nations bodies in conformity with article 15 of the Convention.¹

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

"1 (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

¹ *Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18), para. 853.*

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 Elimination 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.”

“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 world-wide 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.”

“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.”

B. Human Rights Committee

1. GENERAL COMMENTS UNDER ARTICLE 40, PARAGRAPH 4, OF THE COVENANT²

Reports from States parties have often failed to take into account that each State party must ensure the rights in the Covenant to "all individuals within its territory and subject to its jurisdiction" (art. 2, para. 1). In general, the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness.

Thus, the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens. Aliens receive the benefit of the general requirement of non-discrimination in respect of the rights guaranteed in the Covenant, as provided for in article 2 thereof. This guarantee applies to aliens and citizens alike. Exceptionally, some of the rights recognized in the Covenant are expressly applicable only to citizens (art. 25), while article 13 applies only to aliens. However, the Committee's experience in examining reports shows that in a number of countries other rights that aliens should enjoy under the Covenant are denied to them or are subject to limitations that cannot always be justified under the Covenant.

A few constitutions provide for equality of aliens with citizens. Some constitutions adopted more recently carefully distinguish fundamental rights that apply to all and those granted to citizens only, and deal with each in detail. In many States, however, the constitutions are drafted in terms of citizens only when granting relevant rights. Legislation and case law may also play an important part in providing for the rights of aliens. The Committee has been informed that in some States fundamental rights, though not guaranteed to aliens by the Constitution or other legislation, will also be extended to them as required by the Covenant. In certain cases, however, there has clearly been a failure to implement Covenant rights without discrimination in respect of aliens.

The Committee considers that in their reports States parties should give attention to the position of aliens, both under their law and in actual practice. The Covenant gives aliens all the protection regarding rights guaranteed therein, and its requirements should be observed by States parties in their legislation and in practice as appropriate. The position of aliens would thus be considerably improved. States parties should ensure that the provisions of the Covenant and the rights under it are made known to aliens within their jurisdiction.

² *Official Records of the General Assembly, Forty-first Session, Supplement No. 40 (A/41/40), annex VI, paras. 1 to 7.*

The Covenant does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.

Consent for entry may be given subject to conditions relating, for example, to movement, residence and employment. A State may also impose general conditions upon an alien who is in transit. However, once aliens are allowed to enter the territory of a State party they are entitled to the rights set out in the Covenant.

Aliens thus have an inherent right to life, protected by law, and may not be arbitrarily deprived of life. They must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment, nor may they be held in slavery or servitude. Aliens have the full right to liberty and security of the person. If lawfully deprived of their liberty, they shall be treated with humanity and with respect for the inherent dignity of their person. Aliens may not be imprisoned for failure to fulfil a contractual obligation. They have the right to liberty of movement and free choice of residence; they shall be free to leave the country. Aliens shall be equal before the courts and tribunals, and shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of any criminal charge or of rights and obligations in a suit at law. Aliens shall not be subjected to retrospective penal legislation, and are entitled to recognition before the law. They may not be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. They have the right to freedom of thought, conscience and religion, and the right to hold opinions and to express them. Aliens receive the benefit of the right of peaceful assembly and of freedom of association. They may marry when at marriageable age. Their children are entitled to those measures of protection required by their status as minors. In those cases where aliens constitute a minority within the meaning of article 27, they shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language. Aliens are entitled to equal protection by the law. There shall be no discrimination between aliens and citizens in the application of these rights. These rights of aliens may be qualified only by such limitations as may be lawfully imposed under the Covenant.

2. VIEWS 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 1986, having concluded its consideration of a number of communications submitted to it under the Optional Protocol,

and having taken into account all written information made available to it 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 to IX of the Committee's report to the General Assembly at its fortieth session.³

C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights

RECOMMENDATIONS OF THE SESSIONAL WORKING GROUP⁴

The Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights agreed to bring the following matters once again to the attention of the Council to assist the Committee in the fulfilment of its functions:

- (a) *With regard to the submission and content of reports*
 - (i) The Council may wish to 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;
 - (ii) The Council may wish to 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;
 - (iii) The attention of reporting States is drawn to the views expressed by members of the Group of Experts during the consideration of their reports, as contained in the summary records of the Group's meetings, so that those views might be taken into account in the preparation of their next periodic reports concerning the same articles of the Covenant;

³ *Ibid.*, annexes VIII to IX.

⁴ E/1986/49, paras. 21 to 27.

- (iv) In preparing their reports, the Governments of States parties to the Covenant should 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 should also limit their reports to a reasonable length;
 - (v) States parties are requested 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 narrative form;
 - (vi) To facilitate consideration of country reports and to ensure that the progress made in achieving the observance of the relevant provisions of the Covenant is assessed in the proper overall context, the Council may wish to 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;
 - (vii) The Council, recalling its resolution 1988 (LX), may wish to 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;
 - (viii) The Group of Experts recommended that the Council request the Secretary-General to revise the guidelines for the preparation of reports by States parties, taking into account the above-mentioned suggestions and recommendations;
 - (ix) States parties should be encouraged 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;
- (b) *With regard to publicity and the participation of specialized agencies in the work of the Group of Experts*
- (i) The Group of Experts welcomed the participation of representatives of the specialized agencies in its 1986 session and, to facilitate the Committee's discussions, recommended that the Council urge

the specialized agencies, on the basis of the experience gained and of the reports so far submitted and considered by the Group, to provide to the Committee their views on the implementation of the Covenant within their special fields of competence;

- (ii) The Group of Experts drew attention to the fact that its meetings were public and that, in accordance with Council decision 1978/10 of 3 May 1978, States parties to the Covenant, States Members of the United Nations and representatives of the specialized agencies concerned should participate in the Committee's proceedings. Furthermore, interested non-governmental organizations in consultative status with the Council, and the public at large, could attend those meetings;
- (iii) The Group of Experts welcomed the press coverage of its proceedings by the United Nations press service and urged the Council to ensure that such press coverage would continue to be provided for the Committee.

The Group of Experts welcomed the General Assembly's proclamation of 1986 as the International Year of Peace, which the Assembly viewed not only as a celebration or commemoration but also as an opportunity to reflect and act creatively and systematically in fulfilling the purposes of the United Nations. In that connection, the Group considered that the continuous promotion and exercise of human rights and fundamental freedoms was closely linked to the achievement of international peace. Therefore, it was of paramount importance that all Member States promoted and fully respected the human rights and fundamental freedoms of all, in accordance with Article 1 of the Charter of the United Nations. The Group of Experts 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.

The Group of Experts recalled that 1986 marked the twentieth anniversary of the adoption by the General Assembly of the International Covenants on Human Rights and the tenth anniversary of their entry into force. In that respect, the Group considered that further promotion of human rights and fundamental freedoms required new efforts by all States towards universal accession and implementation of the International Covenant on Economic, Social and Cultural Rights. Accordingly, the Group of Experts recommended that the Economic and Social Council reiterate its appeal to Member States to ratify or accede to the Covenant.

The Group of Experts recognized that many States Members of the United Nations, in spite of the tremendous efforts they were making, faced special difficulties in promoting the full enjoyment of economic, social and cultural rights. The source of those difficulties was the insufficient level of socio-economic development in those States; moreover the difficulties were

often compounded by circumstances completely beyond their control. It was therefore impossible for those States to ensure fully the basic rights of all of their population with regard to employment, health, education or social security.

In view of those special difficulties, the Group of Experts reiterated that the progressive implementation of the Covenant was closely linked to the development process of each country, thus requiring a favourable international context. In that connection, the Group of Experts expressed its serious concern at the widening gap between developed and developing countries, hunger and the grave economic situation suffered by the African continent, as well as at the heavy burden of external indebtedness suffered by the peoples of Latin America, Asia and Africa. In that respect, the Group reiterated its deep concern about the negative impact of the current international economic situation, particularly on developing countries and, in that context, stressed the importance of further strengthening international co-operation for development and an equitable and just economic order.

The Group of Experts considered that that negative economic context, as well as the level of development of each country, should be taken into account when considering the reports submitted by States parties to the Covenant. The Group stressed that the presentation of a report should be viewed as an opportunity for dialogue between the Committee and the Governments of the States parties, directed to the better understanding of their efforts and achievements, as well as the obstacles and problems that many States parties faced in the progressive implementation of the Covenant, with a view to assisting them, if they wished, in overcoming those obstacles.

The Group of Experts welcomed the proclamation in 1987 of the International Year of Shelter for the Homeless and considered that the objective of the activities conducted before and during the Year would be to improve the shelter and neighbourhoods of some of the poor and disadvantaged by the end of 1987, according to national priorities, and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the poor and disadvantaged. It expressed deep concern that millions of people did not enjoy the right to housing and reiterated the right of all persons to an adequate standard of living for themselves and their families, including adequate housing.

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

The conclusions and recommendations of the forty-second (1986) session of the Group of Three were as follows:⁵

⁵ E/CN.4/1986/30, paras. 40 to 58.

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, with one exception, all the reports considered by the Group at the current session were introduced by the representatives of the reporting States.

The Group commended those States parties which had submitted periodic reports. It noted with concern that more than half of the 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 1986, 136 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 40/116, the Group requested the Secretary-General, through the Commission on Human Rights, to invite States parties concerned to indicate, if they so wished, the reasons for their difficulties in complying with their reporting obligations, and their interest, if any, in technical advice and assistance with a view to better fulfilling their reporting obligations.

The Group reiterated its recommendation 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 expressed concern at the fact that as at 31 December 1985 only 82 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 have 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.

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 might have encountered in the implementation of that article.

The Group also called upon 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 the 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 decision to convene a World Conference on Sanctions against Racist South Africa, and requested the Commission on Human Rights to call on the States that had jurisdiction over transnational corporations operating in South Africa to participate actively at that conference.

The Group supported the suggestion to convene a session of the United Nations Security Council that would adopt appropriate measures, including sanctions under Chapter VII of the United Nations Charter, against the racist régime of South Africa.

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 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 to the Commission on Human Rights to reflect this similarity in its respective resolutions as well as 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 40/27, 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 these 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 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 request the Secretary-General to invite once again the States parties to the Convention which have 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 wished to recommend to the Commission on Human Rights that it 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.

E. Relevant resolutions and decisions of parent bodies

1. COMMISSION ON HUMAN RIGHTS

At its forty-second session, in 1986, the Commission on Human Rights adopted the following resolutions and decisions regarding the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and the International Covenants on Human Rights:

- (a) *Resolution 1986/7 of 28 February 1986 entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid"*⁶

"The Commission on Human Rights,

Recalling General Assembly resolution 40/27 of 29 November 1985,

"Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984 and 1985/10 of 26 February 1985,

⁶ E/1986/22; E/CN.4/1986/65, chap. II.

“*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,

“*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 decision of the General Assembly, in its resolution 40/64C of 10 December 1985, to convene a World Conference on Sanctions against Racist South Africa,

“*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*,

“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 1985/10;

“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 in 1978 for the submission of reports;

"7. *Reiterates* its recommendation 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 punishment of the crime of *apartheid*, in accordance with article VI of the Convention and with the Charter of the United Nations;

"10. *Calls on* all States to participate actively in the World Conference on Sanctions against Racist South Africa;

"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 the 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 actions 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-third 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-third session of the Commission 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 1986/17 of 1 March 1986 entitled “Status of the International Covenants on Human Rights”⁷

“*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 1985/45 of 14 March 1985 and General Assembly resolution 40/115 of 13 December 1985,

“*Calling attention* to 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

⁷ *Ibid.*

Optional Protocol to the International Covenant on Civil and Political Rights,

“*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*, on the occasion of 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, to all States that have not yet become parties to these instruments to do so, so that the Covenants acquire genuine universality, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

“3. *Invites* the Secretary-General, on the same occasion, to continue systematically encouraging 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* 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 Covenants on Civil and Political Rights;

“7. *Recommends* to States parties that they continually review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;

“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. *Appreciates* that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights;

“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 will be entrusted as of 1987 with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights;

“11. *Encourages* States parties to give careful consideration to nominations to the Committee on Economic, Social and Cultural Rights in due recognition of the status of the Committee members as experts with recognized competence in the field of human rights, serving in their personal capacity, and urges States parties to the Covenant and the specialized agencies concerned to extend their full support and co-operation to the new Committee;

“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, regional training courses and 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 in their territories;

“15. *Notes* the progress already made towards the publication of the official public records of the Human Rights Committee in bound

volumes and looks forward to receiving the first two volumes in the near future;

“16. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its forty-third session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

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

(c) *Decision 1986/104 of 12 March 1986 on the administration of justice and the human rights of detainees*⁸

“The Commission, taking due note of resolution 1985/32 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and looking forward to the completion of the report by the Special Rapporteur, Mr. Leandro Despouy, on situations known as states of siege or emergency, which is to be submitted to the Sub-Commission at its thirty-ninth session, decided to examine this report as a matter of high priority at its forty-third session under the agenda item entitled ‘Question of the human rights of all persons subjected to any form of detention or imprisonment’.”

2. ECONOMIC AND SOCIAL COUNCIL

At its first regular session of 1986, the Economic and Social Council adopted the following resolutions and decision with regard to the International Covenants on Human Rights:

(a) *Resolution 1986/3 of 21 May 1986 entitled “Implementation of the International Covenant on Economic, Social and Cultural Rights”*⁹

“*The Economic and Social Council,*

“*Recalling* that the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

“*Recalling* the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political

⁸ *Ibid.*

⁹ E/1986/86, *Supplement No. 1.*

Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

“*Recalling* its resolution 1988 (LX) of 11 May 1976, by which it noted the important responsibilities placed upon the Economic and Social Council by the International Covenant on Economic, Social and Cultural Rights, in particular those resulting from articles 21 and 22 of the Covenant, and expressed its readiness to fulfil those responsibilities,

“*Recalling also* its decision 1978/10 of 3 May 1978, by which it decided to establish a Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights, for the purpose of assisting the Council in the consideration of reports submitted by States parties to the Covenant,

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

“*Having considered* the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

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

“2. *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;

“3. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Covenant;

“4. *Expresses its appreciation* to the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights for the work it has accomplished since its establishment;

“5. *Takes note with appreciation* of the report of the Sessional Working Group;

“6. *Requests* the Secretary-General to bring to the attention of the Committee on Economic, Social and Cultural Rights, at its session in 1987, the suggestions and recommendations of the Sessional Working Group;

“7. *Urges* all States parties to the Covenant to extend their full co-operation and support to the Committee on Economic, Social and Cultural Rights;

“8. *Decides* to include the question of the International Covenant on Economic, Social and Cultural Rights in the provisional agenda for its first regular session of 1987.”

(b) *Decision 1986/124 of 21 May 1986 entitled “International Covenant on Civil and Political Rights”*¹⁰

“At its 16th plenary meeting, on 21 May 1986, the Economic and Social Council:

“(a) Took note of the note by the Secretariat transmitting the general comments of the Human Rights Committee relating to the position of aliens under the International Covenant on Civil and Political Rights, adopted by the Committee at its twenty-seventh session;

“(b) Decided to authorize the Secretary-General to transmit the annual report of the Human Rights Committee directly to the General Assembly at its forty-first session.”

3. GENERAL ASSEMBLY

At its forty-first session, in 1986, the General Assembly adopted the following resolutions relating to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, the Committee on the Elimination of All Forms 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 41/103 of 4 December 1986 entitled “Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid”*¹¹

“*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,

¹⁰ *Ibid.*

¹¹ *Official Records of the General Assembly, Forty-first Session, Supplement No. 53 (A/41/53).*

“*Alarmed* by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the Fascist-like *apartheid* régime, including the use of the armed forces against the opposing people and the imposition of virtual martial-law conditions intended to facilitate the brutal oppression of the black population,

“*Strongly condemning* South Africa’s continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its policy of destabilization, including numerous acts of aggression against Angola and other African States,

“*Mindful* of Commission on Human Rights resolution 1986/7 of 28 February 1986, in which the Commission expressed its conviction that the crime of *apartheid* is a form of the crime of genocide,

“*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 Africa 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 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 that have submitted their reports under article VII thereof;

“3. *Appeals once again* to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States that have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation 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 legal proceedings have been undertaken;

“7. *Requests* the Secretary-General to circulate the above-mentioned list to all States parties to the Convention and 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 41/104 of 4 December 1986 entitled “Status of the International Convention on the Elimination of All Forms of Racial Discrimination”*¹²

“*The General Assembly,*

“*Recalling* its relevant resolutions, including resolution 40/26 of 29 November 1985,

¹² *Ibid.*

“*Expressing its satisfaction* at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

“1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

“2. *Expresses its satisfaction* at the number of States that have ratified the Convention or acceded thereto;

“3. *Reaffirms once again its conviction* that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Second Decade to Combat Racism and Racial Discrimination,

“4. *Requests* those States that have not yet become parties to the Convention to ratify it or accede thereto;

“5. *Calls upon* the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

“6. *Requests* the Secretary-General to submit to the General Assembly at its forty-third session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.”

(c) Resolution 41/105 of 4 December 1986 entitled “Committee on the Elimination of All Forms of Racial Discrimination”¹³

“*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 Convention 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,

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

“*Aware* of the importance of the contribution of the Committee to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin,

¹³ *Ibid.*

“*Further aware* of 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,

“*Having considered* the note by the Secretary-General concerning the work of the Committee, which states, *inter alia*, that the Committee was unable to hold its thirty-fourth session in August 1986 as planned because of the lack of financial means, as a consequence of the failure of many States parties to the Convention to pay their contributions under article 8, paragraph 6, of the Convention,

“*Recalling* the appeal made at the tenth meeting of the States parties to the Convention to States parties to honour their financial obligations under the Convention, as well as other appeals on the same subject,

“1. *Expresses 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;

“2. *Commends* the Committee for its work in the past with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

“3. *Calls upon* States parties to comply fully with their obligation under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention;

“4. *Appeals urgently* to States parties to fulfil their financial obligations under article 8, paragraph 6, of the Convention so as to enable the Committee to resume its work;

“5. *Requests* the Secretary-General:

“(a) 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;

“(b) To transmit notices of assessment for 1987 to States parties as soon as possible, urging them to pay their contributions;

“(c) To explore all appropriate avenues to enable the Committee to meet in 1987, even if for a shorter duration and at a reduced cost;

“(d) 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;

“(e) To report on the situation to the General Assembly at its forty-second session.”

(d) *Resolution 41/119 of 4 December 1986 entitled “International Covenants on Human Rights”*¹⁴

“*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 and 40/115 and 40/116 of 13 December 1985,

“*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,

“*Noting with appreciation* that, following its appeal, more Member States have acceded to the International Covenants on Human Rights,

“*Recognizing* the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

“*Taking note* of the approach adopted by the Human Rights Committee at its twenty-eighth session in reviewing its activities, setting priorities and seeking savings that would not affect the Committee’s vital work,

“*Taking into account* the useful work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

“*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,

“*Noting with concern* the critical situation with regard to delays in the submission of reports due under the International Covenants on Human Rights,

¹⁴ *Ibid.*

“*Noting* that 1986 marks 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,

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

“2. *Expresses its appreciation* to the States parties to the International Covenant on Civil and Political Rights that have submitted their reports 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;

“3. *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 that request;

“4. *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 that have not yet done so to submit their reports as soon as possible;

“5. *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 experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;

“6. *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, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

“7. *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;

“8. *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;

“9. *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;

“10. *Recommends* to States parties that they continually review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;

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

“12. *Urges* States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

“13. *Requests* the Secretary-General to keep the Human Rights Committee informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission of Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, and also to transmit the annual reports of the Human Rights Committee to those bodies;

“14. *Also requests* the Secretary-General to submit to the General Assembly at its forty-second 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;

“15. *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 Committee and, similarly, to the work of the Economic and Social Council, to maintain satisfactory programmes of meetings and to improve the administrative and related arrangements to enable them to carry out effectively their respective functions under the International Covenants on Human Rights;

“16. *Welcomes* the progress already made with a view to the publication of the official public records of the Human Rights Committee in bound volumes and looks forward to further progress in this regard;

“17. *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;

“18. *Requests* the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights.”

(e) *Resolution 41/121 of 4 December 1986 entitled “Reporting obligations under United Nations instruments on human rights”*¹⁵

“*The General Assembly,*

“*Having considered* the report of the Secretary-General containing updated information as at 1 June 1986 on the problem of overdue reports by States parties to United Nations instruments on human rights, the comments of States parties with more than two such reports and information on training activities to assist States in fulfilling their reporting obligations,

“*Noting with concern* the critical situation with regard to overdue reports under the International Convention on the Elimination of All Forms of Racial Discrimination and the significant backlog of reports developing in relation to other United Nations instruments on human rights,

“*Recognizing* the burden that coexisting reporting systems places upon Member States that are parties to various instruments and noting that this burden may become more onerous as additional instruments come into force,

“*Welcoming* the decision of States parties to the International Convention on the Elimination of Racial Discrimination to approve the practice of the Committee on the Elimination of Racial Discrimination of considering multiple overdue reports in consolidated form,

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

“*Drawing attention* to the need for States parties to submit reports in a timely manner to the various bodies that have been set up to supervise implementation of United Nations instruments on human rights and to co-operate as fully as possible with those bodies to make the best use of their meeting time, in particular by presenting their reports on scheduled dates or, if that is not possible, by providing sufficient notice to enable meeting times to be reallocated,

¹⁵ *Ibid.*

“*Bearing in mind* the need for those bodies which depend on funding from the regular budget of the United Nations to improve their efficiency and cost-effectiveness, especially in view of the financial emergency faced by the United Nations,

“1. *Urges* States parties with overdue reports to make every effort to present their reports as soon as possible and to take advantage of opportunities whereby such reports could be consolidated;

“2. *Requests* the Secretary-General to continue work on developing a compilation of the general guidelines elaborated by the various supervisory bodies and the list of articles dealing with related rights under United Nations instruments on human rights;

“3. *Encourages* States parties to take the relevant guidelines into account when preparing reports and to provide reports that are as succinct as possible;

“4. *Invites* the Chairmen of the supervisory bodies to encourage their respective members:

“(a) To give priority attention to consideration of remedial measures to deal with the problems highlighted in the Secretary-General’s report;

“(b) To give further consideration to harmonizing and consolidating the reporting guidelines developed by these bodies and to other means whereby duplication could be avoided in the submission of material by States parties to the various supervisory bodies;

“(c) To consider rearranging, where possible, the periodicity of reporting, especially in view of the future probable increase in the number of instruments;

“(d) To report on the results of their deliberations to the appropriate meetings of States parties;

“5. *Further invites* the Chairmen of these bodies to maintain communication and dialogue with each other on common issues and problems;

“6. *Requests* the Secretary-General to consider making provision in his proposed programme budget for the biennium 1988-1989 for a meeting of the Chairmen of these bodies in 1988;

“7. *Invites* the new Committee on Economic, Social and Cultural Rights to give early attention to the question of the reporting system on implementation of the International Covenant on Economic, Social and Cultural Rights, taking due account of reporting guidelines developed by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

"8. *Reaffirms* the importance of maintaining summary records of the substantive proceedings of the bodies supervising implementation of United Nations instruments on human rights, in particular for the presentation and consideration of reports by States parties;

"9. *Endorses* the Secretary-General's proposals to arrange, within existing resources and taking into account the priorities of the programme of advisory services, training courses for those regions experiencing the most serious difficulties in meeting reporting obligations under United Nations instruments on human rights;

"10. *Decides* to include in the provisional agenda of its forty-second session a separate item entitled 'Reporting obligations of States parties to United Nations instruments on human rights'."

(f) *Resolution 41/147 of 4 December 1986 entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide"*¹⁶

"The General Assembly,

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

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

"Expressing 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,

"1. Takes note of the report of the Secretary-General;

"2. Once again strongly condemns the crime of genocide;

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

"4. Takes note with appreciation of the fact that ninety-six States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

"5. Urges those States that 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-second session a report on the status of the Convention."

¹⁶ *Ibid.*

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 and the Commission on Human Rights.

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

General Assembly, forty-first session (16 September-19 December 1986);

Economic and Social Council, first regular session of 1986 (29 April-23 May 1986);

Commission on Human Rights, forty-second session (3 February-14 March 1986)

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

At its forty-second session in February-March 1986, the Commission on Human Rights considered the question of the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination by its resolution 1986/8 of 28 February 1986.¹ It 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.

At its first regular session of 1986 the Economic and Social Council, by its resolution 1986/2 of 19 May 1986,² invited all Governments to take or continue to take all the necessary measures to combat all forms of racism and racial discrimination and to support the work of the Decade by making

¹ E/1986/22; E/CN.4/1986/65, chap. II A.

² E/1986/86, *Supplement No. 1*.

contributions to the Trust Fund for the Programme for the Second Decade for Action to Combat Racism and Racial Discrimination.

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

By its resolution 41/94 of 4 December 1986,³ the General Assembly, *inter alia*, 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. Measures against ideologies and practices based on racial intolerance, hatred and terror

The question of measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequence, was considered by the Commission on Human Rights at its forty-second session. By its resolution 1986/61 of 13 March 1986,⁴ the Commission considered that the best defence against all totalitarian ideologies lay in free and effective popular participation in democratic institutions, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments and called upon all States to take the measures necessary to ensure the thorough investigation and the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who had not yet been brought before a court and paid an appropriate penalty.

By its resolution 41/160 of December 1986,⁵ the General Assembly, *inter alia*, again condemned all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies, based on racial, ethnic or other exclusiveness or intolerance, hatred and terror, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity and expressed its determination to combat those ideologies and practices; urged all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems

³ A/41/53, *Supplement No. 53*.

⁴ E/1986/22; E/CN.4/1986/65, chap. II A.

⁵ A/41/53, *Supplement No. 53*.

and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities of groups or organizations or whoever is practising those ideologies.

C. Elimination of all forms of religious intolerance

By its resolution 1986/19 of 19 March 1986,⁶ the Commission on Human Rights urged all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs.

By its resolution 1986/20 adopted on the same day,⁷ the Commission decided to appoint for one year a Special Rapporteur to examine incidents and governmental actions in all parts of the world which were inconsistent with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, including as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments.

By its decision 1986/134 adopted on 23 May 1986,⁸ the Economic and Social Council noting Commission on Human Rights resolution 1986/20 of 19 March 1986, approved the Commission's decision to appoint the Special Rapporteur and approved the Commission's request to the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities, together with his conclusions and recommendations. It further approved the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

By its resolution 41/112 of 4 December 1986,⁹ the General Assembly, *inter alia*, requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to accord high priority at its thirty-ninth session to consideration of the study prepared by its Special Rapporteur, in accordance with the terms of Sub-Commission resolution 1983/31 of 6 September 1983, on the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief, and to report on this matter to the Commission at its forty-fourth session; and invited the Secretary-General to

⁶ E/1986/22; E/CN.4/1986/65, chap. II A.

⁷ *Ibid.*

⁸ E/1986/86, *Supplement No. 1*.

⁹ A/41/53, *Supplement No. 53*.

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 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.

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

During the forty-second session of the Commission on Human Rights the informal working group established by the Commission continued its consideration of the revised consolidated text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and provisionally adopted the preamble of the draft declaration.

By its resolution 1986/60 of 13 March 1986,¹⁰ the Commission on Human Rights decided to establish at its forty-third session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents; and requested the Secretary-General to provide the working group with all the assistance it may require in the continuation of its drafting work.

E. 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

At its forty-second session in 1986, the Commission on Human Rights examined the report submitted to it by the *Ad Hoc* Working Group of Experts on southern Africa; a progress report dealing with new developments concerning policies and practices which violate human rights in South Africa and Namibia.

By its decision 1986/110 of 14 March 1986,¹¹ the Commission decided to authorize its Chairman to send the following telegram to the President of the Republic of South Africa:

¹⁰ E/1986/22; E/CN.4/1986/65, chap. II A.

¹¹ E/1986/22; E/CN.4/1986/65, chap. II B.

“Sir, In my capacity as Chairman of the United Nations Commission on Human Rights, and with approval of the Commission, I have the honour to appeal to Your Excellency on humanitarian grounds to release Mr. Nelson Mandela and Mr. Zephania Mothopeng. I am personally convinced that such a gesture, which can be extended to other political prisoners, would constitute a significant step towards establishing conditions that would foster increased understanding among the people of South Africa.”

By its resolution 1986/3 adopted on 28 February 1986,¹² the Commission, *inter alia*, reiterated its affirmation of the inalienable right of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments, and declared again that the right to self-determination and independence can be legally exercised only in accordance with the conditions determined by the United Nations in Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978; strongly reiterated that such continuing illegal and colonial occupation of Namibia by South Africa, in defiance of repeated General Assembly and Security Council resolutions, constituted an act of aggression against the Namibian people and a challenge to the authority of the United Nations, which had direct responsibility for Namibia until independence; demanded once again that South Africa co-operate with the United Nations to bring about the immediate independence of Namibia in accordance with Security Council resolution 435 (1978), without raising extraneous issues, so that the people of Namibia would be enabled to exercise their right to self-determination and enjoy their human rights.

By its resolution 1986/4 adopted on the same day,¹³ the Commission, *inter alia*, expressed its deep concern at the dramatic escalation of violations of human rights in South Africa since the imposition of the state of emergency in July 1985; and decided that the *Ad Hoc* Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa and Namibia.

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

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

By its resolution 1986/1A of 20 February 1986,¹⁴ the Commission, *inter alia*, reaffirmed the fact that occupation itself constituted a fundamental

¹² E/1986/22; E/CN.4/1986/65, chap. II A.

¹³ *Ibid.*

¹⁴ *Ibid.*

violation of the human rights of the civilian population of the occupied Arab territories, including Palestine; called upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and, pending their release, to accord them the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demanded that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners; requested the Secretary-General to bring the 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-third session.

By its resolution 1986/1B adopted on the same day,¹⁵ the Commission, *inter alia*, condemned the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem; called upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in 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 and The Hague Convention of 1907; and demanded that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners.

3. QUESTION OF HUMAN RIGHTS IN CHILE

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

By its resolution 1986/63 of 14 March 1986,¹⁶ the Commission, *inter alia*, expressed its concern at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as disappearances and torture and abuses by security forces, the climate of insecurity, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental rights and freedoms through the maintenance of arbitrary

¹⁵ *Ibid.*

¹⁶ *Ibid.*

executive powers during the prolonged period in which states of exception have been in effect; 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-first session and the Commission on Human Rights at its forty-third session.

By its decision 1986/143 of 23 May 1986,¹⁷ the Economic and Social Council, noting Commission on Human Rights resolution 1986/63 of 14 March 1986, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Chile and to request him to report on the situation of human rights in that country to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session. The Council further approved the Commission's recommendation, in paragraph 10 of resolution 1986/63, that the necessary financial resources and sufficient staff be provided to implement the resolution.

At its forty-first session the General Assembly had before it the report of the Special Rapporteur on the human rights situation in Chile. In its resolution 41/161 adopted on 4 December 1986,¹⁸ the General Assembly, *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 refers to such violations as deaths, abductions, temporary disappearances, torture and ill-treatment by the security forces, the climate of insecurity, the maintenance of exile and the discriminatory character of the announced list of citizens authorized to return to the country and the denial of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of emergency have remained in force and the recent re-establishment of the state of siege.

4. OTHER MATTERS RELATING TO VIOLATION OF HUMAN RIGHTS

Cyprus

At its forty-second session, the Commission on Human Rights, by its decision 1986/103 of 12 March 1986,¹⁹ decided that the debate under agenda item 12 (a) (Question of human rights in Cyprus) should be postponed to the forty-third session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

¹⁷ E/1986/86, *Supplement No. 1*.

¹⁸ A/41/53, *Supplement No. 53*.

¹⁹ E/1986/22; E/CN.4/1986/65, chap. II B.

El Salvador

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

By its resolution 1986/39 of 12 March 1986,²⁰ the Commission, *inter alia*, reiterated its request to the Government of El Salvador and the opposition forces to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations were operating in the country, and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by the war to places where they could receive the medical attention they needed.

By its decision 1986/135 of 23 May 1986,²¹ the Economic and Social Council, noting Commission on Human Rights resolution 1986/39 of 12 March 1986, approved the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in El Salvador for another year and to request him to submit his report on further developments in the human rights situation in that country to the General Assembly at its forty-first session and to the Commission at its forty-third session. The Council further approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

At its forty-first session, the General Assembly had before it the report by the Special Representative. In its resolution 41/157 adopted on 4 December 1986, the General Assembly,²² *inter alia*, reaffirmed the right of the Salvadorian people freely to determine their political, economic and social system without interference from outside, through a genuine democratic process, in which all sectors of the population would enjoy the guarantees necessary to enable them to participate freely and effectively; and recommended the continuation and broadening of the reforms necessary in El Salvador, including the effective implementation of agrarian reform, in order to contribute to a solution of the economic and social problems which constitute the roots of the internal conflict in that country.

Guatemala

At its forty-second session, the Commission on Human Rights adopted, on 13 March 1986, resolution 1986/62.²³ The Commission, welcoming the process of democratization and return to constitutionality

²⁰ E/1986/22; E/CN.4/1986/65, chap. II A.

²¹ E/1986/86, *Supplement No. 1*.

²² A/41/53, *Supplement No. 53*.

²³ E/1986/22; E/1986/65, chap. II A.

in Guatemala with the establishment of popularly elected civilian Government and the entry into force of the new Constitution of the Republic as from 14 January 1986; and taking into account also the fact that the new Guatemalan *Amparo*, *Habeas Corpus* and Constitutionality Act established guarantees and means of defence of the constitutional order and of the individual human rights protected by the Constitution, and that this Act provided for means of monitoring effective compliance with the provisions of the Constitution and decided, *inter alia*, to determine the mandate of the Special Rapporteur and its study of the human rights situation in Guatemala, as provided for in its resolution 1983/37, and to continue to observe the situation of human rights in Guatemala.

By its decision 1986/140 of 23 May 1986,²⁴ the Economic and Social Council, noting Commission on Human Rights resolution 1986/62 of 13 March 1986, approved the Commission's decision to request the Chairman of the Commission on Human Rights at its forty-second session to appoint a special representative to receive and evaluate full and detailed information which the Government of Guatemala had expressed its willingness to provide on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms.

By its resolution 41/156 of 4 December 1986,²⁵ the General Assembly welcomed the process of democratization and return to constitutionality which were fundamental steps towards complete and effective enjoyment of human rights and fundamental freedoms, and encouraged the Government of Guatemala to continue to take measures for the effective implementation of the Constitution and other laws aimed at safeguarding these rights and freedoms; requested the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing it with information about the situation of human rights and fundamental freedoms, in particular in regard to the application of the new legal order for the protection of these rights and freedoms; recommended that the Commission on Human Rights should continue to consider the situation of human rights and fundamental freedoms in Guatemala, in accordance with Commission resolution 1986/62, and decided to continue its consideration of developments in that situation at its forty-second session.

Islamic Republic of Iran

At its forty-second session, the Commission on Human Rights had before it the interim report on the situation of human rights in the

²⁴ E/1986/86, *Supplement No. 1*.

²⁵ A/41/53, *Supplement No. 53*.

Islamic Republic of Iran prepared by its Special Representative.²⁶ By its resolution 1986/41 of 12 March 1986,²⁷ the Commission expressed its deep concern over the specific and detailed allegations of grave human rights violations in the Islamic Republic of Iran to which the Special Representative referred in his report 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 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.

By its decision 1986/137 of 23 May 1986²⁸ the Economic and Social Council, noting Commission on Human Rights resolution 1986/41 of 12 March 1986, approved the Commission's decision to extend for one year the mandate of the Special Representative on the situation of Human Rights in the Islamic Republic of Iran as set out in Commission resolution 1984/54 of 14 March 1984 and to request its Chairman to appoint an individual of recognized international standing to fill the vacancy created by the resignation of Mr. Andrés Aguilar. The Council also approved the Commission's request to the newly appointed Special Representative to submit an interim report to the General Assembly at its forty-first session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-third session. The Council further approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

By its resolution 41/159 of 4 December 1986,²⁹ the General Assembly, *inter alia*, 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 to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant; and decided to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-second session in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

²⁶ A/40/874.

²⁷ E/1986/22; E/1986/65, chap. II A.

²⁸ E/1986/86, *Supplement No. 1*.

²⁹ A/41/53, *Supplement No. 53*.

Mass exoduses

At its forty-second session, the Commission on Human Rights had before it the study on human rights and mass exoduses prepared by its Special Rapporteur.³⁰

By its resolution 1986/45 of 12 March 1986,³¹ the Commission, *inter alia*, welcomed the special interest which the Secretary-General had taken in this question and reiterated its request to the Secretary-General to follow closely developments in the area of human rights and mass exoduses.

The General Assembly also considered the matter at its forty-first session. In its resolution 41/148 of 4 December 1986,³² the Assembly, *inter alia*, invited Governments and international organizations to intensify their co-operation and assistance in world-wide efforts to address the serious problem of mass exoduses of refugees and displaced persons.

Summary executions

In its resolution 1986/42 of 12 March 1986,³³ the Commission on Human Rights recommended its draft resolution IV³⁴ for adoption by the Economic and Social Council.

In its resolution 1986/36 of 23 May 1986,³⁵ the Economic and Social Council, *inter alia*, strongly condemned once again the large number of summary or arbitrary executions, including extra-legal executions, which continued to take place in various parts of the world; and decided to renew the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission on Human Rights.

In its resolution 41/144 of 4 December 1986,³⁶ the General 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.

³⁰ E/CN.4/1503.

³¹ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

³² A/41/53, *Supplement No. 53*.

³³ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

³⁴ *Ibid.*

³⁵ E/1986/86, *Supplement No. 1*.

³⁶ A/41/53, *Supplement No. 53*.

F. Adverse consequences for enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa

At its forty-second session, the Commission on Human Rights considered the updated report³⁷ prepared by 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.

In its resolution 1986/6 of 28 February 1986,³⁸ the Commission, *inter alia*, invited the Special Rapporteur to continue to update his list of firms assisting the racist régime of South Africa and to use all available material in order to indicate the volume, nature and adverse consequences of such assistance, and requested the Secretary-General to give the Special Rapporteur all the assistance he might require.

In its decision 1986/143 of 23 May 1986,³⁹ the Economic and Social Council, noting Commission on Human Rights resolution 1986/6 of 28 February 1986,⁴⁰ approved the request addressed by the Commission to the Secretary-General to make available to him two economists to assist him to expand his work on the analyses and annotations of certain selected cases as reflected in his report.

In its resolution 41/95 of 4 December 1986⁴¹ the General Assembly, *inter alia*, requested the Security Council urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa.

G. The right of peoples to self-determination

The General Assembly considered the question of the universal realization of the right of peoples to self-determination at its forty-first session. By its resolution 41/100 of 4 December 1986,⁴² the Assembly, *inter alia*, reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and promotion of such rights.

³⁷ E/CN.4/Sub.2/1984/8 and Add.1 and 2.

³⁸ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

³⁹ E/1986/86, *Supplement No. 1*.

⁴⁰ E/CN.4/Sub.2/1985 and Add.1 and 2.

⁴¹ A/41/53, *Supplement No. 53*.

⁴² *Ibid.*

The General Assembly, by its resolution 41/101⁴³ adopted on the same day, *inter alia*, reaffirmed the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign occupation by all available means, including armed struggle; and expressed its appreciation for the material and other forms of assistance that peoples under colonial rule continued to receive from Governments, organizations of the United Nations system and intergovernmental organizations, and called for a substantial increase in this assistance.

Afghanistan

By its resolution 1986/23 adopted on 10 March 1986,⁴⁴ the Commission, *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 strict observance of the principle of non-intervention and non-interference; and urged all concerned to continue to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan.

At its forty-second session the Commission had before it the report of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan.⁴⁵ By its resolution 1986/40 of 12 March 1986,⁴⁶ the Commission, *inter alia*, commended the Special Rapporteur for his report, expressed its profound distress and alarm at the violations of the right to life, liberty and security of person, and decided to extend the mandate of the Special Rapporteur for one year.

By its decision 1986/136 of 23 May 1986, the Economic and Social Council,⁴⁷ noting Commission on Human Rights resolution 1986/40 of 12 March 1986, 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 and to request him to report on the question to the General Assembly at its forty-first session and to the Commission at its forty-third session. The Council further approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

By its resolution 41/158 of 4 December 1986,⁴⁸ the General Assembly, *inter alia*, expressed its deep concern that the Afghanistan authorities, with

⁴³ *Ibid.*

⁴⁴ E/1986/22; E/CN.4/1986/65, *Supplement No. 53*.

⁴⁵ E/CN.4/1986/24.

⁴⁶ E/1986/22; E/CN.4/1986/65, chap. II A.

⁴⁷ E/1986/86, *Supplement No. 1*.

⁴⁸ A/41/53, *Supplement No. 53*.

heavy support from foreign troops, were acting with great severity against their opponents and called once again upon the parties to the conflict to apply fully the principles and rules of international humanitarian law and to admit international humanitarian organizations, in particular the International Committee of the Red Cross, and to facilitate their operations for the alleviation of the suffering of the people in Afghanistan.

Democratic Kampuchea

By its resolution 1986/25 adopted on 10 March 1986,⁴⁹ the Commission on Human Rights, *inter alia*, 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 fundamental human rights in Kampuchea; noted with appreciation the reports of the *Ad Hoc* Committee of the International Conference on Kampuchea and requested that the Committee continue its work and that the Conference be reconvened at an appropriate time, in accordance with General Assembly resolution 40/7; and recommended that the Economic and Social Council at its first regular session of 1986 continue to consider, and in particular to undertake, recommendations, with a view to achievement of the full enjoyment of the fundamental human rights and freedoms of the Kampuchean people, particularly its inalienable right to self-determination.

By its decision 1986/146 of 23 May 1987,⁵⁰ the Economic and Social Council endorsed Commission on Human Rights resolution 1986/25 of 10 March 1986, and reiterated its call for the withdrawal of all the foreign forces from Kampuchea in order to allow the people of Kampuchea to exercise their fundamental freedoms and human rights, including the right to self-determination.

By its resolution 41/6 of 21 October 1986,⁵¹ the General Assembly, reiterated its conviction that the withdrawal of all foreign troops from Kampuchea, the restoration and preservation of its independence, sovereignty and territories, and the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea are the principal components of any just and lasting resolution of the Kampuchean problem.

Palestine

At its forty-second session, the Commission on Human Rights adopted two resolutions on the question of the violation of human rights in the occupied Arab territories including Palestine.

⁴⁹ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁵⁰ E/1986/86, *Supplement No. 1*.

⁵¹ A/41/53, *Supplement No. 53*.

By its resolution 1986/1A adopted on 20 February 1986,⁵² the Commission, *inter alia*, reaffirmed the fact that occupation itself constitutes a fundamental violation of the human rights of the occupied Arab territories, including Palestine; urged Israel to refrain from the policies and practices violating human rights in the territories, and to report, through the Secretary-General, to the Commission at its forty-third session on the implementation of the present resolution; requested the Secretary-General to bring the present resolution to the attention of all Governments, the component 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-third session.

By its resolution 1986/1B adopted on the same day,⁵³ the Commission, *inter alia*, called upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in 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 and The Hague Convention of 1907; and demanded that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners.

By its resolution 41/43A of 2 December 1986,⁵⁴ the General Assembly, *inter alia*, decided to circulate the report of the Committee to all the competent bodies of the United Nations and urged them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation.

By its resolution 41/43B adopted on the same day,⁵⁵ the General Assembly, *inter alia*, took note with appreciation of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian people and the issuance by them of special postage stamps for the occasion.

Western Sahara

In its resolution 1986/21 adopted on 10 March 1986,⁵⁶ the Commission on Human Rights again requested the parties to the conflict, the Kingdom

⁵² E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁵³ *Ibid.*

⁵⁴ A/41/53, *Supplement No. 53*.

⁵⁵ *Ibid.*

⁵⁶ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*.

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 bring about a cease-fire to create the necessary conditions for a peaceful and fair referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations; and expressed its satisfaction at the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to implementing the relevant decisions of that organization, in particular resolution AHG/res. 104 (XIX).

H. Question of the human rights of persons subjected to any form of detention or imprisonment

At its forty-second session, the Commission on Human Rights, by its decision 1986/106 adopted on 13 March 1986,⁵⁷ decided not to take action on draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission and invited the Sub-Commission to reconsider the question of a declaration against unacknowledged detention of persons, with a view to submitting a new text to the Commission at its forty-third session.

I. Question of enforced or involuntary disappearances of persons

At its forty-second session, the Commission on Human Rights adopted, on 13 March 1986, resolution 1986/55,⁵⁸ by which it requested the Working Group on this question to submit to the Commission, at its forty-third 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; it encouraged the Governments concerned to consider with special attention the wish of the Working Group, when such a wish is expressed, to visit their country, thus enabling the Working Group to fulfil its mandate even more effectively.

By its decision 1986/139 adopted on 23 May 1986,⁵⁹ the Economic and Social Council, noting Commission on Human Rights resolution 1986/55 of 13 March 1986 approved the Commission's decision to extend for two years, on an experimental basis, the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in accordance with the

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ E/1986/86, *Supplement No. 1.*

recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle and to reconsider the question at its forty-fourth session. The Council further approved the Commission's request to the Secretary-General to ensure that the Working Group received all necessary assistance, in particular the staff and resources it required to perform its functions in an effective and expeditious manner, so as to reduce to the minimum any discontinuity in the activities of the Working Group.

The General Assembly also considered the question at its forty-first session and adopted on 4 December 1986 resolution 41/145,⁶⁰ in which, *inter alia*, it expressed its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and those Governments that have co-operated with it; and welcomed the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI), of 29 February 1980, while maintaining the principle of annual reporting by the Group.

J. Torture and other cruel, inhuman or degrading treatment or punishment

At its forty-second session, the Commission on Human Rights in its resolution 1986/50 of 13 March 1986⁶¹ requested the Secretary-General to appeal to all Governments to co-operate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested; and 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 comes before him and to carry out his work with discretion.

The Economic and Social Council, by its resolution 1986/138 of 23 May 1986,⁶² noting Commission on Human Rights resolution 1986/50 of 13 March 1986, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of 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 Special Rapporteur to submit a comprehensive report to the Commission at its forty-third session on his activities regarding the question of torture, including the occurrence and extent of its practice, together with his conclusions and recommendations. It further approved the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

⁶⁰ A/41/53, *Supplement No. 53*.

⁶¹ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁶² E/1986/86, *Supplement No. 1*.

At its forty-first session the General Assembly, in its resolution 41/134, on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 4 December 1981,⁶³ expressed its satisfaction at the number of States that had signed or ratified the Convention since it was opened for signature, ratification and accession on 4 February 1985; and invited all States upon ratification of or accession to the Convention, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention.

K. Slavery and the slave-trade

At its forty-second session the Commission on Human Rights considered the question of slavery and slavery-like practices.

By its resolution 1986/34 of 11 March 1986,⁶⁴ the Commission, considering, in the light of the work of the Sub-Commission and its Working Group on Slavery, that several issues, such as the sale of children, exploitation of child labour, debt bondage, the traffic in persons and the exploitation of the prostitution of others, and practices similar to slavery, such as *apartheid*, have not received sufficient attention, requested the Secretary-General to invite States parties to the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to report regularly upon their compliance with the provisions of the Convention.

L. Rights of the child

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

A pre-sessional Working Group on the draft convention on the rights of the Child was held prior to the forty-second session of the Commission on Human Rights. By its resolution 1986/59 of 13 March 1986,⁶⁵ the Commission on Human Rights recommended its draft resolution VIII for adoption by the Economic and Social Council.⁶⁶

By its resolution 1986/40 of 23 May 1986,⁶⁷ the Economic and Social Council, considering that it was not found possible to complete the work on the draft convention during the forty-second session of the Commission on

⁶³ A/41/53, *Supplement No. 53*.

⁶⁴ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*, chap. I A.

⁶⁷ E/1986/86, *Supplement No. 1*.

Human Rights, had authorized a meeting of an open-ended working group for a period of one week prior to the forty-third session of the Commission on Human Rights, with a view to completing the work on the draft convention on the rights of the child, requested the Secretary-General to extend all facilities to the Working Group.

By its resolution 46/116 adopted on 4 December 1986,⁶⁸ the General Assembly, *inter alia*, requested the Commission on Human Rights to give the highest priority to, and to make every effort at its forty-third session to complete, the draft convention and to submit it, through the Economic and Social Council, to the General Assembly at its forty-second session.

M. Human rights of disabled persons

By its resolution 1986/16 adopted on 22 May 1986,⁶⁹ the Economic and Social Council, noting with serious concern the alarming situation of disabled persons in developing countries and the critical economic situation in a number of countries, in particular in Africa and Latin America and in the least developed countries, reiterated the need to give greater publicity to the United Nations Decade of Disabled Persons, and called upon all bodies and organizations of the United Nations system, Member States, national committees and non-governmental organizations to assist in publicizing the Decade by all appropriate means within existing resources.

By its resolution 41/106 of 4 December 1986, the General Assembly,⁷⁰ *inter alia*, reaffirmed that the resources of the Voluntary Fund 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 of Disabled Persons, with priority given, as appropriate, to programmes and projects of the least developed countries.

N. Indigenous populations

By its resolution 1986/27⁷¹ of 11 March 1986, the Commission expressed its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the preliminary steps taken at its fourth session in the area of standard-setting, and for its continued broad and flexible methods of work.

⁶⁸ A/41/53, Supplement No. 53.

⁶⁹ E/1986/86, Supplement No. 1.

⁷⁰ A/41/53, Supplement No. 53.

⁷¹ E/1986/22; E/CN.4/1986/65, Supplement No. 2, chap. II A.

By its resolution 1986/35 adopted on 11 March 1986,⁷² the Commission on Human Rights recommended its draft resolution II⁷³ for adoption by the Economic and Social Council.

By its resolution 1986/34 adopted on 23 May 1986,⁷⁴ the Economic and Social Council decided that the Working Group on Indigenous Populations should meet for up to eight working days before the annual sessions of the Sub-Commission and for the first three working days to be devoted to unserved meetings for the purpose of the preliminary drafting of international standards.

O. Human rights of migrant workers

At its forty-second session, the Commission on Human Rights considered the question of measures to improve the situation and ensure the human rights and dignity of all migrant workers. By its resolution 1986/58 of 13 March 1986,⁷⁵ the Commission welcomed the progress being made by the Working Group in the discharge of its mandate and, in particular, the headway it has made on the second reading of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families, and invited all Member States to continue co-operating with the Working Group in the performance of its task.

By its resolution 41/151 of 4 December 1986,⁷⁶ the General Assembly, *inter alia*, took note with satisfaction of the report of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and, in particular, of the progress made by the Working Group on the drafting, in second reading, of the draft convention.

P. Human rights and scientific and technological developments

At its forty-second session, the Commission on Human Rights considered the question of human rights and scientific and technological developments.

By its resolution 1986/9 adopted on 10 March 1986,⁷⁷ the Commission invited the United Nations University, in co-operation with other interested academic and research institutions, to study both the positive and the

⁷² *Ibid.* chap. II A.

⁷³ *Ibid.* chap. I A.

⁷⁴ E/1986/86, *Supplement No. 1*.

⁷⁵ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁷⁶ E/41/53, *Supplement No. 53*.

⁷⁷ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

negative impacts of scientific and technological developments on human rights and fundamental freedoms and expressed the hope that the United Nations University would inform the Commission on Human Rights of the results of its study on the question.

By its resolution 1986/10 adopted on the same day,⁷⁸ the Commission stressed once again the urgent need for the international community to make every effort to strengthen peace, remove the growing threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and self-determination of peoples, thus contributing to ensuring the right to life.

By its resolution 1986/11,⁷⁹ also adopted on the same day, the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development.

The General Assembly also examined this question at its forty-first session. In its resolution 41/113 of 4 December 1986,⁸⁰ it called upon all Member States, appropriate United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress are used exclusively in the interest of international peace for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms.

By its resolution 41/115 adopted on the same day,⁸¹ the General Assembly requested the Commission on Human Rights to continue to give special attention, in its consideration of the item entitled "Human rights and scientific and technological developments", to the question of the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975.

Q. The right to development

At its forty-second session, the Commission on Human Rights adopted a resolution relating to the question of the right to development.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ A/41/53, *Supplement No. 53*.

⁸¹ *Ibid.*

By its resolution 1986/16 adopted on 10 March 1986,⁸² the Commission strongly urged the General Assembly to give the highest priority to the consideration of the draft declaration on the right to development with a view to the adoption of the declaration at the forty-first session of the Assembly; and decided to convene its Working Group of Governmental Experts on the Right to Development for three weeks in January 1987 to study the measures necessary to promote the right to development.

By its decision 1986/133 adopted on 23 May 1986,⁸³ the Economic and Social Council, noting Commission on Human Rights resolution 1986/16 of 10 March 1986, approved the Commission's decision to convene its Working Group of Governmental Experts on the Right to Development for three weeks in January 1987.

R. 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-second session the Commission on Human Rights adopted decision 1986/107 of 13 March 1986,⁸⁴ in which, *inter alia*, it decided to consider at its forty-third session, in the context of its discussion of item 11 of its draft provisional agenda, the possible establishment of an open-ended working group to continue the overall analysis with a view to the further promotion and encouragement of human rights and fundamental freedoms, including the question of programme and methods of work of the Commission, and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

2. PUBLIC INFORMATION ACTIVITIES IN THE FIELD OF HUMAN RIGHTS

At its forty-second session the Commission on Human Rights had before it a report by the Secretary-General concerning stimulation of public interest in the promotion and protection of human rights.⁸⁵

By its resolution 1986/54 of 13 March 1986,⁸⁶ the Commission, taking into account other relevant General Assembly resolutions concerning further promotion of human rights, including those on the status of the Inter-

⁸² E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

⁸³ E/1986/86, *Supplement No. 1*.

⁸⁴ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II B.

⁸⁵ E/CN.4/1985/16.

⁸⁶ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

national Covenants on Human Rights, as well as those relating to information, requested the Secretary-General, within existing resources, to continue work on a draft teaching booklet on human rights and, prior to the Commission's forty-third session, taking into account such comments as may be offered by Governments, interested United Nations organs and agencies and non-governmental organizations, to finalize that document, which could serve as a broad and flexible framework within which teaching could be structured and developed in accordance with national circumstances; and requested the Secretary-General to examine further ways in which the potential of the entire United Nations system, including the specialized agencies and the regional commissions, might be used to assist in the dissemination of human rights material.

By its resolution 41/130 of 4 December 1986,⁸⁷ the General Assembly, *inter alia*, requested the Secretary-General to complete as soon as possible the task of issuing the personalized version of the Universal Declaration of Human Rights in the six official languages of the United Nations and to proceed thereafter, in co-operation with regional organizations and Governments, to the production of this documentation in national and local languages.

S. Advisory services in the field of human rights

At its forty-second 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.⁸⁸

By its resolution 1986/52 of 13 March 1986,⁸⁹ the Commission, *inter alia*, 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 organs; and asked the Secretary-General to organize, when so requested by the Economic and Social Council or the Commission on Human Rights, international seminars in the field of human rights within the programme of advisory services.

⁸⁷ A/41/53, *Supplement No. 53*.

⁸⁸ E/CN.4/1985/30.

⁸⁹ E/1986/22; E/CN.4/1986/65, *Supplement No. 2*, chap. II A.

Section B. Specialized agencies

Office of the United Nations High Commissioner for Refugees (UNHCR)

1. CARTAGENA DECLARATION ON REFUGEES

In 1984 an important declaration was adopted which complies with the Latin-American tradition in the matter of asylum and human rights. The declaration is a relevant instrument for the protection of refugees. The Colloquium adopted the following conclusions and recommendations.

I

The Cartagena Colloquium,

Recalling the conclusions and recommendations adopted by the Colloquium held in Mexico in 1981 on Asylum and International Protection of Refugees in Latin America, which established important landmarks for the analysis and consideration of this matter,

Recognizing that the refugee situation in Central America has evolved in recent years to the point at which it deserves special attention,

Appreciating the generous efforts which have been made by countries receiving Central American refugees, notwithstanding the great difficulties they have had to face, particularly in the current economic crisis,

Emphasizing the admirable humanitarian and non-political task which UNHCR has been called upon to carry out in the Central American countries, Mexico and Panama in accordance with the provisions of the 1951 United Nations Convention and the 1967 Protocol, as well as those of resolution 428 (V) of the United Nations General Assembly, by which the mandate of the United Nations High Commissioner for Refugees is applicable to all States whether or not parties to the said Convention and/or Protocol,

Bearing in mind also the function performed by the Inter-American Commission on Human Rights with regard to the protection of the rights of refugees in the continent,

Strongly supporting the efforts of the Contadora Group to find an effective and lasting solution to the problem of Central American refugees,

which constitute a significant step in the negotiation of effective agreements in favour of peace in the region,

Expressing its conviction that many of the legal and humanitarian problems relating to refugees which have arisen in the Central American region, Mexico and Panama can only be tackled in the light of the necessary co-ordination and harmonization of universal and regional systems and national efforts,

II

Having acknowledged with appreciation the commitments with regard to refugees included in the Contadora Act on Peace and Co-operation in Central America, the bases of which the Colloquium fully shares and which are reproduced below:

- “(a) To carry out, if they have not yet done so, the constitutional procedures for accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees;
- “(b) To adopt the terminology established in the Convention and Protocol referred to in the foregoing paragraph with a view to distinguishing refugees from other categories of migrants;
- “(c) To establish the internal machinery necessary for the implementation, upon accession, of the provisions of the Convention and Protocol referred to above;
- “(d) To ensure the establishment of machinery for consultation between the Central American countries and representatives of the Government offices responsible for dealing with the problem of refugees in each State;
- “(e) To support the work performed by the United Nations High Commissioner for Refugees (UNHCR) in Central America and to establish direct co-ordination machinery to facilitate the fulfilment of his mandate;
- “(f) To ensure that any repatriation of refugees is voluntary, and is declared to be so on an individual basis, and is carried out with the co-operation of UNHCR;
- “(g) To ensure the establishment of tripartite commissions, composed of representatives of the State of origin, of the receiving State and of UNHCR with a view to facilitating the repatriation of refugees;
- “(h) To reinforce programmes for protection of and assistance to refugees, particularly in the areas of health, education, labour and safety;
- “(i) To ensure that programmes and projects are set up with a view to ensuring the self-sufficiency of refugees;

- “(j) To train the officials responsible in each State for protection of and assistance to refugees, with the co-operation of UNHCR and other international agencies;
- “(k) To request immediate assistance from the international community for Central American refugees, to be provided either directly, through bilateral or multilateral agreements, or through UNHCR and other organizations and agencies;
- “(l) To identify, with the co-operation of UNHCR, other countries which might receive Central American refugees. In no case shall a refugee be transferred to a third country against his will;
- “(m) To ensure that the Governments of the area make the necessary efforts to eradicate the causes of the refugee problem;
- “(n) To ensure that, once agreement has been reached on the bases for voluntary and individual repatriation, with full guarantees for the refugees, the receiving countries permit official delegations of the country of origin, accompanied by representatives of UNHCR and the receiving country, to visit the refugee camps;
- “(o) To ensure that the receiving countries facilitate, in co-ordination with UNHCR, the departure procedure for refugees in instances of voluntary and individual repatriation;
- “(p) To institute appropriate measures in the receiving countries to prevent the participation of refugees in activities directed against the country of origin, while at all times respecting the human rights of the refugees.”

III

The Colloquium adopted the following conclusions:

1. To promote within the countries of the region the adoption of national laws and regulations facilitating the application of the Convention and the Protocol and, if necessary, establishing internal procedures and mechanisms for the protection of refugees. In addition, to ensure that the national laws and regulations adopted reflect the principles and criteria of the Convention and the Protocol, thus fostering the necessary process of systematic harmonization of national legislation on refugees.

2. To ensure that ratification of or accession to the 1951 Convention and the 1967 Protocol by States which have not yet taken these steps is unaccompanied by reservations limiting the scope of those instruments, and to invite countries having formulated such reservations to consider withdrawing them as soon as possible.

3. To reiterate that, in view of the experience gained from the massive flows of refugees in the Central American area, it is necessary to consider enlarging the concept of a refugee, bearing in mind, as far as appropriate

and in the light of the situation prevailing in the region, the precedent of the OAU Convention (article 1, paragraph 2) and the doctrine employed in the reports of the Inter-American Commission on Human Rights. Hence the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

4. To confirm the peaceful, non-political and exclusively humanitarian nature of grant of asylum or recognition of status of refugee and to underline the importance of the internationally accepted principle that nothing in either shall be interpreted as an unfriendly act towards the country of origin of refugees.

5. To reiterate the importance and meaning of the principle of *non-refoulement* (including the prohibition of rejection at the frontier) as a cornerstone of the international protection of refugees. This principle is imperative in regard to refugees and in the present state of international law should be acknowledged and observed as a rule of *jus cogens*.

6. To reiterate to countries of asylum that refugee camps and settlements located in frontier areas should be set up inland at a reasonable distance from the frontier with a view to improving the protection afforded to refugees, safeguarding their human rights and implementing projects aimed at their self-sufficiency and integration into the host society.

7. To express its concern at the problem raised by military attacks on refugee camps and settlements which have occurred in different parts of the world and to propose to the Governments of the Central American countries, Mexico and Panama that they lend their support to the measures on this matter which have been proposed by the High Commissioner to the UNHCR Executive Committee.

8. To ensure that the countries of the region establish a minimum standard of treatment for refugees, on the basis of the provisions of the 1951 Convention and 1967 Protocol and of the American Convention on Human Rights, taking into consideration the conclusions of the UNHCR Executive Committee, particularly No. 22 on the Protection of Asylum Seekers in Situations of Large-Scale Influx.

9. To express its concern at the situation of displaced persons within their own countries. In this connection, the Colloquium calls on national authorities and the competent international organizations to offer protection and assistance to those persons and to help relieve the hardship which many of them face.

10. To call on States parties to the 1969 American Convention on Human Rights to apply this instrument in dealing with *asilados* and refugees who are in their territories.

11. To make a study, in countries in the area which have a large number of refugees, of the possibilities of integrating them into the productive life of the country by allocating to the creation or generation of employment the resources made available by the international community through UNHCR, thus making it possible for refugees to enjoy their economic, social and cultural rights.

12. To reiterate the voluntary and individual character of repatriation of refugees, and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin.

13. To acknowledge that reunification of families constitutes a fundamental principle in regard to refugees and one which should be the basis for the régime of humanitarian treatment in the country of asylum, as well as for facilities granted in cases of voluntary repatriation.

14. To urge non-governmental, international and national organizations to continue their worthy task, coordinating their activities with UNHCR and the national authorities of the country of asylum, in accordance with the guidelines laid down by the authorities in question.

15. To promote greater use of the competent organizations of the Inter-American system, in particular the Inter-American Commission on Human Rights, with a view to enhancing the international protection of *asilados* and refugees. Accordingly, for the performance of this task, the Colloquium considers that the close coordination and cooperation existing between the Commission and UNHCR should be strengthened.

16. To acknowledge the importance of the OAS/UNHCR Programme of Co-operation and the activities so far carried out and to propose that the next stage should focus on the problem raised by massive refugee flows in Central America, Mexico and Panama.

17. To ensure that in the countries of Central America and the Contadora Group the international norms and national legislation relating to the protection of refugees, and of human rights in general, are disseminated at all possible levels. In particular, the Colloquium believes it especially important that such dissemination should be undertaken with the valuable co-operation of the appropriate universities and centres of higher education.

IV

The Cartagena Colloquium therefore

Recommends:

That the commitments with regard to refugees included in the Contadora Act should constitute norms for the 10 States participating in the Colloquium and be unfailingly and scrupulously observed in determining the conduct to be adopted in regard to refugees in the Central American area;

That the conclusions reached by the Colloquium (III) should receive adequate attention in the search for solutions to the grave problems raised by present massive flows of refugees in Central America, Mexico and Panama;

That a volume should be published containing the working document and the proposals and reports, as well as the conclusions and recommendations of the Colloquium and other pertinent documents, and that the Colombian Government, UNHCR and the competent bodies of OAS should be requested to take the necessary steps to secure the widest possible circulation of the volume in question;

That the present document should be proclaimed the "Cartagena Declaration on Refugees";

That the United Nations High Commissioner for Refugees should be requested to transmit the contents of the present declaration officially to the heads of State of the Central American countries, of Belize and of the countries forming the Contadora Group.

Finally, the Colloquium expressed its deep appreciation to the Colombian authorities, and in particular to the President of the Republic, Mr. Belisario Betancur, the Minister for Foreign Affairs, Mr. Augusto Ramírez Ocampo, and the United Nations High Commissioner for Refugees, Mr. Poul Hartling, who honoured the Colloquium with their presence, as well as to the University of Cartagena de Indias and the Regional Centre for Third World Studies for their initiative and for the realization of this important event. The Colloquium expressed its special recognition of the support and hospitality offered by the authorities of the Department of Bolívar and the City of Cartagena. It also thanked the people of Cartagena, rightly known as the "Heroic City", for their warm welcome.

In conclusion, the Colloquium recorded its acknowledgement of the generous tradition of asylum and refuge practised by the Colombian people and authorities.

Cartagena de Indias,
22 November 1984.

2. CONCLUSIONS ADOPTED BY THE EXECUTIVE COMMITTEE
ON THE INTERNATIONAL PROTECTION OF REFUGEES

(a) *No. 41 (XXXVII) General*

The Executive Committee

- (a) *Recognized* that the exercise of the High Commissioner's international protection function had become increasingly complex due to the growing number and changing composition of current movements of refugees and asylum-seekers;
- (b) *Recognized* that in view of the nature of contemporary refugee problems, the provision of solutions must be considered as an important aspect of the High Commissioner's international protection function;
- (c) *Recognized* the importance for Governments to provide their full support in making available durable solutions for refugee problems, whenever possible in regions of origin, in order to facilitate the effective exercise of the High Commissioner's international protection function; noted with appreciation the efforts undertaken by the High Commissioner since the Executive Committee's thirty-sixth session to arrange for consultations between concerned Governments in order to deal with problems relating to specific refugee groups and, in particular, the problem raised by the movement of refugees and asylum-seekers from one region to another;
- (d) *Reiterated* the crucial importance of voluntary repatriation as a solution to present-day refugee problems and welcomed the continuing efforts of the High Commissioner to promote voluntary repatriation taking into account Conclusions Nos. 18 and 40 adopted by the Executive Committee at its thirty-first and thirty-sixth sessions respectively;
- (e) *Recognized* that the search for durable solutions includes the need to address the causes of movements of refugees and asylum-seekers from countries of origin and the causes of onward movements from countries of first asylum;
- (f) *Welcomed* the recent accessions of Equatorial Guinea, Tuvalu, Papua New Guinea and Venezuela, to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees, thereby bringing to over 100 the number of States parties to these basic humanitarian instruments and welcomed the efforts of the Office to promote further accessions to these instruments to which it was hoped that all members of the United Nations would in due course become parties;

- (g) *Reiterated* the importance of national legislative and/or administrative measures to ensure the effective implementation of the standards defined in applicable international refugee instruments and welcomed the efforts of the High Commissioner to promote the further adoption of such measures;
- (h) *Reaffirmed* the importance of the Office's efforts to promote the development and strengthening of international refugee law through the organization or support of round tables, seminars and discussion groups in different areas of the world and to ensure that the principles of international refugee law are as widely disseminated as possible;
- (i) *Recognized* the value of international instruments defining standards for the treatment of refugees at the regional level and noted with appreciation the progress achieved in this field through the efforts of the Arab League, the Asian-African Legal Consultative Committee, the Council of Europe, the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference;
- (j) *Noted with concern* that in different areas of the world, the basic rights of refugees and asylum-seekers have been seriously violated and that refugees and asylum-seekers have been exposed to physical violence, acts of piracy and forcible return to their country of origin in disregard of the principle of *non-refoulement*;
- (k) *Noted with concern* that since the Committee's thirty-sixth session refugee camps and settlements have continued to be subject of military or armed attacks and expressed the hope that ongoing efforts to find a solution to this problem will lead to positive results in the near future;
- (l) *Recalled* its Conclusion No. 39 on Refugee Women and International Protection and called upon the High Commissioner to continue to give due attention to the specific protection needs of refugee women and to continue to report to the Executive Committee on this matter;
- (m) *Noted* that the situation of refugee children also required special consideration and called upon the High Commissioner to report regularly to the Executive Committee on the needs of refugee children, and on existing and proposed programmes for their benefit;
- (n) *Recognized* the valuable contribution of the non-governmental organizations in supporting the High Commissioner's efforts in the field of international protection;

- (o) *Noted* the importance of promoting a favourable climate of public opinion in order to facilitate the exercise of the High Commissioner's international protection function; stressed the necessity for the special situation and needs of refugees and asylum-seekers to be brought fully to the attention of the public; and welcomed UNHCR efforts in this regard which should be fully supported by Governmental authorities and concerned non-governmental organizations.

(b) No. 42 (XXXVII) Accession to international instruments and their implementation

The Executive Committee

- (a) *Recalled* that in numerous earlier conclusions the Executive Committee had appealed to States to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and that similar appeals had also been addressed to Governments in various resolutions of the United Nations General Assembly;
- (b) *Noted with satisfaction* that more than 100 States had now become parties to the 1951 Convention and/or the 1967 Protocol;
- (c) *Recognized* that these instruments incorporate fundamental principles of refugee law including the principle of *non-refoulement* and lay down minimum standards for the treatment of refugees and thus constitute the cornerstone of international protection;
- (d) *Stressed* that accession to the 1951 Convention and the 1967 Protocol implies a commitment to and a reinforcement of the fundamental principles which these instruments embody, underlines the importance attached by each acceding State to international efforts to solve refugee problems and reflects the universal character that the refugee problem has now assumed;
- (e) *Recognized* that widespread accession to these instruments reaffirms their universal applicability and serves to reinforce the international legal framework for the protection of refugees and thereby facilitates the exercise of the High Commissioner's international protection function;
- (f) *Called* on States not having acceded to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees to accede to these instruments;
- (g) *Recommended* consideration of the withdrawal of the geographical limitation and reservations to these instruments by those States which still maintain them;

- (h) *Recalled* that the 1951 Convention and the 1967 Protocol are complemented by various international instruments of relevance to refugees adopted at the universal level as well as by a number of standard-setting instruments adopted at the regional level and called upon States to consider acceding to such additional universal instruments and to such other instruments as are applicable to their region;
 - (i) *Noted* that accession to the various international refugee instruments, whether of a universal or regional character, is now of utmost importance in view of the magnitude and the seriousness of the contemporary refugee problem and requested the High Commissioner to continue his efforts at the highest level to promote further accession to the international refugee instruments;
 - (j) *Recommended* to States which have not yet done so to consider adopting appropriate legislative and/or administrative measures for the effective implementation of the international refugee instruments, making the necessary distinction between refugees and other aliens.
- (c) *No. 43 (XXXVII) Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees*

Whereas serious and large-scale refugee problems continue to exist in many regions of the world,

Whereas accession to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees is of importance in strengthening the legal situation of refugees and in facilitating the exercise by the High Commissioner of his international protection function,

Whereas accession to these basic humanitarian instruments defining the legal status of refugees by a large number of States in different regions of the world reflects the fundamental importance, often recalled in resolutions of the General Assembly, of the principles they contain and assists in establishing their universal applicability,

Whereas recent accessions to the Convention and the Protocol have brought the number of States parties to these instruments to one hundred and one,

Now therefore,

The Executive Committee, recalling the need for universal accession to these instruments,

1. *Solemnly* calls upon States that have not yet become parties to these basic humanitarian instruments to accede to them so that they can acquire a truly universal character;

2. *Expresses* the hope that by the 40th anniversary of the adoption of 1951 Convention relating to the Status of Refugees all Member States of the United Nations will have acceded to these instruments;

3. *Stresses* that, in addition to accession, effective application of the principles and provisions of the 1951 Convention and the 1967 Protocol are of the utmost importance;

4. *Calls upon* the Chairman and Member States of the Executive Committee to assist the High Commissioner in his efforts to promote further accessions to the 1951 Convention and the 1967 Protocol.

(d) No. 44 (XXXVII) Detention of refugees and asylum-seekers

The Executive Committee,

Recalling Article 31 of the 1951 Convention relating to the Status of Refugees,

Recalling further its Conclusion No. 22 (XXXII) on the treatment of asylum-seekers in situations of large-scale influx, as well as Conclusion No. 7 (XXVIII), paragraph (e), on the question of custody or detention in relation to the expulsion of refugees lawfully in a country, and Conclusion No. 8 (XXVIII), paragraph (e), on the determination of refugee status,

Noting that the term "refugee" in the present Conclusions has the same meaning as that in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and is without prejudice to wider definitions applicable in different regions,

(a) *Noted* with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation;

(b) *Expressed* the opinion that in view of the hardship which it involves, detention should normally be avoided. If necessary, detention may be resorted to only on grounds prescribed by law to verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or to protect national security or public order;

(c) *Recognized* the importance of fair and expeditious procedures for determining refugee status or granting asylum in protecting refugees and asylum-seekers from unjustified or unduly prolonged detention;

(d) *Stressed* the importance for national legislation and/or administrative practice to make the necessary distinction between the situation of refugees and asylum-seekers, and that of other aliens;

(e) *Recommended* that detention measures taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review;

(f) *Stressed* that conditions of detention of refugees and asylum-seekers shall be humane. In particular refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as common criminals, and shall not be located in areas where their physical safety is endangered;

(g) *Recommended* that refugees and asylum-seekers who are detained be provided with the opportunity to contact the Office of the United Nations High Commissioner for Refugees, or in absence of such office, available national refugee assistance agencies;

(h) *Reaffirmed* that refugees and asylum-seekers have duties to the country in which they find themselves, which require in particular that they conform to its laws and regulations as well as to measures taken for the maintenance of public order;

(i) *Reaffirmed* the fundamental importance of the observance of the principle of *non-refoulement* and in this context recalled the relevance of Conclusion No. 6 (XXVIII).

**(e) No. 45 (XXXVII) Military and armed attacks on
refugee camps and settlements**

The Executive Committee,

Recalling the continuous efforts undertaken by the Executive Committee to draft a set of principles or conclusions on the subject of military and armed attacks on refugee camps and settlements,

Commending the Chairman of the Executive Committee and the High Commissioner for their efforts to promote agreement on a draft set of conclusions on this subject,

Regretting that after so much debate it has not been able to arrive at a common position,

Noting that the General Assembly had by consensus adopted Resolution 39/140, of which paragraph 3, *inter alia*, relates to military and armed attacks on refugee camps and settlements,

Gravely concerned that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world have continued to be disregarded as evidenced, in particular, by the large number of victims and material damage occasioned by the various military and armed attacks on refugee camps and settlements which continue to occur,

(a) *Stressed* the urgency and importance of the question of military and armed attacks on refugee camps and settlements being kept under constant review by the Executive Committee with a view to reaching agreement on a set of principles or conclusions in order to reinforce the international protection of refugees; and

(b) *Requested* the Chairman and the High Commissioner to continue consultations on this matter, review developments and submit detailed reports in accordance with their respective mandates on the various aspects of the subject to the thirty-eighth session of the Executive Committee.

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