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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS THIRTY-THIRD SESSION

Geneva, 18 August - 12 September 1980

Rapporteur: Mrs. Halima Embarek Warzazi

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I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-third session at the United Nations Office at Geneva from 18 August to 12 September 1980.
2. The session was opened (855th meeting) by Mr. Abdullah El Khani, Vice-Chairman of the Sub-Commission at its thirty-second session, who made a statement.
3. The Director of the Division of Human Rights made an introductory statement.

Attendance

4. The session was attended by members of the Sub-Commission, by observers from Member States, by a representative of the Office of the United Nations High Commissioner for Refugees, by a representative of the Commission on the Status of Women and by representatives of two specialized agencies, one regional inter-governmental organization, and non-governmental organizations. Details of attendance appear in annex I.
5. Some members informed the Secretary-General that they were unable to attend the whole or part of the session and, in accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates were therefore granted during the session the same status as members of the Sub-Commission, including the right to vote.
6. At its 855th meeting, the Sub-Commission unanimously elected the following officers:

<u>Chairman:</u>	Mr. Erik Nettel
<u>Vice-Chairmen:</u>	Mr. Mario Amadeo Mr. Dumitru Ceausu Mr. L.M. Singhvi
<u>Rapporteur:</u>	Mrs. Halima E. Warzazi

Agenda

7. At its 855th meeting, the Sub-Commission unanimously adopted the following agenda:
 1. Election of officers.
 2. Adoption of the agenda.
 3. Review of further developments in fields with which the Sub-Commission has been concerned.
 4. Measures to combat racism and racial discrimination and the role of the Sub-Commission.

5. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.
6. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).
7. Question of the human rights of persons subjected to any form of detention or imprisonment.
8. The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights.
9. Human rights and scientific and technological developments.
10. Study of the problem of discrimination against indigenous populations.
11. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.
12. The New International Economic Order and the promotion of human rights.
13. Exploitation of child labour.
14. Sessional Working Group on the encouragement of universal acceptance of human rights instruments.
15. Rights of persons belonging to ethnic, religious and linguistic minorities.
16. Consideration of the future work of the Sub-Commission and the draft provisional agenda for the thirty-fourth session of the Sub-Commission.
17. Report on the thirty-third session.

Organization of work

8. The Sub-Commission took up the items of its agenda in the following order: 3, 4, 12, 11, 13, 7, 8, 5, 9, 15, 10, 6, 14, 16, 17.

Meetings, resolutions and documentation

9. The Sub-Commission held 40 meetings (855th to 894th). The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/SR.855 - E/CN.4/Sub.2/SR.893).
10. The Sub-Commission heard statements by observers from Argentina (879th meeting), Australia (879th meeting), Brazil (871st and 880th meetings), Cuba (881st meeting), the Federal Republic of Germany (880th meeting), the German Democratic Republic (878th meeting), Iraq (871st, 877th and 880th meetings), Iran (871st, 881st, 891st and 892nd meetings), Israel (879th and 880th meetings), Italy (865th meeting), Mongolia (880th meeting), Spain (865th meeting), Syrian Arab Republic (871st and 873rd meetings) and Viet Nam (879th meeting).

11. Statements were made by the observer from the Republic of Korea (871st and 880th meetings).
12. The Sub-Commission heard statements by the representative of the Commission on the Status of Women (880th and 882nd meetings).
13. Statements were made by the representatives of the International Labour Organisation (859th and 865th meetings) and the representative of the United Nations Educational, Scientific and Cultural Organization (864th and 875th meetings).
14. Statements were also made by the Organization of African Unity (861st and 880th meetings).
15. The Sub-Commission heard statements by the representatives of the following non-governmental organizations in consultative status:
 - Category I: International Confederation of Free Trade Unions (866th meeting), World Confederation of Labour (881st meeting);
 - Category II: Amnesty International (871st meeting), Anti-Slavery Society for the Protection of Human Rights (861st, 865th, 866th and 881st meetings), Arab Lawyers' Union (871st meeting), Baha'i International Community (881st meeting), International Association of Democratic Lawyers (877th meeting), International Commission of Jurists (861st, 867th, 871st, 873rd, 875th and 881st meetings), International League for Human Rights (867th and 881st meetings), World Conference on Religion and Peace (867th and 881st meetings), World Student Christian Federation (871st meeting);
 - Roster: Minority Rights Group (863rd, 871st and 875th meetings), World Council of Indigenous Peoples (879th meeting).
16. The Sub-Commission adopted resolutions 1 (XXXIII) to 27 (XXXIII) and took several decisions. The texts of these resolutions and decisions appear in chapter XVII below.
17. Statements of the financial and administrative implications of resolutions 1 (XXXIII), 2 (XXXIII), 6 (XXXIII), 7 (XXXIII), 14 (XXXIII), 16 (XXXIII), 17 (XXXIII) and 23 (XXXIII), as prepared by the Secretary-General, are reproduced in annex II. Annex III contains a list of the documents submitted to the Sub-Commission for consideration.

II. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED.

18. The Sub-Commission considered agenda item 3 at its 856th, 857th, 858th, 876th and 877th meetings, held on 19 and 20 August and 2 September 1980.

19. The Sub-Commission had before it a note by the Secretary-General relating to developments between 16 June 1979 and 15 June 1980 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/439), a report on the implementation of Sub-Commission resolution 8 (XXXI) (E/CN.4/Sub.2/440), a memorandum summarizing the recent activities of the International Labour Organisation (ILO) in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/441) and an aide-mémoire summarizing the recent activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in combating discrimination in education and in the field of race relations (E/CN.4/Sub.2/442). It also had before it the Report of the Director-General of the International Labour Organisation, prepared for the 66th session of the International Labour Conference, 1980.

20. Speakers expressed satisfaction at the progress in the field of human rights reflected in the above-mentioned documents. Special appreciation was expressed of ILO activities on migrant workers and the preparation of new international standards covering various aspects of the work and retirement problems of older workers and on equal opportunities and equal treatment for men and women workers and workers with family responsibilities. Speakers also commended the UNESCO Declarations on Race and Racial Prejudice, and on Fundamental Principles Concerning the Contribution of the Media in Strengthening Peace and International Understanding, in Promoting Human Rights and in Combating Racism, Apartheid and Incitation to War. Another speaker commended UNESCO for its laudable activities in combating discrimination in education. However, he pointed out that in some developed countries discrimination existed against students from developing countries who had to pay higher fees than national students.

21. Speakers expressed satisfaction at the increasing number of ratifications of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol. It was said that, despite the progress made by Member States in ratifying the Covenants and the Optional Protocol, more ratifications were still needed to ensure more universal acceptance of those instruments for better protection of human rights and fundamental freedoms. Most speakers welcomed the entry into force on 28 March 1979 of article 41 of the International Covenant on Civil and Political Rights.

22. Several speakers expressed the wish to have more information on the activities of the Committee on Human Rights and on the implementation of the Optional Protocol. One member felt that it was necessary to have information on the distinction between the competence of the Committee on Human Rights and the procedure set forth in Economic and Social Council resolution 1503 (XLVIII).

23. It was observed that the Covenants could become the most effective instruments for the protection of human rights. According to one member, the Human Rights Committee was very cautious in implementing its procedures, and he pointed out that only 23 Member States were Parties to the Optional Protocol; he hoped that more States would become Parties. He said that the mechanism under which the Committee dealt with complaints was slow, as it had to meet the requirement that domestic remedies should be exhausted and that the complaint was

not being considered in another body of international investigation or settlement at the same time. In his opinion, there was no overlapping between the Committee's procedure and that followed under Council resolution 1503 (XLVIII). One difficulty was that in many cases people were not aware of the procedure under the Optional Protocol.

24. It was suggested that the Sub-Commission should once again condemn the policy of apartheid and the repressive acts of South Africa as the most serious violations of human rights of the present time.

25. Several speakers welcomed the willingness of the Special Rapporteur, Mr. Khalifa, to accept the mandate to update the list of banks, international corporations and other organizations giving assistance to the racist and colonial régimes of southern Africa. It was maintained that the undertaking of such a task would require more human and financial resources than in the past. It was said that more guidelines should be sought and that the Special Rapporteur might contemplate a new approach in the presentation of his list. The suggestion was made that the list should distinguish between different types of enterprises having relations with South Africa and, specifically, between public organizations which the Government concerned might be able to persuade to stop such activities, and other organizations which Governments might not be able to influence. It was also suggested that the Special Rapporteur should try to get information on other countries and Governments having relations with South Africa.

26. In the opinion of some speakers, in addition to the updating of the list, increased stress should be placed on selected firms or organizations supporting the apartheid régime, by providing quantitative and qualitative analyses of their activities instead of simply listing them. It was suggested that it was necessary to make preparations for a convention providing for the application of sanctions against organizations or enterprises doing business with South Africa.

27. Most speakers were of the opinion that in view of the recent developments which had led Zimbabwe to become an independent sovereign State that country should no longer be covered by the Special Rapporteur's study.

28. Several speakers referred to the activities of the Committee on the Elimination of Racial Discrimination. It was said that the Committee worked on the basis of reports submitted by States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination and that many such States had ratified the Convention as part of the fight against apartheid, forgetting that they were at the same time compelled to assume certain obligations to act in their own countries against racial discrimination; many reports from States Parties categorically denied the existence of racial discrimination in their countries. No member State of the United Nations would accept accusations of racial discrimination, since that would be tantamount to acceptance of ostracism.

29. A number of speakers laid stress on the need to enable the Sub-Commission to respond to emergency cases of gross violations of human rights. It was suggested that the Sub-Commission, through the Commission on Human Rights, should recommend to the Economic and Social Council the creation of an intersessional role for the Bureau of the Sub-Commission. The view was also expressed that it was particularly important to ensure that prompt and effective action could be taken between the sessions of the Commission on Human Rights and the Sub-Commission. Greater flexibility in dealing with emergent human rights problems should be contemplated.

It was stated that the present session provided the Sub-Commission with a good opportunity to consider its mandate and assess its achievements and then formulate concrete proposals on its possible role in emergency situations. However, one member questioned the validity of holding intersessional meetings or emergency meetings. He observed that the Sub-Commission was not alone in the struggle for the protection of human rights and that when the Commission on Human Rights and its subsidiary bodies were not in session there was always another United Nations organ, such as the Economic and Social Council or the General Assembly itself, meeting. He pointed out that the international community was therefore not powerless between sessions of the Commission and the Sub-Commission. Besides, the Sub-Commission, being a body of experts, could hardly be decisive in solving problems of human rights violations.

30. Concerning the question of Cyprus, one member deplored the fact that another year had passed without the implementation of Sub-Commission resolutions 1 (XXVIII) and 8 (XXXI), and said that the political aspect of the problem of Cyprus should not affect its humanitarian aspect. The opinion was expressed that, in view of recent developments in Cyprus, the Sub-Commission should retain the item on Cyprus on its agenda for further consideration at its next sessions. In the view of another member, Sub-Commission resolutions 1 (XXVIII) and 8 (XXXI) had been superseded by new developments since 11 August 1980. In the consideration of this question the recent documents A/35/350 and S/14100 should be taken into account. It was suggested that, if the communal talks were successful, satisfactory solutions would be found to the humanitarian problems referred to by one member.

31. Concern was expressed about the growing religious intolerance in the world. The view was expressed that it was regrettable and appalling that religion was in some instances exploited by the unscrupulous to achieve political ends, jeopardizing the human rights and fundamental freedoms of others. It was observed that the drafting of a declaration on the elimination of all forms of intolerance and discrimination based on religion or belief had been pending on the agenda of the Commission on Human Rights for some 20 years. It was hoped that the Commission would make every effort to complete the draft declaration at its thirty-seventh session.

32. Speakers commended the decision of the General Assembly to establish a working group to elaborate an international convention on the protection of the human rights of all migrant workers and their families. In that respect, the view was expressed that the United Nations should make every effort to change the conditions which forced workers to go abroad to seek employment, and to be looked upon as undesirable competitors despite their enormous contribution to the economies of host countries. It was suggested that the study prepared on this subject by the Special Rapporteur, Mrs. Warzazi, should be printed and given the widest possible dissemination.

33. Speakers expressed appreciation at the decision of the Economic and Social Council to transmit the draft declaration on the protection of the human rights of individuals who are not citizens of the country in which they live ^{1/}, prepared by the Special Rapporteur, Baroness Elles, to the General Assembly at its thirty-fifth session.

^{1/} International Provisions Protecting the Human Rights of Non-Citizens, annex I, (United Nations publication, Sales No. E.80.XIV.2).

34. Speakers welcomed the establishment by the Commission on Human Rights of a five-member working group to study the fate of disappeared persons, and said that the measure responded to deep-felt concerns.
35. Many speakers stressed the need for more education in human rights, especially mass education by means of radio and television. One speaker suggested that the populations of the world should be made more aware of their rights, and the remedies available in case of infringement of rights, by means of translations into their own languages of the works prepared by the Sub-Commission.
36. On 21 August 1980, a draft resolution (E/CN.4/Sub.2/L.738) was submitted by Mr. Bouhdiba, Mrs. Daes, Mr. Khalifa, Mr. Martínez Cobo and Mr. Martínez Baez. Mr. Ceausu, Mr. Fisek, Mr. Jimeta, Mr. Joinet, Mr. Sadi and Mr. Singhvi later became sponsors of the draft resolution. At the 876th meeting the draft resolution was introduced by Mr. Martínez Cobo.
37. At the same meeting, the representative of the Secretary-General made a statement on the administrative and financial implications of the draft resolution.
38. At the 876th meeting the text of the resolution, as amended, was adopted without a vote.
39. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 1 (XXXIII).
40. On 21 August 1980 a draft resolution (E/CN.4/Sub.2/L.737) was submitted by Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mr. El Ghani, Mr. Ferrero, Mr. Fisek, Mr. Jayawardene, Mr. Jimeta, Mr. Pirzada, Mr. Sadi, Mr. Singhvi, Mr. Sofinsky and Mrs. Warzazi. At the 876th meeting the draft resolution was introduced by Mr. Bouhdiba.
41. At the same meeting the representative of the Secretary-General made a statement on the administrative and financial implications of the draft resolution.
42. At the 877th meeting the text of the resolution, as amended, was adopted without a vote.
43. The text of the resolution, as adopted, appears in chapter XVII, section A, as resolution 2 (XXXIII).

III. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND
THE ROLE OF THE SUB-COMMISSION

44. The Sub-Commission considered agenda item 4 at its 859th, 860th, 861st, 882nd and 883rd meetings held on 20 and 21 August and 5 September 1980. It had before it a background paper prepared by the Secretary-General in accordance with its resolution 2 B (XXXII) (E/CN.4/Sub.2/443), on the dissemination in simplified form of information based on its reports and studies, with a view to familiarizing the general public with facts in the field of combating racism and racial discrimination. It also had before it a preliminary document submitted by the Secretary-General at its thirty-first session containing information on how various United Nations instruments had been used in national courts, in administrative and quasi-administrative tribunals and in legislative and other domestic forums (E/CN.4/Sub.2/L.679), and a preliminary document also submitted at the thirty-first session on the activities of non-governmental organizations to combat racism and racial discrimination (E/CN.4/Sub.2/L.680). The Sub-Commission further had before it the report of the seminar on recourse procedures available to victims of racial discrimination and activities to be undertaken at the regional level (ST/HR/SER.A/3) and the report of the round table of university professors and directors of race relations institutions on the teaching of problems of racial discrimination (ST/HR/SER.A/5).

45. The item was introduced by Mr. Theo C. van Boven, Director of the Division of Human Rights, who reminded the Sub-Commission that the General Assembly of the United Nations had attached the highest priority to the programme against racism and racial discrimination. He outlined the various matters requiring the attention of the Sub-Commission at the current session and urged that the activities of the Sub-Commission be given a practical and action-oriented bias. He summarized the conclusions and recommendations of the above-mentioned seminars and of the seminar on political, economic, cultural and other factors underlying situations leading to racial discrimination, held at Nairobi from 19 to 30 May 1980 under the Programme for the Decade (ST/HR/SER.A/7). The Director also drew attention to the need to avoid unnecessary overlapping or duplication in the activities of the various United Nations human rights organs pertaining to the Decade for Action to Combat Racism and Racial Discrimination.

46. During the discussion of the item, it was pointed out that racism and racial discrimination existed in many parts of the world and could occur in any society. Hence there was a need for constant vigilance on all countries. It was said that people of the same race or colour may receive different treatment on account of their economic status. It was suggested that more attention should be given to this phenomenon.

47. Racism and racial discrimination, it was said, resulted basically from lack of education and training and, therefore, great importance should be attached to education in the shaping of character from an early age. Reference was also made to the need for education against racism and racial discrimination in schools, colleges and universities. It was suggested that human rights centres should be established in all such institutions. Mass education, especially through television and radio, could play a vital role in combating racial discrimination.

48. It was considered very important that simplified information, which could be understood by the general public in different parts of the world, on the evils of racism and racial discrimination should be made available by the United Nations. The need to produce the basic instruments of the United Nations on human rights in local languages was emphasized and it was suggested that measures should be taken to encourage all Governments to produce and disseminate the basic international instruments on human rights as widely as possible in all languages used in their respective countries.

49. It was said that racism and racial discrimination often resulted from inequitable distribution of political and economic power within societies, and that, in order to eliminate that state of affairs, the various groups or nationalities in a country should enjoy equality of economic opportunities. Recognition and exercise of the right to vote was also considered a very important requirement on combating discrimination.

50. It was suggested that the Sub-Commission should concentrate on action-oriented and operational activities. Studies and reports should be practical and action-oriented. Mention was made of the great benefits which could be derived from the application of international norms prohibiting racism and racial discrimination in national or local courts. In that regard, it was said that many countries which had ratified international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights had not followed up their ratification by enacting the necessary implementing legislation.

51. Great importance was attached to the need for institutional safeguards in combating racism and racial discrimination. It was considered essential, therefore, that adequate recourse procedures at the national or local levels should be available to victims of racism and racial discrimination. Such recourse procedures, it was felt, should be simple in operation and should also provide for legal aid to complainants. It was also said that criminal justice systems should provide suitable avenues of recourse against persons guilty of racism or racial discrimination.

52. References were made to the experiences of some countries in providing programmes of affirmative action designed to assist disadvantaged groups. It was mentioned that in some countries, places in universities, or jobs, were reserved for members of disadvantaged groups. It was said, however, that in some instances, membership of a group should not necessarily be the sole criterion for determining eligibility for such assistance, and it was suggested that a poverty indicator could also be used for determining eligibility.

53. Great importance was attached to the role of non-governmental organizations in supporting activities against racism and racial discrimination and it was suggested that the United Nations should facilitate the activities of those organizations by, for example, providing them with ample basic information for dissemination.

54. Several speakers suggested that the United Nations should consider the establishment of a human rights assistance fund which could be used to assist victims of racial discrimination or victims of violations of human rights generally.

55. It was also suggested that consideration might be given to the establishment of a group of experts to collect studies, reports, information and other materials on the experiences of various countries in combating racism and racial discrimination, and put it together to form a data bank. Governments in need of advice on how to combat racism and racial discrimination in their respective countries could seek assistance from the group of experts.

56. Another suggestion made was that the Secretariat should prepare a report on immigration laws, which would reveal discriminatory elements.

57. On 27 August 1980, a draft resolution (E/CN.4/Sub.2/L.739) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. Jayawardene, Mr. Jimeta, Mr. Singhvi and Mr. Whitaker. On 1 September 1980, an amendment to the draft resolution was submitted by Mr. Carey (E/CN.4/Sub.2/L.743). At the 882nd meeting, the draft resolution was introduced by Mr. Chowdhury. At the same meeting, Mr. Carey introduced his amendment to the draft resolution.

58. At the same meeting, the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

59. At the 883rd meeting, the sponsors orally revised paragraph 1 of the draft resolution and accepted an oral amendment to paragraph 2 proposed by Mrs. Warzazi. At the same meeting, Mr. Carey withdrew his written amendment and orally proposed the text of an additional paragraph 3. His proposal was accepted by the sponsors of the draft resolution.

60. The text of the resolution as amended and revised was adopted without a vote.

61. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 3 (XXXIII).

62. On 2 September 1980 a draft resolution (E/CN.4/Sub.2/L.733) was submitted by Mrs. Daes, Mr. El Khani, Mr. Ferrero and Mr. Khalifa.

63. At the 883rd meeting, the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

64. At the same meeting, the draft resolution was adopted without a vote.

65. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 4 (XXXIII).

IV. THE NEW INTERNATIONAL ECONOMIC ORDER AND
THE PROMOTION OF HUMAN RIGHTS

66. The Sub-Commission considered agenda item 12 at its 861st to 863rd meetings held on 21 and 22 August 1980.

67. The item was introduced by Mr. Raúl Ferrero, Special Rapporteur of the Sub-Commission. Mr. Ferrero, who had represented the Sub-Commission at the international seminar on the effects of the existing unjust international economic order on the economies of developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms, held at Geneva from 30 June to 11 July 1980, informed the Sub-Commission about the recommendations of that seminar. He said that he would submit a preliminary report on his study on the new international economic order and the promotion of human rights to the Sub-Commission at its 1981 session. Mr. Ferrero stated that the recent seminar had been of relevance to the preparation of his study. The seminar had debated the following three themes:

(a) The effects of the existing unjust international economic order on the economies of developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

(b) The right to development as a human right, including the concept of equal opportunity, which was as much a prerogative of nations as of individuals within nations;

(c) The search for formulas for international co-operation which would help in eliminating the existing unjust international economic order and permit the enjoyment of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

68. After Mr. Ferrero's excellent exposé ^{1/} some members stated that the need for a new international economic order was keenly felt. The countries most interested were those most in need of development. It was said that although most Third World countries had achieved political independence they still depended economically upon the industrialized countries. The gap between the affluence in the industrialized countries and the abject poverty in the least developed countries had widened. General inflation and stagflation had adversely affected the development of developing countries and the basic needs of the poor majority in developing countries still had to be satisfied. One speaker noted that the industrialized countries wanted to maintain their influence over and domination of developing countries. When the rich countries now spoke of the need for interdependence they generally meant a continuation of existing unequal relations between rich and poor countries.

69. Many members observed that the relationship between the establishment of a new international economic order and the promotion of human rights was one of the most complex, important and wide-ranging issues before the Sub-Commission. The fundamental interdependence of human rights, the new international economic order and peace was emphasized. It was recognized, however, that it was difficult to identify human rights aspects which would be affected by a new international economic order. Each country had the right to adopt the economic and social system most appropriate to its development but it also had the duty to ensure that the system respected

^{1/} Summarized in E/CN.4/Sub.2/SR.861.

fundamental human rights. One speaker suggested that the Special Rapporteur must identify the means of safeguarding and promoting fundamental political and economic rights, so that implementation of the new international economic order did not merely mean the transfer of resources from the developed countries to the rich élite of developing countries.

70. It was said that individuals should have the minimum necessary to meet their requirements for food, shelter and clothing. Mention was made of unequal distribution of wealth within societies and the need to create an awareness at the international level of the relationship between the absence of an adequate level of economic sustenance for all and generalized poverty, and to take into account the unequal state of economic relations between the rich industrial countries on the one hand and poor countries on the other.

71. One member noted that the industrialized countries had been little concerned with the fate of developing countries when the General Assembly had decided, in 1974, to establish a new international economic order. The new order could only be achieved to the extent that all interests, in the broadest sense of the word, were taken into account. Political, economic, cultural and ideological sacrifices were required of the developed countries and the continuation of the North-South dialogue was essential if the legitimate interests of all parties concerned were to be safeguarded.

72. It was said that the new international economic order should be viewed as part of a larger, comprehensive strategy of development. However, it was first necessary to expound the concept of development, which still had to be fully acknowledged as a norm of international law.

73. One speaker mentioned that the idea of a Fourth World, the underdeveloped world, was emerging, and that the demand of the less developed countries for enjoyment of the right to be helped had become more articulate. It was noted that the Third World had been reluctant to express their development goals clearly.

74. Another member said that economic development was a prerequisite for the development of society; the implementation of democracy was a prerequisite for the economic and social development of all societies. The attainment of an equitable new international economic order must be accompanied at the national level by greater efforts to attain social justice.

75. It was said that developing countries should put their internal affairs in order and take positive action - for instance, regional co-operation - instead of simply waiting for a new international economic order to come into effect.

76. The new international economic order could not be a substitute for human rights, it was said, nor could the achievement of human rights be deferred pending its establishment. It was essential to stress the interrelationship between the two. In any case, no violations of human rights and fundamental freedoms should be justified by the non-establishment of the new international economic order. There was ample evidence at the current time to show that no country could postpone the observance of civil and political rights merely because of its stage of development.

77. It was also said that it was important to reject the myth that prosperity brought happiness or that words alone could solve the problems of the developing countries.

78. One member said that an important question was whether and to what extent it was possible to create a new international economic order which would, first, secure the objectives which had been formulated and, secondly, be acceptable in operational terms to the nations of the world.

79. It was suggested that a human rights assistance fund should be established in order to enable the international community to promote affirmative action to safeguard human rights and to enable countries which wished to do so, but were prevented by lack of resources, to take similar action.

80. One member said that the Special Rapporteur should include the principles of article 2 of the Declaration on Social Progress and Development in his study.

81. Another member said that the experience of the socialist countries was one which he believed to be the best at the current time, although that did not mean that there might not be improvement in the future.

82. Some speakers noted that an analogy between apartheid and an unjust economic international order could not be escaped. There was an affinity: apartheid meant separate development, and separate development was at the heart of the unjust international economic order. Both were the legacy of colonialism and exploitation. It was suggested that the Special Rapporteur should examine certain cardinal principles namely:

(a) The sovereign equality of States, the right of all peoples to self-determination and respect of the territorial integrity of all States; and,

(b) The right of all peoples under foreign domination, colonial occupation or apartheid to achieve liberty and control over their resources and economic activities.

83. Several members of the Sub-Commission spoke of the vital importance of disarmament as a prerequisite for full realization of the right to development and for the establishment of a new international economic order. In that connexion, it was said that if only a fraction of the money spent on armaments was given to development and human rights, problems of underdevelopment could be solved to a much greater extent. In order to establish a more just and durable international order, action must be taken to eliminate the means of mass destruction and wars between nations; that meant fighting to preserve the fundamental and most elementary human rights: the rights to life and to freedom.

84. Developing countries needed aid, especially in the field of scientific and technological co-operation. One speaker contested the view that developed countries were being asked to accept sacrifices. Assistance by the developed countries amounting to from 1 to 2 per cent of GNP was not a sacrifice and would have no effect on their living standards. Assistance, in any case, was a profitable investment for those countries. The Special Rapporteur should examine defence budgets in relation to development strategy and say what consequences they had for the new international economic order.

85. There was a difference of opinion as to the relevance of the energy crisis to the problems of developing countries. One speaker said that the crisis had already caused a redistribution of wealth and that countries with a large positive balance of payments should fulfil their obligations to the developing countries. Another speaker drew attention to the increased assistance being given by oil-producing countries.

86. It was observed that popular participation in development efforts was needed. Governments should express and follow the will of their people. Assistance given should be used more effectively and should reach the people for whom it was intended, and exchange of technology among developing countries should be promoted in order to strengthen regional co-operation.

87. It was also said that individual rights must not be stifled in the interests of collective rights, and one member stated that the right to development included the right to form unions, engage in collective bargaining and to strike.

88. Most speakers expressly stated their full support for Mr. Ferrero's study on the new international economic order and the promotion of human rights, and said that they were sure that he would assume his responsibility with competence. Many of them emphasized the vast scope of the study and recommended that the Secretariat should give all necessary assistance in its accomplishment.

89. Some members found that the recommendations of the seminar on the effects of the existing unjust international economic order on the economies of developing countries were interesting but somewhat simplistic. It was noted also that, apart from marginal interest, development conferences hitherto had not shown any great concern for human rights. It was suggested that the Special Rapporteur should consider the study submitted by UNITAR and prepared by the International Federation of Associations of the United Nations, which dealt with 21 countries, including the United States of America and the Union of Soviet Socialist Republics.

V. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES
AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF
APARTHEID AND COLONIALISM

90. The Sub-Commission considered agenda item 11 at its 864th, 865th, 866th and 891st meetings, held on 25 and 26 August and 10 September 1980. The item was considered jointly with item 13 (see chapter VI).

91. In connexion with this item, and pursuant to resolution 5 (XXIX) of 31 August 1976 by which the Sub-Commission decided to consider the item biennially, the Sub-Commission had before it the reports of the Working Group on Slavery on its fifth and sixth sessions (E/CN.4/Sub.2/434 and E/CN.4/Sub.2/447). The Sub-Commission also had before it two notes by the Secretary-General containing information submitted by INTERPOL in conformity with Economic and Social Council resolution 1695 (LII) of 2 June 1972 (E/CN.4/Sub.2/419 and E/CN.4/Sub.2/448). The Secretary-General also submitted to the Sub-Commission his final report on apartheid as a collective form of slavery (E/CN.4/Sub.2/449), which had been requested by the Sub-Commission in resolution 6 B (XXXI).

92. In his introductory statement, the Chairman-Rapporteur of the Working Group on Slavery, Mr. Justice Abu Sayeed Chowdhury, reviewed the work of the Working Group over the previous two years. He stated that the Working Group had received disturbing evidence from non-governmental organizations concerning the continuing existence in many parts of the world, of slavery, the slave trade and slavery-like institutions and practices, in particular debt bondage, the sale of children, the exploitation of the prostitution of others, traffic in persons, and the slavery-like practices of apartheid and colonialism. He expressed the Working Group's appreciation of the readiness shown by some Governments to supply comments and information to the Working Group in reply to reports submitted to the Working Group on the situation in their countries. On the other hand, in the Working Group's view, the reports submitted by States under the Conventions which fell within the mandate of the Working Group remained insufficient in number and in the quality of the information supplied. The Chairman-Rapporteur also expressed disappointment at the fact that, although some United Nations agencies had continued to co-operate closely with the Working Group, several others had not submitted the information requested. Most of the information received by the Working Group had been supplied by non-governmental organizations, whose role in assisting the Working Group had been invaluable. In conclusion, he called on the Sub-Commission to endorse the recommendations made by the Working Group in its reports. He also expressed the hope that, in view of the importance and seriousness of the problems considered by the Working Group, the Sub-Commission would decide to resume annual review of the reports of the Working Group.

93. The Sub-Commission also heard a statement by Mr. Benjamin Whitaker, who had been entrusted, under Economic and Social Council decision 1980/123 of 2 May 1980, with the responsibility of further extending and bringing up to date the Report on Slavery. 1/ Since the Council had just confirmed his mandate, he had not yet had the time to begin work on the study, but hoped that, with the co-operation of all concerned, his report could be submitted to the Sub-Commission at its thirty-fourth session. He invited comments and suggestions from members of the Sub-Commission,

1/ United Nations publication, Sales No. 67.XIV.2.

the United Nations Secretariat and specialized agencies, the non-governmental organizations and any other organizations and individuals in possession of relevant information. He intended to update the questionnaire which had been used for the earlier report and to submit it to governments in order to obtain information for his study. He intended to make the study relevant to present-day conditions in all parts of the world.

94. In the ensuing debate several members strongly condemned the fact that slavery-like institutions and practices still existed in many parts of the world as described in the reports of the Working Group on Slavery. They expressed their appreciation of the valuable work done by the Working Group and supported most of the recommendations contained in the reports. In particular, they felt that the Sub-Commission should resume annual consideration of the item in order to avoid delays and confusion. Some members expressed the view that the Sub-Commission should make the recommendations of the Working Group stronger and more action-oriented, in order to persuade governments to take effective measures to put an end to the practices in question. In the view of other members, however, certain institutions and practices were too deep-rooted to be terminated quickly, and there was a need for international assistance in order to enable the governments concerned to develop appropriate programmes.

95. Some members expressed doubts about the relevance to the Working Group's mandate of some of the reports considered by the Group. The view was expressed that the Working Group should not duplicate the work of the Sub-Commission by examining allegations of violations of human rights which were outside its mandate. The opinion was expressed that some of the recommendations made by the Working Group related to questions which were beyond the competence not only of the Working Group but also of the Sub-Commission, and that they should not be endorsed. In the view of one member, the Working Group on Slavery should not become a permanent body of the Sub-Commission, since the Sub-Commission could deal directly with the same issues under other agenda items. Other members, however, strongly reaffirmed the necessity for the existence of the Working Group, since there was no other organ monitoring implementation of the relevant Conventions and specializing in the same problems, which affected the most deprived and vulnerable social groups. It was also stated that changing conditions created new forms of slavery, which were different from the traditional forms, and that both the Sub-Commission and the Working Group should exercise flexibility in their approach to the question.

96. The problem of the sources of information available to the Working Group was also discussed. It was pointed out that most of the evidence submitted to the Working Group came from a restricted number of non-governmental organizations, and was limited to a relatively small number of countries. In the view of some members, the Working Group should cast its net wider and, in particular, seek to obtain relevant information from the United Nations agencies concerned, and to cover a larger number of countries and regions of the world. It was regrettable that, with few exceptions, governments were not supplying the information requested by the Working Group.

97. Several speakers expressed appreciation of the Secretary-General's report on apartheid as a collective form of slavery (E/CN.4/Sub.2/449), pointing out that the report covered old ground but from a new perspective. They supported the conclusion made in the report that apartheid as a slavery-like system could not be reformed but had to be totally eradicated through a complete restructuring of the political, economic and social relations in South Africa. One speaker pointed out that if apartheid was a form of slavery, as the report showed, South Africa was in violation

of international conventions to which it was a party. In the view of several speakers, the only course of action open to the international community was the adoption of strong mandatory sanctions against South Africa, as called for in numerous General Assembly resolutions; they felt the Sub-Commission should support the imposition of such sanctions and make the Secretary-General's report available to all the competent organs of the United Nations for information and action.

98. On 1 September 1980, a draft resolution (E/CN.4/Sub.2/L.730) was submitted by Mr. Amadeo, Mr. Bouhdiba, Mr. El Khani, Mr. Fisek, Mr. Jayawardene, Mr. Joinet, Mr. Martínez Baez, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. The Sub-Commission considered the draft resolution at its 891st meeting.

99. At the same meeting, the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

100. A separate vote was taken on an oral amendment by Mr. Sofinsky to delete paragraph 5 of part I of the draft resolution. The amendment was rejected by 4 votes to 9, with 4 abstentions.

101. A separate vote was taken on an oral amendment by Mr. Bahnev to replace the word "Urges" by the words "Proposes to" in paragraph 5 of part I of the draft resolution. The amendment was adopted by 9 votes to none, with 9 abstentions.

102. A separate vote was taken on an oral amendment by Mr. Sofinsky to replace the word "consider" by the words "study the question of" in paragraph 5 of part I of the draft resolution. There were 5 votes in favour, 5 against and 8 abstentions. The amendment was not adopted.

103. A separate vote was taken on an oral amendment by Mr. Amadeo to replace the word "condemns" by the word "rejects" in paragraph 2 of part II and paragraph 2 of part IV. The amendment was adopted by 11 votes to 5, with 4 abstentions.

104. A separate vote was taken on an oral amendment by Mr. Jimeta to replace the word "condemns" by the words "expresses its conviction that" in paragraph 3 of part II of the draft resolution. The amendment was adopted by 13 votes to 1, with 4 abstentions.

105. A separate vote was taken on an oral amendment by Mr. Carey with regard to paragraph 3 of part II of the draft resolution. The amendment sought to delete the words "General Assembly resolutions calling for" and the words "including resolution 34/93 C by which" from paragraph 3 of part II of the draft resolution. The amendment was adopted by 7 votes to 3, with 7 abstentions.

106. The draft resolution as amended was adopted by 17 votes to none, with 3 abstentions.

107. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 8 (XXXIII).

108. On 28 August 1980 a draft resolution (E/CN.4/Sub.2/L.740) was submitted by Mr. Akram, Mr. Bahnev, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. Ferrero, Mr. Fisek, Mr. Jayawardene, Mr. Jimeta, Mr. Sadi, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. At the 891st meeting the draft resolution was introduced by Mr. Jimeta.

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109. On 1 September 1980 an amendment (E/CN.4/Sub.2/L.742) to the draft resolution was submitted by Mr. Carey.

110. At the 891st meeting the amendment was rejected by 16 votes to 1, with 3 abstentions. The text of draft resolution E/CN.4/Sub.2/L.740 was adopted at the same meeting by 20 votes to none, with 1 abstention.

111. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 9 (XXXIII).

VI. EXPLOITATION OF CHILD LABOUR

112. The Sub-Commission considered agenda item 13 at its 864th, 865th and 866th meetings, held on 25 and 26 August 1980. The item was considered jointly with item 11 (see chapter V).

113. Pursuant to paragraphs 1, 2 and 5 of Sub-Commission resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission had before it a note by the Secretary-General containing information transmitted by the United Kingdom (E/CN.4/Sub.2/450) concerning a report on child labour in Hong Kong submitted to the Working Group on Slavery at its fifth session by the Anti-Slavery Society for the Protection of Human Rights, a non-governmental organization in consultative status, a note by the Secretary-General containing information submitted by a number of United Nations agencies concerning their activities to eliminate the exploitation of child labour (E/CN.4/Sub.2/451 and Add.1 and 2), and the relevant sections of the reports of the Working Group on Slavery on its fifth and sixth sessions (E/CN.4/Sub.2/434 and E/CN.4/Sub.2/447).

114. In his introductory statement on the reports of the Working Group on Slavery, the Chairman of the Working Group, Mr. Justice Abu Sayeed Chowdbury, described the work of the Group on the question of the exploitation of child labour and recommended that the Sub-Commission continue to transmit the evidence received by the Working Group to the Governments concerned for their comments. He recommended that the report received by the Working Group concerning child labour in South Africa be made available to the appropriate United Nations organs and the ILO for consideration and appropriate action. He further indicated that the Working Group had recommended that the Sub-Commission should, as a matter of urgency, appeal to all Governments to ensure the adoption and enforcement of adequate legislation to protect the rights of working children and to ratify the relevant international labour conventions. The Sub-Commission should also call on all sectors of the United Nations system to co-operate in eliminating the exploitation of child labour.

115. The Sub-Commission also heard a statement by Mr. Abdelwahab Bouhdiba, who had been entrusted with the preparation of a report on the exploitation of child labour under Economic and Social Council decision 1980/125 of 2 May 1980. He outlined the procedure he intended to follow in his study. As already agreed, the study would be based essentially on existing documentation - to be supplied by the United Nations, the specialized agencies, and non-governmental organizations - given the cost and difficulties of field research. Thus far, information was available only from the ILO and the Anti-Slavery Society for the Protection of Human Rights; it covered 18 countries, in Europe, Africa, Latin America and Asia. Although the monographs in question covered several regions and cultures, they were still insufficient; in particular, data were lacking about certain basic questions such as salaries, the relationship between child labour and large-scale economic movements (exports, investments, financial flows), and the attitude of parents and trade unions to the problem. He called on the Secretariat to do everything in its power to obtain additional information and expressed the hope that his study would be the object of co-operation between the Secretariat, the Sub-Commission, the United Nations agencies and the non-governmental organizations.

116. Elaborating on the main points to be covered in his study, Mr. Bouhdiba indicated that he intended to concentrate on the specific question of the exploitation of child labour, its reality, its dimensions, and the means of limiting it to the essentials. In the first instance, he would undertake a statistical evaluation of the phenomenon by country and region and attempt to establish correlations with demographic, economic and other data. Secondly, he intended to examine the various

dimensions - biological, psychological, educational, economic and socio-cultural - of the problem. In his view, the phenomenon of the exploitation of child labour went beyond local structures and had become integrated into the international network of relationships between developing and developed countries. At the local level, it was part of the process of transition from a society based on traditional values to one based on the market. Thirdly, the study would contain an analysis of existing legal instruments at the national and international level, with an emphasis on the role and possibilities for action of national organs, such as trade unions. Action had to be carried out at both the national and the international level and should be linked to the struggle against underdevelopment and in favour of a new international economic order.

117. In the debate, many speakers congratulated Mr. Bouhdiba on the preliminary work done for the study and expressed support for the proposed outline. They emphasized that the mandate for the study related to the problem of the exploitation of child labour, not to child labour as such, which was an economic necessity for a large number of poor families in many countries and probably could not be eliminated in the foreseeable future. It was felt that effective regulation could eliminate the worst forms of exploitation, such as work underground, work for excessively long hours, work for minimal wages and work in conditions damaging to the child's health. The point was also made that poverty, while it might explain the perpetuation of child labour in many areas, should not be used as an excuse; effective assistance programmes were needed to help alleviate the social and economic conditions which led to child labour. The view was also expressed that children should not be deprived of their education and that every effort should be made to combine work with vocational training. The United Nations and its agencies were called upon to provide all assistance required for the eradication of child labour.

118. The Sub-Commission heard statements by the representatives of Italy and Spain concerning reports on child labour in their countries which had been submitted to the Working Group on Slavery at its sixth session.

119. A representative of the Anti-Slavery Society for the protection of Human Rights submitted a number of recommendations to the Sub-Commission for consideration.

VII. QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT

120. The Sub-Commission considered item 7 of its agenda at its 866th to 873rd, 881st and 892nd meetings held on 26, 27, 28 and 29 August and 4 and 11 September 1980.

121. It had before it: information provided by Member States in response to the questionnaire on torture, under General Assembly resolution 33/178 (A/34/144), information provided by Member States in response to the above-mentioned resolution and concerning unilateral declarations against torture (A/34/145 and Add.1 information from Governments received under Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/444 and Add.1), a synopsis of information submitted by non-governmental organizations under the same Sub-Commission resolution (E/CN.4/Sub.2/445), a preliminary report prepared by Mr. L.M. Singhvi, Special Rapporteur, on his study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/L.731), and a written statement submitted by the International League for Human Rights (E/CN.4/Sub.2/NGO/83).

Annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment

122. The necessity was stressed of maintaining an annual review of the situation of detainees and of asking Governments to supply information under Sub-Commission resolution 7 (XXVII). The aim of the Sub-Commission's examination of this information was to allow its members to hold a frank exchange of views and to discuss more effective ways of influencing events.

123. It was also pointed out that political dissidents and militants were more likely than others to become victims of torture. Members of victims' families were also frequently subjected to torture, as were defence attorneys and members of the press. If the Sub-Commission wished to give its proposals more force, it must find a way to strengthen its guarantees and ensure the applicability of a minimum standard of respect for human rights. Whenever a person was detained in a place which was not appropriate for detention and whenever he was prosecuted by a body not normally competent to prosecute, it could be assumed that the person's rights were being violated. In such cases an explanation must be requested from the Government; the burden of proof should be transferred to the State, in order to avoid a situation in which the Sub-Commission denounced an action and was then accused of taking up politicized or unfounded accusations.

124. Also disturbing, it was said, were the obstacles put in the way of the normal exercise of their professions by lawyers and members of the press. Such obstacles were a clear sign of deterioration of human rights and of the manner in which detainees were being treated.

125. Many speakers were of the opinion that the synopsis of material received from non-governmental organizations was extremely important. There were opposing views on the question whether the synopsis should in future make specific reference to countries. Speakers decried the torture referred to in the synopsis of information and the complicity of Governments and the judiciary in such acts. It was noted that the death penalty was being restored in many countries.

126. One speaker said that there was substantial evidence that internal exile was being imposed arbitrarily and under inhuman conditions by a number of Governments. A review of the practice of internal exile was warranted. He also said that the legality of a Government's action in imposing internal exile had to be viewed in the light of article 13, paragraph 1, of the Universal Declaration of Human Rights which provided for the right to freedom of movement and residence within the borders of each State. That provision had been ignored by many Governments.

127. One member asked why the practice of internal exile was mentioned in relation to a limited number of countries when it was well known that other countries, for example, Israel, used internal exile even as a preventive sanction.

128. Several speakers expressed concern at the role played in certain countries by the security forces in making arrests. They said that that was inadmissible, since arrest must be subject to authorization by a court and carried out only for legally valid reasons.

129. A member said that there were various kinds of situations in which torture and ill-treatment of prisoners occurred. Governments in the various parts of the world had in common a feeling of insecurity. In each case it was necessary to take into account the particular concerns of the Government concerned and the origin of each situation so that an appropriate solution could be devised.

130. Several speakers referred to the depressing situation in Israeli prisons and spoke of the torture and inhuman treatment to which Palestinian political detainees were being subjected. Several other speakers requested that a committee should be appointed by the Sub-Commission to look into the situation.

131. One member stressed the need for additional educational means designed to show those security officials who practised torture that the interests of the State and domestic security could be served by legal means.

132. Several speakers supported a proposal according to which a working group of the Sub-Commission would annually review developments concerning the human rights of persons subjected to detention or imprisonment. Some members expressed opposition to that suggestion.

Missing and disappeared persons

133. All speakers expressed deep concern over the fact that people were still missing or disappearing in a number of countries. Such a situation, it was said, existed in at least 15 countries.

134. All speakers strongly condemned the use of "involuntary disappearances" and stressed that priority must be given, as a matter of urgency, to cases of disappearances and summary executions, the increase of which was alarming.

135. One member said that such disappearances were the work not only of private and para-military organizations, but of States themselves. Often kidnappers appeared in uniform, with the full authority of the State. In some cases the Government had decreed that persons missing for a certain number of years could automatically be declared dead, even against the wishes of the family; that was a transparent device to avoid investigation and accountability.

136. Various speakers were of the opinion that disappearances and summary executions should no longer remain within the domestic jurisdiction of any country, but should be considered crimes under international law on the basis, inter alia, of the International Covenants on Human Rights. Most speakers were of the opinion that the Sub-Commission should adopt a very strict attitude to the question of disappearances. Many welcomed the establishment by the Commission on Human Rights of the Working Group on Disappeared Persons (Commission resolution 20 (XXXVI)). They proposed that the mandate of the Working Group be continued and that the Group be given all possible assistance within the United Nations system. Some speakers suggested that the mandate of the Working Group on Disappeared Persons should be reviewed and expanded. They also said that the Sub-Commission should support the activities of the Working Group by channelling information to it. In suggesting an expansion of the Group's mandate, one member said that he had in mind that the Group should also deal with allegations relating to unfair trial in certain countries which had refused to admit impartial observers to monitor such trials. He endorsed the suggestion that a group of eminent persons should be formed to visit such countries and determine the extent to which they observed the provisions of the Universal Declaration of Human Rights. The refusal of any country to submit to inspection must not be accepted. A limited, embryonic international procedure of reporting and monitoring might constitute a form of appeal procedure because, through enlightened public opinion and the consideration by international bodies of the information gathered, it might be possible to react against the attitude of countries where there was persistent violation of international obligations.

137. Several members stated that suspicious and prolonged disappearances obviously marked a notable deterioration in the respect of human rights in the world. Reference was made to the concept of an international habeas corpus mentioned by the Special Rapporteur, Mr. Singhvi, who said that such a notion was still very vague and had to acquire both procedural and substantive content. One member said that it would be difficult to establish a quasi-judicial remedy without the prior existence of a body competent to deal with applications for relief. The Sub-Commission ought perhaps first to suggest that an information centre should be established to start a register of detainees, and that the centre should later become competent to study the recourse which had been referred to in the discussion as a limited international habeas corpus.

138. It was said that the most effective weapon that the Sub-Commission had at the international level was publicity, since Governments became concerned when they were aware that a list existed. Even restricted publicity would be effective.

Study of the implications for human rights of recent developments concerning situations known as states of siege or emergency

139. Mme. Questiaux, Special Rapporteur for the study of the implications for human rights of recent developments concerning situations known as states of siege or emergency, said that, as a result of professional obligations and the fact that a number of non-governmental and other international organizations would shortly be in a position to provide valuable additional material, she would prefer to submit her report in the following year.

140. Many members expressed their interest in the forthcoming study by Mme. Questiaux and hoped that it would help to reveal how political systems were abused and would reveal the need for subjecting legal systems to international accountability.

141. One speaker pointed out that, although States had the right to declare emergencies, it was a fact that states of emergency often led to violation of inalienable rights.

142. Another speaker maintained that the state of emergency tended to become permanent in many countries or to be used in order to impose permanent limitations on democracy and fundamental rights. The speaker also stressed that states of emergency constituted attempts on the part of Governments to give an air of legality to violations of the fundamental rights of their citizens, and he was of the opinion that the international community must play a greater role in collecting accurate factual information concerning such events.

143. It was said that the Sub-Commission should make recommendations to ensure Government accountability so that legal provisions could not be used to legitimize illegal and unjust actions.

Study of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

144. Mr. Singhvi, presenting his preliminary report on his study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/L.731), noted that the two concepts were related to the contemporary notion of human rights. It was recognized that the efficiency and credibility of the judicial system were based on the integrity, impartiality and independence of judges and juries, and that the independence and integrity of the legal profession were essential to the maintenance and safeguarding of human rights and fundamental freedoms. Nevertheless, the two concepts took different forms from one country to another. The principle of the independence of the judiciary was clearly expressed in the constitutions of almost all countries, but there were various obstacles in the way of putting it into effect. It would be interesting, in the view of Mr. Singhvi, to establish a comparative study of systems in various countries. In order to do this, he felt that it would be useful to send questionnaires so as to obtain information about the way in which the current systems function. Mr. Singhvi also pointed out that there are various opinions concerning the concept of independence. It would be interesting to arrive at a general definition acceptable to many countries.

145. Mr. Singhvi observed that the question of the independence of lawyers was subject to much controversy.

146. He gave a list of factors and conditions which impede the impartiality and independence of judges and the independence of lawyers. 1/

147. Most of the speakers expressed their appreciation of the preliminary study by the Special Rapporteur and stressed the importance of the independence and impartiality of the judiciary, particularly in a country under a state of siege. They also said that Mr. Singhvi's comparative approach to the problem should be supplemented by efforts to establish any differences which might exist between texts and their implementation. All speakers said that they were looking forward to Mr. Singhvi's forthcoming study. One of them, however, wished to point out the limited value of the use of questionnaires as a means of collecting information because of the gap which exists between laws, which always provide adequate safeguards for an independent judiciary, and practice.

1/ A fuller summary of Mr. Singhvi's address appears in document E/CN.4/Sub.2/SR.868.

148. One member pointed out that there could be no hope of an independent judiciary unless a State enjoyed a minimum degree of democracy. Only a democratic form of government, he said, could ensure the necessary separation of the legislative, executive and judicial branches, and he hoped that Mr. Singhvi's report would bring that out.
149. One speaker said it was necessary to acknowledge that special courts, such as labour courts, agrarian courts and economic and social tribunals, formed part of the judicial system of certain countries.
150. It was said that press publicity often provided an important safeguard for the independence of the judiciary. However, in many countries, there was a trend towards maintaining discretion in reporting on court proceedings.
151. Various speakers expressed the opinion that the rights of society and of individuals could be safeguarded only by judges who were fully conscious of their responsibilities. Every effort must therefore be made to educate and train them properly, and to undertake research, in order to develop the full potential of the judiciary.
152. Various speakers supported the idea of setting up a permanent body to monitor the administration of justice in States and to give assistance and advice on the maintenance of the independence of judges and lawyers, and on the administration of justice in all its aspects, in accordance with principles to be laid down by the United Nations and emanating either from the Sub-Commission or other bodies.
153. On 29 August 1980 a draft resolution (E/CN.4/Sub.2/L.741) was submitted by Mr. Akram, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Jayawardene, Mr. Jimeta, Mrs. Warzazi and Mr. Whitaker. Mr. Joinet later became a co-sponsor of the draft resolution.
154. At the 892nd meeting, the draft resolution was adopted by 19 votes to none, with 1 abstention.
155. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 13. (XXXIII).
156. On 4 September 1980 a draft resolution (E/CN.4/Sub.2/L.748) was submitted by Mr. Sadi. He introduced the draft resolution at the 892nd meeting.
157. At the same meeting the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.
158. The draft resolution, as orally amended and revised, was adopted by 17 votes to none, with 4 abstentions.
159. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 14 (XXXIII).
160. On 3 September 1980 a draft resolution (E/CN.4/Sub.2/L.744) was submitted by Mr. Akram, Mr. Amadeo, Mr. Bouhdiba, Mr. Chowdhury, Mr. El Khani, Mr. Khalifa, Mr. Sadi, Mr. Singhvi and Mrs. Warzazi. Mr. Singhvi later withdrew his sponsorship of the draft resolution.

161. The draft resolution was considered by the Sub-Commission at its 892nd meeting. An oral revision proposed by Mr. El Khani to delete paragraph 3 of the draft resolution was accepted by the other sponsors.

162. A separate vote was taken on an oral amendment to replace the work "Condemns" by "Deplores" in paragraph 1. The amendment was rejected by 8 votes to 4, with 6 abstentions.

163. The draft resolution as orally amended was adopted by 14 votes to 1, with 5 abstentions.

164. The text of the resolution as adopted appears in chapter XVII, section A as resolution 15 (XXXIII).

165. On 4 September 1980 a draft resolution (E/CN.4/Sub.2/L.751) was submitted by Mr. Akram, Mr. Bahnev, Mr. Bouhdiba, Mr. Carey, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Jayawardene, Mr. Jimeta, Mr. Joinet, Mr. Martínez Baes, Mr. Martínez Cobo and Mrs. Warzazi. The draft resolution was considered by the Sub-Commission at its 892nd meeting.

166. At the same meeting, the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

167. The draft resolution was adopted without a vote.

168. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 16 (XXXIII).

169. On 5 September 1980 a draft resolution (E/CN.4/Sub.2/L.754) was submitted by Mr. Bouhdiba, Mr. Carey, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Jayawardene, Mr. Khalifa, Mrs. Warzazi and Mr. Whitaker. At the 892nd meeting, the draft resolution was introduced by Mr. Whitaker.

170. At the same meeting, the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

171. The draft resolution was adopted by 13 votes to 5, with 1 abstention.

172. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 17 (XXXIII).

173. On 5 September 1980 a draft resolution (E/CN.4/Sub.2/L.756) was submitted by Mr. Carey, Mrs. Daes, Mr. Joinet, Mr. Singhvi and Mr. Whitaker. At the 892nd meeting the draft resolution was introduced by Mr. Singhvi.

174. A separate vote was taken on an oral amendment by Mr. Sofinsky to delete paragraph 1 of the draft resolution. The amendment was rejected by 3 votes to 10, with 4 abstentions.

175. The draft resolution, as orally amended, was adopted by 14 votes to none, with 3 abstentions.

176. The text of the resolution, as adopted, appears in chapter XVII, section A as resolution 18 (XXXIII).

VIII. THE INDIVIDUAL'S DUTIES TO THE COMMUNITY AND THE LIMITATIONS
ON HUMAN RIGHTS AND FREEDOMS UNDER ARTICLE 29 OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS

177. The Sub-Commission considered agenda item 8 at its 873rd to 875th and 891st meetings held on 29 August, 1 September and 10 September 1980.

178. The Sub-Commission had before it the final report on this question (E/CN.4/Sub.2/432/Rev.1 and E/CN.4/Sub.2/432/Add.1-7) prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur, in accordance with Sub-Commission resolution 9 (XXVII) and Sub-Commission decisions 5 (XXVIII), 6 (XXIX), 3 (XXXI) and 3 (XXXII).

179. In introducing her final report, the Special Rapporteur stated that the purpose of the study was to protect individuals under law and that it was based on her interpretation of article 29 of the Universal Declaration of Human Rights and the relevant articles of the International Covenant on Civil and Political Rights. She pointed out that the entire report could be divided into three main parts, one on the duties of the individual, one on the limitations on certain human rights and one on the protection of human rights in public emergencies; she noted that each part contained conclusions and recommendations. The Special Rapporteur drew attention to resolution 23 (XXXVI) of the Commission on Human Rights and indicated that that resolution represented a fundamental new factor which had influenced her final study, and a new development which the Sub-Commission should take into account in considering the conclusions and recommendations of the study. The Special Rapporteur drew attention to the additions which she had made in the revised part one of the study, particularly the sections relating to the question of the legal significance of the Universal Declaration of Human Rights and of the fifth preambular paragraph of each of the International Covenants on Human Rights, and to the problem of the position of the individual in international law. After having outlined the contents of the study and having analysed some of its conclusions, the Special Rapporteur drew the attention of the Sub-Commission to the recommendations she had made. 1/

180. All speakers praised the Special Rapporteur for her excellent, comprehensive and thought-provoking study. It was said that the report dealt with an extremely important subject which had not been given enough attention previously. Some speakers pointed out that the Special Rapporteur had performed the delicate task of striking a balance between the two essential, and sometimes contradictory, elements of freedom and responsibility. Emphasis was also placed on the good legal reasoning of the author. In the opinion of all speakers, the report should be printed in all languages, including Arabic, and widely disseminated.

181. The view was expressed that the historical content of the study was extremely useful in showing the development of the recognition and implementation of human rights. Some speakers commended the work of the Special Rapporteur as a comparative analysis of the systems of administration of justice in various parts of the world, including Asia, Africa and Latin America. In that connexion, it was stated that this was the first study of the Sub-Commission in which such useful research had been undertaken.

1/ A fuller account of the Special Rapporteur's introductory statement appears in the summary record of the 873rd meeting (E/CN.4/Sub.2/SR.873).

182. Speakers endorsed the basic idea of the study that the limitations on the exercise of certain human rights and freedoms should themselves be limited and strictly defined by law. It was also observed that there were certain human rights from which no derogation could be allowed and that no limitation should result in the complete annihilation of the rights and freedoms to which it applied.

183. Many speakers supported the view of the author that in the event of conflict between the rights of the individual and other interests, the freedom of the individual should, in case of doubt, prevail.

184. Reservation was expressed by some members of the Sub-Commission with regard to the idea that the "general welfare" or the need to accelerate economic development might constitute a ground for imposing limitations on human rights. It was observed that any limitation on human rights should be in conformity with the principles of equality and non-discrimination.

185. The view was expressed that human rights should never be conceived as a means for enabling individuals to do their duties. The enjoyment of human rights had to be an end in itself; as was repeatedly stated in the study, "man is the measure of all things".

186. Certain doubts were expressed with regard to the expression "absolute rights and freedoms" used in the study. It was observed that freedom should always be considered as the rule, and its limitation or restriction as an exception to the rule.

187. One speaker felt that a few of the paragraphs of the study were too metaphysical in content, and that many arguments of a moral nature were used. He would have preferred the main reference to be strictly legal, since duty was a legal concept.

188. In the opinion of one speaker, the Marxist view of the freedom of the individual under law was not adequately reflected in the study. Another speaker observed that the question of the relationship between the individual and the community in Islamic jurisprudence deserved to be more widely reflected in the study. One member stated, with regard to the duties of refugees and stateless persons, that the activities of refugee communities in the humanitarian field, even if at variance with the political objectives of the host country, had to be respected.

189. One speaker expressed doubts about the author's approach to pluralism in political institutions. It was stated that such pluralism did not necessarily lead to greater democracy and freedoms.

190. One speaker suggested that the Sub-Commission must focus on the subject of the individual responsibility of persons who violated human rights. In this connexion, there was support for the Special Rapporteur's view that superior orders could be no defence for such violations.

191. Many speakers stressed the recommendation by the Special Rapporteur that human rights teaching and education should be developed at all levels. One speaker expressed the view that there should be an accepted uniformity in school books and proposed that such books should be produced, financed and distributed by UNESCO. Another speaker felt that human rights teaching and education for school children should be primarily directed towards the elimination of racial prejudice. It was also stated that the law of armed conflict, including the principles of the Geneva Conventions, should be incorporated into educational systems, so that every soldier and every individual would be fully informed of his personal responsibility.

192. Most speakers also endorsed the Special Rapporteur's recommendation concerning a study on the status of the individual in contemporary international law. It was emphasized that such a study would contribute to the evolution of international human rights law. In the view of one speaker, however, such a study would be too specialized for the public at large; he said that he opposed the preparation of the study. Another speaker observed that the recommendation would be interpreted as being somewhat controversial and that further discussion of the matter appeared to be required.

193. Many speakers supported the other recommendations made by the Special Rapporteur in her study, including those on the preparation of a draft declaration on the principles governing the responsibilities of the individual, the elaboration of principles and guidelines governing United Nations standards on limitations and restrictions on certain human rights, and the harmonization of national legislation in this field. Two members expressed doubts about the necessity of the preparation of such a draft declaration.

194. Numerous speakers expressed the wish that the Special Rapporteur should be requested by the Sub-Commission to do any follow-up work resulting from her study.

195. At the close of the debate, the Special Rapporteur replied to some of the questions and comments made with regard to her final study and assured members of the Sub-Commission that she would take their comments and suggestions into consideration when preparing her report for printing.

196. On 5 September 1980 a draft resolution (E/CN.4/Sub.2/L.753) was submitted by Mr. Akram, Mr. Amadeo, Mr. Bouhdiba, Mr. Carey, Mr. Ceausu, Mr. Chawdhury, Mr. El Khani, Mr. Ferrero, Mr. Joinet, Mr. Martínez Baez, Mr. Martínez Cobo, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. Mr. Jimeta later became a sponsor of the draft resolution. At the 891st meeting, the draft resolution was introduced by Mrs. Warzazi.

197. At the same meeting the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

198. The draft resolution was adopted by 16 votes to 2.

199. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 6 (XXXIII).

200. On 5 September 1980 a draft resolution (E/CN.4/Sub.2/L.752) was submitted by Mr. Akram, Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. El Khani, Mr. Ferrero, Mr. Joinet, Mr. Martínez Cobo, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. Mr. Jimeta later became a sponsor of this draft resolution. At the 891st meeting the draft resolution was introduced by Mr. Ferrero.

201. At the same meeting the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

202. The draft resolution was adopted by 16 votes to 2.

203. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 7 (XXXIII).

204. Mrs. Daes did not participate in the vote on either of the above resolutions.

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

205 The Sub-Commission considered item 5 of its agenda at its 876th to 881st, 892nd and 893rd meetings, held on 2, 3, 4 and 11 and 12 September 1980.

206. Pursuant to its resolution 4 A (XXXII) concerning violations of human rights by the Israeli authorities in the occupied territories, the Sub-Commission had before it a note by the Secretariat, drawing the Sub-Commission's attention to existing United Nations studies and reports on the subject matter (E/CN.4/Sub.2/454). The Sub-Commission also had before it: (a) the text of a telegram addressed by the Chairman of the Commission on Human Rights to the Minister for Foreign Affairs of the Republic of South Africa, dated 25 August 1980, pertaining to urgent reports of serious violations of human rights in South Africa and Namibia (E/CN.4/Sub.2/456); and, (b) the text of a cabled reply, dated 30 August 1980, addressed to the Director of the Division of Human Rights by the Minister of Foreign Affairs and Information of the Republic of South Africa (E/CN.4/Sub.2/457). Pursuant to paragraph 10 of Commission on Human Rights resolution 29 (XXXVI) concerning the human rights situation in Democratic Kampuchea, further material concerning the situation was made available for review by a Sub-Commission member. In that connexion, the Sub-Commission entrusted Mr. Bouhdiba, who had prepared the earlier analysis on the subject, placed before the Commission in document E/CN.4/1335, with the task of reviewing the additional material, with a view to submitting it, together with appropriate recommendations, to the Commission on Human Rights at its thirty-seventh session. The Sub-Commission also had before it a communication dated 8 September 1980 from the Permanent Mission of Democratic Kampuchea (E/CN.4/1412 - E/CN.4/Sub.2/458) and other relevant background documentation pertaining to the item, including the report of the Commission's Special Rapporteur on the study of the human rights situation in Equatorial Guinea (E/CN.4/1371 and Corr.1). A submission from the World Student Christian Federation, a non-governmental organization in consultative status with the Economic and Social Council (E/CN.4/Sub.2/NGO/84) was also before the Sub-Commission.

207. In the course of the debate many members stressed that the most serious examples of human rights violations were: (a) the suppression of the rights of the Palestinian people and the prevailing situation in the Arab territories occupied by Israel, the latest manifestation of which was the unilateral annexation of Jerusalem, the shrine of three major religions, in flagrant violation of international law, a matter of deep concern to the entire world community; and, (b) the abhorrent policy of apartheid pursued by the Government of the Republic of South Africa on its own territory and in Namibia. Several members suggested that the authorities concerned should be requested to accept official visits and inquiries on the spot by one or more of the members of the Sub-Commission. Some speakers urged that mandatory sanctions should be applied against South Africa.

208. Many references were also made to the disturbing situation of violations of human rights that had continued to prevail in Kampuchea. In that connexion, Mr. Bouhdiba informed the Sub-Commission orally of his review of the additional material pertaining to that situation, which had been made available to him pursuant to paragraph 10 of Commission resolution 29 (XXXVI), and of the recommendations to be included in his report to the Commission. Subsequently,

Mr. Bouhdiba made available in writing his review, including his conclusions and recommendations regarding the human rights situation in Kampuchea (E/CN.4/Sub.2/L.757). Two members expressed the view that the question of Kampuchea should be withdrawn from the agenda, stressing that the Sub-Commission was not a political body and that it should strive not to become involved in essentially political issues.

209. In addition to the issues referred to above, reference was made to particular human rights situations in the following countries: Afghanistan, Argentina, Australia, Bolivia, Brazil, Chile, Cuba, Cyprus, Czechoslovakia, El Salvador, Ethiopia, German Democratic Republic, Germany, Federal Republic of, Guatemala, Haiti, India, Indonesia (concerning East Timor), Iran, Iraq, Japan, Paraguay, the Republic of Korea, United Kingdom (concerning Northern Ireland) and Uruguay. The contents of the statements, and of replies or observations by the observers from Argentina, Australia, Brazil, Cuba, the Federal Republic of Germany, the German Democratic Republic, Iraq, Israel, the Republic of Korea and Viet Nam (in relation to observations directly concerning Viet Nam expressed during the consideration of the human rights situation in Democratic Kampuchea) rejecting the allegations relating to their countries, are reflected in the relevant summary records.

210. Several members referred to the welcome changes that had taken place with regard to the observance of human rights in a number of countries, notably Ecuador, Peru and Cuba. Mention was also made of the improvement in the situation with respect to human rights in Equatorial Guinea, Kampuchea, Uganda and Zimbabwe. One member drew attention to the recommendation contained in document E/CN.4/1371 and Corr.1 which called for assistance to be given to Equatorial Guinea in order to enhance the realization of human rights in that country. One speaker, however, expressed the view that the realization of human rights in Kampuchea had been complicated by the intervention of foreign military forces.

211. Several members addressed themselves specifically to the recent disturbing deterioration in the matter of human rights in Bolivia. Several members suggested that the Sub-Commission should assign a special rapporteur, or establish a working group, to study the situation there.

212. Members, in their interventions relating to the question of human rights in a number of countries, referred to in paragraph 209 above, addressed themselves to the general issues of: (a) involuntary or enforced disappearances of people, and the urgent need for the establishment of a modicum of international accountability; (b) the practice of torture; (c) the situation of refugees and the desire of large numbers of people to leave their countries, which phenomenon might be a reflexion of the human rights situation in the country concerned; and, (d) the denial of the freedom of peoples to exercise the fundamental right to self-determination, and the growing danger posed by deliberate attempts by States, characterized by one member as a new form of neo-colonialism or new imperialism, to violate that basic principle, which is enshrined in the Charter of the United Nations and in the International Covenants on Human Rights. The question of Islamic justice, in particular in the context of the prevailing human rights situation in Iran, was also mentioned by several members. One member observed, in that connexion, that basically the situation in Iran constituted a revolution and had to be seen in that perspective. Other speakers, however, pointed out that human rights should be respected whatever the current situation, and that in Iran there had been very serious violations of human rights which had had nothing to do with the revolution.

213. Several members emphasized the need for the Sub-Commission to consider new ideas and new approaches which would enable it better to perform its task under Commission resolution 8 (XXIII) and Council resolution 1235 (XLII) and which would contribute to the general objective of the United Nations to put an end to violations of human rights and fundamental freedoms. It was suggested in that connexion that an information-gathering machinery should be set up within the Secretariat for the monitoring of human rights situations throughout the world. Another suggestion was that a member of the Sub-Commission acceptable to the Government concerned might be appointed by the Sub-Commission's Bureau to visit a country in which human rights were allegedly being violated. Such improvements would enable the Sub-Commission better to discharge the functions entrusted to it, namely, to examine the causes of violations of human rights and to draw the attention of the Commission in a fairer and more equitable manner to human rights situations deserving its attention, as envisaged in Commission resolution 8 (XXIII) and Council resolution 1235 (XLII). The present system of waiting, in many instances, for non-governmental organizations to raise issues or of obtaining information through communications from individuals or groups, could hardly be considered adequate in view of the Sub-Commission's mandate. Another member suggested that the Sub-Commission should seek authority from the higher organs for its Bureau to meet between sessions, so that it could, if necessary, decide to dispatch one of its members to a trouble spot to assess, study, verify and, in general, collect reliable information on the situation. Several members expressed their support for the idea that the Sub-Commission should have greater emergency power. They also favoured the establishment of machinery for the speedy application of practical measures. The possibility of the use of conciliation in suitable cases was also mentioned. The view was also expressed that greater coverage by the mass media of the Sub-Commission's work would contribute considerably to the defence of human rights.

214. During the course of the debate on the item, the Sub-Commission also heard statements by the representatives of the Commission on the Status of Women and the Organization of African Unity. It also heard statements by the representatives of a number of non-governmental organizations in consultative status with the Economic and Social Council concerning alleged violations of human rights in various countries.

215. During the course of the debate, several members submitted draft texts of telegrams to be sent to South Korea, Israel, South Africa and Iran, referring to the human rights situations in those countries. One member raised the question of the competence of the Sub-Commission to send such telegrams, even though this had been done on previous occasions. After a discussion on the competence of the Sub-Commission, in which several members took part, it was decided to postpone further discussion of the question. One member expressed the wish that the question be taken up at the next session. For the text of the Sub-Commission's decision, see decision 3 in chapter XVII, section B.

216. On 3 September 1980 a draft resolution (E/CN.4/Sub.2/L.745) was submitted by Mr. Sadi. The Sub-Commission considered the draft resolution at its 892nd meeting.

217. The draft resolution as amended was adopted without a vote.

218. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 19 (XXXIII).

219. On 3 September 1980 a draft resolution (E/CN.4/Sub.2/L.746) was submitted by Mr. Akram, Mr. Bahnev, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Jimeta, Mr. Jomet, Mr. Khalifa, Mr. Sadi, Mr. Singhvi, Mr. Sofinsky, Mrs. Warzazi and Mr. Whitaker.
220. The draft resolution was adopted at the 892nd meeting by 17 votes to 1, with 1 abstention.
221. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 20 (XXXIII).
222. On 3 September 1980 a draft resolution (E/CN.4/Sub.2/L.747) was submitted by Mr. Amadeo, Mr. Bouhdiba, Mr. Carey, Mrs. Daes, Mr. Ferrero, Mr. Fisek, Mr. Jimeta, Mr. Joinet, Mr. Khalifa, Mr. Martínez Baez, Mr. Martínez Cobo, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. The Sub-Commission considered the draft resolution at its 892nd and 893rd meetings.
223. The sponsors of the draft resolution accepted oral amendments which sought to delete the first preambular paragraph, to amend the wording of paragraph 1 and to add a new operative paragraph.
224. The draft resolution as orally amended was adopted by 14 votes to none, with 2 abstentions.
225. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 21 (XXXIII).
226. On 4 September 1980 a draft resolution (E/CN.4/Sub.2/L.749) was submitted by Mr. Carey. At the 893rd meeting the draft resolution was introduced by Mr. Carey.
227. A motion was submitted by Mr. Sadi to close the debate on the draft resolution and to proceed immediately to the vote. The motion was adopted by 12 votes to 3, with 4 abstentions.
228. The draft resolution as orally revised was adopted by 11 votes to 6, with 3 abstentions.
229. The text of the resolution, as adopted, appears in chapter XVII, section A, as resolution 22 (XXXIII).
230. On 4 September 1980 a draft resolution (E/CN.4/Sub.2/L.750) was submitted by Mr. Joinet and Mr. Whitaker. At the 893rd meeting the draft resolution was introduced by Mr. Whitaker.
231. At the same meeting the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.
232. At the suggestion of Mr. Whitaker the name of Mrs. Warzazi was inserted in paragraph 4 of the draft resolution.
233. The draft resolution was adopted by 15 votes to none with 3 abstentions.
234. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 23 (XXXIII).

235. On 5 September 1980 a draft resolution (E/CN.4/Sub.2/L.755) was submitted by Mr. Akram, Mr. Carey, Mr. Joinet and Mrs. Warzazi. The draft resolution was considered by the Sub-Commission at its 893rd meeting.
236. A separate vote was taken on an oral amendment proposed by Mr. Singhvi to delete paragraph 5. The amendment was rejected by 6 votes to 8, with 4 abstentions.
237. The draft resolution was adopted by 11 votes to 3, with 4 abstentions.
238. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 24 (XXXIII).
239. On 8 September 1980 a draft resolution (E/CN.4/Sub.2/L.761) was submitted by Mr. Whitaker. Mr. Whitaker introduced the draft resolution at the 893rd meeting.
240. The draft resolution as orally amended was adopted by 16 votes to 3, with 1 abstention.
241. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 25 (XXXIII).
242. On 10 September 1980 a draft resolution (E/CN.4/Sub.2/L.764) was submitted by Mr. Akram, Mr. Jayawardene, Mr. Jimeta, Mr. Martínez Cobo, Mr. Sadi, Mrs. Warzazi and Mr. Whitaker. Mr. Bouhdiba later became a sponsor of the draft resolution. Mr. Jimeta and Mr. Jayawardene later withdrew their sponsorship of the draft resolution. The draft resolution was introduced by Mr. Akram at the 893rd meeting.
243. After a procedural debate concerning the question whether a deadline had been established for the submission of resolutions under agenda item 5, the Chairman ruled that consideration of the draft resolution was in order. A challenge by Mr. Bahnev against the ruling was put to the vote. The challenge was rejected by 12 votes to 3, with 2 abstentions. Mr. Sofinsky declared his intention not to participate in the consideration of the draft resolution.
244. The draft resolution was adopted by 12 votes to 1, with 3 abstentions.
245. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 26 (XXXIII).

X. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

246. The Sub-Commission considered agenda item 9 at its 881st, 882nd, 891st and 892nd meetings held on 4, 5, 10 and 11 September 1980.
247. At its thirty-second session, in pursuance of Commission resolution 10 A (XXXIII), the Sub-Commission had requested the Secretary-General, in its resolution 6 (XXXII), to prepare a report analysing information concerning the subject referred to in resolution 10 A (XXXIII) with a view to the formulation of guidelines regarding: (a) the medical measures that may properly be employed in the treatment of persons detained on the grounds of mental ill-health, and, (b) procedures for determining whether adequate grounds exist for detaining such persons and applying such medical measures.
248. The Sub-Commission had before it a report by the Secretary-General (E/CN.4/Sub.2/446) on medical measures that may properly be employed in the treatment of persons detained on the grounds of mental ill-health, a note by the Secretary-General (E/CN.4/Sub.2/387) on the examination of studies on human rights and scientific and technological developments in the light of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (distributed in connexion with a task entrusted to the Sub-Commission by Commission resolution 10 B (XXXIII)), and a written statement submitted by the International Association of Penal Law and the International Commission of Jurists (E/CN.4/Sub.2/NGO/81).
249. A representative of the International Commission of Jurists explained that the preliminary draft body of principles included in document E/CN.4/Sub.2/NGO/81 had been prepared by a committee of experts in judicial, legal, psychiatric and social work in Western, East European and African countries, at a meeting organized by the International Institute of Higher Studies in Criminal Sciences in May 1980.
250. One member thought that it would be easier to reach agreement on procedures for determining whether grounds existed for detaining mentally ill persons than to decide on appropriate treatment, and that such procedures should therefore be given priority consideration. In the matter of detention, there were clearly-defined legal problems. Did voluntary patients in mental institutions have to agree to whatever types of treatment were proposed by the medical staff? Could a person suffering from mental disorder be considered as legally responsible when giving consent for his or her own admission to a mental hospital? The member also drew attention to the possibility of abuse in the case of persons arrested because it was always possible to arrest a person on trumped-up charges and then institutionalize him. It was also essential to have sufficiently frequent review procedures and even the first review of a decision to institutionalize should involve a new set of medical findings rather than purely formal matters.
251. Referring to the protection of the mentally disturbed, a member stated that in many ways the Sub-Commission was breaking new ground. For that reason the advice of experts in the medical field might be necessary, as the Sub-Commission's knowledge of the medical implications of some aspects of its work was dangerously sparse. The Sub-Commission was primarily concerned with the legal protection to be provided.
252. It was said that the area of protection of persons suffering from mental disorder was extremely complex, and that in medical circles the debate continued on the desirability and usefulness of certain measures applied in the treatment of the mentally disturbed, including the use of electroconvulsive therapy and psychosurgery. As another member pointed out, the need for a series of legal guarantees against possible medical abuse was now recognized.

253. Another member discussed the growing threat to personal privacy posed by technological developments in computer science, particularly since there was no country without some form of electronic data processing. The speaker mentioned the research being undertaken to counteract such dangers in many countries, and also the Secretary-General's report of 1974 on uses of electronics which may affect the rights of the person and the limits which should be placed on such uses in a democratic society (E/CN.4/1142 and Corr.1 and Add.1-2). He felt much effort was necessary for the protection of the privacy and freedom of individuals, in accordance with the provisions of the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

254. He emphasized, as did other speakers, the need for a just balance between progress in the scientific and technological fields and the protection of human rights, as reflected in the Declaration on the Use of Scientific and Technological Process in the Interests of Peace and for the Benefit of Mankind.

255. Another member pointed out that the problems involved in scientific and technological progress were not limited to the field of psychiatry. There were many other problems on which, in his opinion, the United Nations had not assumed its responsibilities. Other areas in which human rights were affected by developments in the scientific and technological fields were touched upon in the debate, namely, the proliferation of nuclear and other weapons of mass destruction, genetic engineering, biological advances in the transplanting of human organs, environmental pollution and improvements in instruments of torture.

256. A representative from the Commission on the Status of Women, describing the often negative effect on women of improvements in those fields, stated that resolutions adopted at the recent World Conference of the United Nations Decade for Women had stressed the right of women to participate more fully in scientific and technological developments.

257. One member pointed out that a study on the question of the protection of those detained on the grounds of ill-health had been declared a matter of priority under General Assembly resolution 33/53, and that therefore it was necessary either to appoint a rapporteur to draw up a report and draft body of principles or to establish a working group as had been done for the body of principles relating to persons under any form of detention.

258. All speakers supported a suggestion that Mrs. Erica Daes be appointed Rapporteur to prepare a study on a draft body of principles relating to the medical treatment of the mentally disturbed. It was also suggested that the study should be examined by a working group of the Sub-Commission at its thirty-fourth session.

259. On 8 September 1980 a draft resolution (E/CN.4/Sub.2/L.758) was submitted by Mr. Bouhdiba, Mr. Chowdhury, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Jayawardene, Mrs. Warzazi and Mr. Whitaker. At the 891st meeting the draft resolution was introduced by Mr. Whitaker.

260. At the same meeting the Director of the Division of Human Rights made a statement on the administrative and financial implications of the draft resolution.

261. The draft resolution as amended was adopted without a vote.

262. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 11 (XXXIII).

263. On 9 September 1980 a draft resolution (E/CN.4/Sub.2/L.762) was submitted by Mr. Bouhdiba, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mrs. Questiaux, Mrs. Warzazi and Mr. Whitaker. At the 892nd meeting the draft resolution was introduced by Mrs. Questiaux.

264. The draft resolution was adopted without a vote.

265. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 12 (XXXIII).

XI. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

266. The Sub-Commission considered agenda item 15 at its 882nd and 891st meetings held on 5 and 10 September 1980.

267. In accordance with Commission on Human Rights resolution 37 (XXXVI) of 12 March 1980, the Sub-Commission had before it the revised and consolidated text of the draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities (E/CN.4/Sub.2/L.734), prepared by Mr. Toševski, chairman of the Commission's open-ended working group on the question, and a note by the Secretary-General (E/CN.4/Sub.2/L.735) containing provisions of international instruments relevant to the problem of the rights of persons belonging to minority groups.

268. An open-ended Working Group was established by the Sub-Commission and held meetings on 20, 21, 26, 27 August and 2 September. The report of the Working Group (E/CN.4/Sub.2/455/Rev.1) was introduced to the Sub-Commission by its Chairman-Rapporteur, Mr. Mario Amadeo. Paragraphs 5-40 of the report read as follows:

"5. At the suggestion of members, Mr. Toševski^V was invited to address the Group. He was present at the session of the Sub-Commission in his capacity as a member of the observer delegation from Yugoslavia, having acted as Chairman-Rapporteur of the Working Groups established by the Commission on Human Rights at its thirty-fifth and thirty-sixth sessions. It was felt that a clarification by Mr. Toševski^V of substantive changes between the first and second drafts of the declaration would be of help to members of the Group.

"6. In his address Mr. Toševski^V stated that the revised text of the draft declaration, like the first draft, did not bring a new approach to the issue of minority rights; rather, it represented a systematic approach to the problem based on the principles which have already been established in instruments of the United Nations.

"7. He pointed out that the preamble to the declaration had been strengthened in the revised text by including additional international instruments relevant to the subject, and by the fifth and sixth parts which were an attempt to stress the functional link between two issues: on the one hand, the protection of minorities; and on the other, the strengthening of friendship between States and the social and political stability of individual States.

"8. Mr. Toševski^V went on to describe the following substantive changes in the operative part of the draft declaration: in article 1, reference to the size of minorities had been deleted; in article 3, paragraph 2, mention of the 'principle of collectivity' had been abandoned, but he felt it would be difficult to defend a purely individual approach to minority rights; in paragraph 3 of the same article a suggestion had been included regarding the right of minorities 'to express and develop cultural and other social links with the people of their origin'; an additional article, article 6, had been formulated to cover the issue of specific conditions for the promotion and protection of minorities.

"9. Three serious problems, Mr. Toševski pointed out, had not been solved in the revised text of the draft declaration. The first problem concerned the arguments surrounding the inclusion of the word 'national' in the declaration. Various arguments had been put forward against the inclusion of this word, i.e. that article 7 of the International Covenant on Civil and Political Rights does not include the word; and that for some States the word means citizenship. However, the word had been retained for further consideration as Mr. Toševski felt that some other relevant United Nations documents included the word 'national', and because in some States the word 'national' is used for certain minority groups.

"10. As the Commission on Human Rights is actively working on a declaration on the elimination of all forms of religious intolerance it had been suggested that the question of the rights of religious minorities should be excluded from the revised draft declaration. Again, Mr. Toševski believed that at this stage this was not a sufficient ground to delete the concept from the draft declaration.

"11. Thirdly, Mr. Toševski expressed the view that it was not his mandate to provide a definition of the term 'minority'.

"12. Responding to Mr. Toševski's address, a member of the Group began by stating that any amendments to the draft declaration (E/CN.4/Sub.2/L.734) had to be authorized by the Commission on Human Rights and that the task of the Sub-Commission, through the Working Group, was to 'make a thorough and detailed examination of the revised draft declaration ... and to submit its views on this revised draft to the Commission on Human Rights at its thirty-seventh session' (Commission on Human Rights resolution 37 (XXXVI), para.3).

"13. The speaker asked whether Mr. Toševski was correct in stating that the draft declaration did not adopt new approaches to the problem of minority rights. He felt rather that the draft declaration should reflect what already existed. In the view of the speaker, the concept of minority rights mainly concerned Europe and it had been developed in international law as a result of peace treaties after the First World War, particularly under the auspices of the League of Nations. The aims underlying those treaties were: (a) the establishment of a system of equality before the law concerning political and civil rights; (b) that there should be no restrictions placed on citizens of a given country in the use of their own language; and (c) that minorities should have the right to create their own organizations and to use their own language in their own educational institutions. They had also provided for certain obligations on the part of States, but the treaties did not, the speaker stressed, provide for autonomy for minorities, nor were they universally accepted in international legal practice.

"14. The Charter of the United Nations, the speaker continued, does not cover the individual rights of minorities, treating all persons as equal without reference to the rights of groups.

"15. The same speaker commented in detail on four of the international instruments listed in the third preambular paragraph of the draft declaration: the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Covenant on Civil and Political Rights, particularly article 27 thereof; and the International Covenant on Economic, Social and Cultural Rights.

"16. His aim was to illustrate the fact that non-discrimination is an established 'norm' of contemporary international law, and that in the concept of this 'norm' the rights of persons belonging to minorities are protected.

"17. Regarding the substance of the text, the same speaker pointed out that the protection of the physical existence of minority groups, including 'national' minorities was covered by the Convention on the Prevention and Punishment of the Crime of Genocide, and that the rights of 'religious' minorities were covered by article 27 of the International Covenant on Civil and Political Rights.

"18. He asked, further, whether the international instruments listed in the third preambular paragraph relate to the rights of national, ethnic, linguistic and religious minorities, because these specific rights are not covered by the Universal Declaration of Human Rights, by the International Covenant on Economic, Social and Cultural Rights, or by the International Convention on the Elimination of All Forms of Racial Discrimination.

"19. Furthermore, the speaker believed that the first preambular paragraph needed to be formulated in the same way as article 1, paragraph 3 of the Charter of the United Nations. In the same way, he felt that the eighth preambular paragraph needed to be redrafted in accordance with the relevant provisions of the Declaration adopted by the World Conference to Combat Racism and Racial Discrimination.

"20. The speaker continued by suggesting that the second part of article 1 of the revised text of the draft declaration requires redrafting in accordance with article 27 of the International Covenant on Civil and Political Rights; that article 2 needed to be strengthened in the direction of the prohibition of discrimination against persons belonging to minority groups; that paragraph 2 of article 3 needed to be amended and that paragraph 3 of the same article could lead to misunderstanding in its present form and so should either be reformulated or deleted.

"21. He concluded by suggesting that the draft declaration needed to be redrafted, in part, but that there was insufficient time for the Working Group to undertake a detailed and thorough examination of the revised text which could possibly lead to such redrafting.

"22. This latter point was agreed to by other speakers, one of whom felt that the original draft prepared by Mr. Toševski had been better than the revised draft. The revised draft, the speaker felt, was top-heavy, in that the preamble was contrary to United Nations tradition, too long. It was normal to have a short introductory text followed by the substantive provisions in the body of the text.

"23. This speaker agreed that there was no need to list all the international instruments detailed in the third preambular paragraph, but the International Covenant on Civil and Political Rights, article 27, should be listed as it contains the fundamental provisions relating to minorities. The paragraph could be reworded, the speaker suggested, to indicate only 'the other relevant documents relating to human and minority rights'. The speaker also recognized the importance of article 27 of the International Covenant on Civil and Political Rights, the main purpose of which is to grant different treatment to persons belonging to ethnic, religious or linguistic minorities,

in order to ensure real equality of status with the other elements of the population. The speaker further emphasized that the concept 'persons belonging to ethnic, religious or linguistic minorities' should be used in every article throughout the text of the draft declaration in order to make clear that the individuals belonging to minorities should be protected.

"24. The definition of the term 'minority' should also be provided, the speaker stated, although that is a difficult task. The same speaker also questioned the difference between 'national' and 'ethnic' minorities on the ground that there was not a clear distinction between the two terms in the draft declaration.

"25. Furthermore, provisions dealing with the real freedom of minorities, i.e. protection from genocide, and their responsibilities, i.e. no separatism, should be included in the draft declaration.

"26. This speaker, and others, suggested that the Group, through its report, should officially recognize the efforts made by Mr. Tosevski in preparing the revised text, and express its appreciation to him. The speaker agreed, however, that the draft declaration needs further elaboration.

"27. Another member of the Sub-Commission stressed that the question of minority rights, although important, was an intricate and complex one. He felt that the address of Mr. Tosevski and the response to his address had given positive analyses of the problem, but had had to be shortened due to lack of time.

"28. One member, although he agreed that the Group had not had sufficient time to examine the draft declaration thoroughly, believed that with the various amendments proposed by members the draft could be forwarded to the Sub-Commission.

"29. The question of the rights of individuals within minority groups had been raised earlier by a member of the Sub-Commission who claimed that such rights are often overlooked. As an example, he quoted the children of gypsies in various countries who may wish to give up their nomadic existence and take up a more settled life-style. Often their parents, who wish to continue their nomadic lives, resisted or rejected the wishes of the children. He suggested that the rights of individuals within a minority group, whether such a group is a national, ethnic, religious or linguistic minority, should be borne in mind by the Group when considering the draft declaration.

"30. The same speaker later suggested that it might be useful to the Group, if it were possible, for Mr. Tosevski to prepare a further draft in the light of the various suggestions and proposals made by the Group.

"31. A representative of a non-governmental organization addressed the Group, pointing out that he felt a more general and substantive overview of the draft declaration was needed. He raised the question of whether the terms 'minority' and 'national' minority should be clearly defined in the declaration.

"32. The representative felt that the draft declaration, particularly the first, fourth and fifth parts of the preamble, and articles 4 and 5, seemed to insist on the rights of the State rather than on the rights of individuals within minority groups. He believed that the declaration should more properly be aimed at the rights of minorities rather than the rights of States.

"33. He further suggested that the Working Group should continue to bear in mind when discussing the problems of minorities that minority groups are made up of real people, in real situations, with real problems and that the preparation of the draft declaration was not merely an academic exercise.

"34. A member of the Sub-Commission suggested that it would be useful if the Secretariat of the Division of Human Rights were to prepare a document containing the main points of difference expressed by Governments on the revised text of the draft declaration and listing the various proposals and suggestions made by them.

Suggested amendments

"35. It was suggested by the Group that parts of the revised text of the draft declaration should be redrafted. Specific amendments suggested by members of the Group are as follows:

"36. Article 2

Line 3: change 'on an equitable basis' to 'a basis of equality';

Lines 5 and 6: the last two lines read '... should be prevented, condemned and proclaimed illegal by the Member States of the United Nations'. It was pointed out that, as drafted, the article gave rise to problems because, for example, under the Bill of Rights in the American Constitution, there are guarantees of freedom of speech and association, although limits to such freedom have been set by the American courts over the years in their interpretation of this constitutional guarantee. To avoid possible problems, it was suggested that the following words be added to the end of the last line: 'so far as is consistent with the rights of free speech and association enjoyed in such States'.

"One member disagreed with the suggested amendment because some States do not have the right of freedom of speech at all. He felt that perhaps the amendment could be re-worded.

"37. Article 3

Paragraph 1, line 1: add, at the end of the first line, 'equally with the rest of the population in which they live';

Paragraph 2, line 1: add 'the full and complete' in place of 'comprehensive';

Line 2: add 'or retain such' between 'create' and 'favourable conditions'; after 'development of minorities' add 'on such aforesaid basis of equality';

Line 3: add 'such' between 'take' and 'measures'; change 'which' to 'as'; change 'to freely express' to 'give free expression to';

Line 4: change 'on an equitable basis' to 'a basis of equality';

Line 5: delete 'to' at the beginning of the line.

"The paragraph as a whole, as amended, would then read:

"For the purpose of realizing conditions of equality, and the full and complete development of minorities on such aforesaid basis of equality, it is essential to create or retain such favourable conditions and to take such measures, as will enable them to give free expression to their characteristics and develop their education, culture, language, traditions and customs and to participate on a basis of equality in the cultural, social, economic and political life of the country in which they live'.

"Paragraph 3: add to the end of the last line, 'but subject to the sovereign rights of the people of the State in which they live'.

"38. Article 6

Line 2: add 'or retain' between 'create' and 'favourable';

Line 3: add 'or retain' between 'adopt' and 'adequate';

Line 4: add 'on a basis of equality as' between 'minorities' and 'proclaimed', so that the last line reads 'of the rights of minorities on a basis of equality as proclaimed in this Declaration'.

"39. Finally, it was stated that the Group had not had sufficient time to make a thorough elaboration of the revised text of the draft declaration, or to reach a consensus on possible changes.

"40. At the fifth and final meeting of the open-ended Working Group on 2 September 1980, the participants adopted the draft report (E/CN.4/Sub.2/455) after certain amendments had been accepted by the Group."

269. During the discussion of the report, a member proposed that, when the views of the Sub-Commission were submitted to the Commission on Human Rights at its thirty-seventh session, it should be emphasized that the draft declaration should result in a declaration which will protect individuals belonging to minority groups, and not simply the groups themselves. It was also important, the speaker considered, that provisions should be elaborated in the future, by the Sub-Commission or the Commission, which would indicate some of the responsibilities to be undertaken by minority groups; it was stressed that separatism would not be permitted.

270. The same member further emphasized the fact that persons belonging to minority groups should be protected from genocide and cultural genocide.

271. She concluded by stressing the general feeling of the Working Group to the effect that the revised and consolidated text of the draft declaration should be redrafted and further elaborated.

272. It was decided that, in implementation of the request contained in Commission on Human Rights resolution 37 (XXXVI), the Sub-Commission should submit the report of the Working Group to the Commission on Human Rights at its thirty-seventh session, together with the summary record of the discussion on the item, for such action as the Commission might wish to take. (See chapter XVII section B, decision 1).

273. On 8 September 1980 a draft resolution (E/CN.4/Sub.2/L.759) was submitted by Mr. Amadeo, Mr. Bouhdiba, Mr. Ferrero, Mr. Fisek, Mr. Martínez-Baez, Mr. Martínez-Cobo, Mr. Singhvi and Mr. Whitaker. Mr. Carey later became a sponsor of the draft resolution. At the 891st meeting, the draft resolution was introduced by Mr. Singhvi.

274. The draft resolution, as orally revised by Mr. Bouhdiba, was adopted by 12 votes to none, with 6 abstentions.

275. The text of the resolution as adopted appears in chapter XVII, Section A, as resolution 10 (XXXIII).

XII. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

276. The Sub-Commission considered agenda item 6 at its 883rd to 890th and during the closed part of the 394th meetings, held on 5, 8, 9, 10 and 12 September 1980.

277. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

278. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

279. Four of the five members of the Working Group, Mr. Pirzada, Mr. Sofinsky, Mrs. Warzazi and Mr. Whitaker, attended the ninth annual session of the Working Group, to consider communications, together with replies of governments, received by the Secretary-General. The fifth member of the Working Group, from the Latin American region, and his alternate were unable to attend the meetings. The Sub-Commission had before it a confidential report of the Working Group (E/CN.4/Sub.2/R.39 and Addenda). The Chairman-Rapporteur of the Working Group, Mr. Whitaker, introduced the report. A detailed examination of the report followed.

280. During the closed part of the 394th meeting the Sub-Commission adopted a confidential report, by which it communicated its findings to the Commission on Human Rights.

XIII. STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

281. The Sub-Commission considered item 10 of its agenda at its 890th meeting on 10 August 1980.

282. The Sub-Commission had before it draft resolutions E/CN.4/Sub.2/L.760 and E/CN.4/Sub.2/L.763.

283. In his statement 1/, the Special Rapporteur, Mr. Martínez Cobo, said that although it had not been possible to present the final report on the study to the Sub-Commission at its current session, a further chapter of the study had been submitted for reproduction. Unfortunately, that report was not available in any of the languages necessary for its discussion by the Sub-Commission.

284. After the thirty-second session of the Sub-Commission, the Special Rapporteur had been faced with a choice. On the one hand, he could have prepared a great many chapters on the basis of the summaries of information then available. On the other hand, he could have completed preparation of the remaining summaries of information first, although that would have meant the submission of fewer chapters to the Sub-Commission at its thirty-third session. He had opted for the second course of action as in that way pending chapters could subsequently be prepared with due account being taken of the situation existing in all countries covered by the study, and the report submitted on that basis would not require any further addition or revision.

285. The report that had been prepared for the thirty-third session contained a chapter dealing with the right of indigenous populations to use their own languages and the use made of those languages in communications media and in official and unofficial matters, as well as in education and literacy programmes. It also contained a discussion of the technical study of indigenous languages and of the teaching of the official language to indigenous populations. Mr. Martínez Cobo said that he had currently refrained from further discussion of those matters, since the report had unfortunately not been available for discussion, as he had already explained. He proposed that all discussion of the item be deferred until the thirty-fourth session and that at its current session the Sub-Commission should confine itself to discussion of the two draft resolutions submitted on the subject; those draft resolutions could, perhaps, be combined into a single text. He referred to the statements made by the Chairman of the National Australian Aboriginal

1/ A fuller summary of the Special Rapporteur's statement appears in the summary record of the meeting (E/CN.4/Sub.2/SR.890).

Conference on behalf of the World Council of Indigenous Peoples and by the representative of the Australian Government, which would be taken into account in the study. He noted that the representative of the Australian Government had promised to bring the complaints of the aborigines to the attention of his Government. In conclusion, Mr. Martínez Cobo appealed to the Division of Human Rights to give him all necessary assistance to enable him to complete his study.

286. On 8 September 1980 a draft resolution (E/CN.4/Sub.2/L.760) was submitted by Mr. Whitaker. The draft resolution was introduced by him at the 890th meeting.

287. On 9 September 1980 a draft resolution (E/CN.4/Sub.2/L.763) was submitted by Mr. Bouhdiba, Mr. El Khani, Mr. Ferrero, Mr. Fisek and Mrs. Warzazi.

288. At the 890th meeting, Mr. Whitaker orally revised draft resolution E/CN.4/Sub.2/L.760 by adding to it, as the first preambular paragraph, the first two preambular paragraphs of draft resolution E/CN.4/Sub.2/L.763. In addition, the words "by the National Aboriginal Conference and by the Government of Australia" would be added to the existing third preambular paragraph of draft resolution E/CN.4/Sub.2/L.760. Those revisions were accepted by the sponsors of draft resolution E/CN.4/Sub.2/L.763. Paragraph 2 of draft resolution E/CN.4/Sub.2/L.760 was also amended, the word "possible" being replaced by the word "necessary".

289. Draft resolution E/CN.4/Sub.2/L.760, as revised and amended, was adopted without a vote.

290. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 (XXXIII).

XIV. SESSIONAL WORKING GROUP ON THE ENCOURAGEMENT OF
UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

291. The Sub-Commission considered agenda item 14 at its 857th and 892nd meetings on 19 August and 11 September 1980.
292. The Sub-Commission had before it the following documentation: a note of the Secretary-General containing a summary of information submitted by Governments in accordance with paragraph 2 of Sub-Commission resolution 1 B (XXXII) (E/CN.4/Sub.2/452 and Add.1 and 2), a written statement submitted by the International League for Human Rights (E/CN.4/Sub.2/NGO/82) and the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments (E/CN.4/Sub.2/453).
293. In accordance with Sub-Commission resolution 1 B (XXXII) of 5 September 1979, a sessional Working Group of Five on the encouragement of universal acceptance of human rights instruments was established by the Sub-Commission, and Mr. L.M. Singhvi was appointed Chairman-Rapporteur of the Group. The other members appointed were: Mr. Carey, Mr. Ferrero, Mr. Jimeta and Mr. Sofinsky.
294. The Group held six meetings, on 22, 28 and 29 August and 4, 5 and 9 September 1980. The report of the Working Group (E/CN.4/Sub.2/453) was submitted to the Sub-Commission by the Chairman-Rapporteur of the Working Group, who noted that a procedure for the Working Group had been established. As requested by the Sub-Commission in resolution 1 B (XXXII), the Working Group had examined replies received from certain Governments. Mr. Singhvi expressed gratitude to those Governments which had sent the information requested in paragraph 2 of resolution 1 B (XXXII) and thanked the observers for Australia, France and the Netherlands, who had provided oral clarification of the positions of their Governments.
295. The Sub-Commission, without a vote, took note of the report of the Working Group as orally corrected by Mr. Singhvi and approved paragraphs 29-31 thereof.
296. Paragraphs 5-31 of the report, as corrected, read as follows:
- "5. As this was its first session, the Working Group addressed itself to the question of defining its mandate according to Sub-Commission resolution 1 B (XXXII). Detailed discussions were held in respect of the procedure and methodology to be adopted by the Group.
- "6. The Working Group had before it replies of Governments which had responded to the note verbale addressed by the Secretary-General on 12 December 1979. As of 9 September 1980 the replies of the following States to the note of the Secretary-General were received: Australia, Ethiopia, Finland, France, Federal Republic of Germany, Iran, Iraq, Mexico, Morocco, Netherlands, Philippines, Rwanda, Solomon Islands, Surinam, Sweden, Syrian Arab Republic, United Republic of Cameroon, Uruguay, Denmark, and the United States of America. Some of the replying States had also raised questions of competence and jurisdiction. It was noted that a majority of Member States had not so far replied to the aforesaid note verbale. The Working Group also considered the question of adding a number of human rights instruments to the list referred to in paragraph 1 of resolution 1 B (XXXII).

"7. In connexion with the mandate of the Working Group in the terms of the above-mentioned resolution, the members commented in detail on the competence of the Sub-Commission: (a) to request Governments through the Secretary-General to forward information on the circumstances which had so far not enabled them to ratify or adhere to human rights instruments mentioned in resolution 1 B (XXXII): (b) to invite representatives of Governments for discussion with members of the Working Group with a view to providing further clarification.

"8. The Working Group reiterated the importance of universal participation in major human rights instruments. One member, however, expressed the view that it was the sovereign right of States to accede or not to accede to international instruments, and that it was beyond the terms of reference of the Sub-Commission itself to ask for clarifications or explanations as to why States had not ratified certain conventions.

"9. The opinion of the Legal Office of the United Nations in New York on this matter was read out at the second meeting of the Working Group and distributed by the Secretariat to the members of the Working Group (see Annex).

"10. Most members expressed the opinion that according to Sub-Commission resolution 1 B (XXXII) the Working Group was fully competent to request Governments through the Secretary-General to furnish information on the circumstances which had so far not enabled them to ratify or adhere to human rights instruments mentioned in resolution 1 B (XXXII) and to invite **representatives** of Governments concerned for discussion with members of the Working Group with the view to providing further clarification. It was pointed out that the Working Group had as its mandate to implement the terms of reference as defined in resolution 1 B (XXXII), and not to question them. It was noted that resolution 1 B (XXXII) was clear and unambiguous in its mandate. The Working Group was of the considered view that it should invite representatives of the Governments that had replied to the note of the Secretary-General and only if such replies required further clarification. Members pointed out that in any case the Working Group could only invite the representatives of the Governments concerned and not demand that State representatives appear before it. One member said that the invitation could also be declined.

"11. The debate on the competence of the Working Group concluded with the understanding among members that representative of States could be invited for discussions and clarifications after taking into consideration the above-mentioned reservations. It was further made clear by the Working Group that its task was not inquisitorial or adjudicatory; its task was to assist States and to encourage and facilitate universal acceptance of human rights instruments.

"12. The Working Group noted that several States had not so far responded to the note of the Secretary-General. The Working Group decided that the Secretary-General be requested to renew, at an early date, the invitation communicated by his note verbale dated 12 December 1979 to the Governments of Member States which have not so far replied to that communication. The Working Group further decided to examine the replies which may be received from Governments at the next session of the Working Group and, if necessary, to invite representatives of the Governments concerned for discussion with members of the Working Group with a view to obtaining further clarifications.

"13. The Working Group expressed its appreciation to the Governments that had co-operated with the Sub-Commission by replying to the note of the Secretary-General and to the representatives of the Governments of Australia, France and the Netherlands, who participated in the discussions of the Working Group and provided clarifications.

"14. Turning to the country-by-country examination of the information received from Governments, the Working Group considered replies from the Governments of Australia and Ethiopia and had the benefit of hearing the views of the representatives of Australia, France and the Netherlands who provided further clarifications. For lack of time, replies of other Governments could not be considered at the present session.

"15. Concerning the reply from Australia, members of the Working Group expressed their satisfaction with the co-operation of the Australian Government with the Sub-Commission and with the fact that Australia had ratified most human rights instruments referred to in resolution 1 B (XXXII). The Working Group noted with particular satisfaction that since it sent its reply on 1 May 1980, Australia had ratified the International Covenant on Civil and Political Rights. In respect to the non-accession of Australia to the Optional Protocol to the International Covenant on Civil and Political Rights and to the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Working Group felt that additional information would facilitate it in its tasks and therefore decided to invite the observer from Australia to participate in a discussion with members of the Working Group with a view to providing further clarifications.

"16. The representative of the Government of Australia made a statement on 4 September 1980 and provided further clarifications. The representative stated that, although his Government did not consider itself "formally required to provide information or additional information", it had decided to respond to the invitation of the Working Group out of respect for the Sub-Commission and for its work and independence. He further expressed his hope that the Sub-Commission would continue its efforts to obtain information from States which had not yet responded to the note of the Secretary-General and that his appearance before the Working Group would encourage other State representatives to do so.

"17. With regard to the Optional Protocol to the International Covenant on Civil and Political Rights, the representative of Australia informed the Working Group that, following the recent ratification of the Covenant itself, it was agreed among Federal and State Ministers that "time should be permitted for the establishment and evaluation of suitable domestic arrangements ... before looking to the question of recourse by individuals to international procedures".

"18. The difficulties in connexion with the Apartheid Convention pertained to the fact that this Convention "would require the vesting in Australian courts of extensive extra-territorial jurisdiction against non-nationals and in respect of acts done outside Australia". The Australian Government continued to condemn all forms of racism and apartheid as a cruel and degrading practice.

"19. The Working Group took note of this statement of the Australian representative and expressed its appreciation and gratitude to the Government of Australia for co-operating with the Working Group and clarifying its position on human rights instruments. Members also expressed their hope that other States would follow the example of Australia in that respect.

"20. Regarding the Apartheid Convention, one member requested further information as to whether the Australian Government envisaged alternative legislative and administrative measures for effectively prosecuting and punishing perpetrators of the crime of apartheid internationally and in the territory of Australia. He wanted to know if there was any other difficulty, so far as Australia was concerned, apart from the question of extra-territorial criminal responsibility and jurisdiction. Another member expressed a certain disappointment with the non-accession of Australia to the above-mentioned Convention.

"21. In connexion with the Optional Protocol, the representative was asked when his Government might be in a position to consider becoming a party to this instrument in the near future. One member requested information as to whether the agreement of all Australian States was needed before the ratification of the Protocol.

"22. The representative of Australia stressed that the ratification of human rights instruments was in an evolving state and was being continuously discussed in Australia. In regard to alternative measures to punish the crime of apartheid, he repeated to the Working Group that ratification of and accession to the international human rights instruments was under continuous consideration in Australia. He was not at this point instructed to give further clarifications on the specific question of alternative measures to punish the crime of apartheid. As to the ratification of the Optional Protocol and the need of concurrence of all Australian States, he stated that the problem was both legal and political and that the Australian Government followed the principle of co-operative federalism. The Working Group expressed its appreciation to the Government of Australia for its co-operation.

"23. Regarding the reply of the Government of Ethiopia, members commended the fact that Ethiopia had become party to most of the instruments referred to in resolution 1 B (XXXII) and that it contemplated the ratification of the two Covenants in the near future. Noting that there was no mention of the Optional Protocol in the Ethiopian reply, some members thought that the attention of the Government of Ethiopia may also be invited to the ratification of the Optional Protocol. The Working Group expressed its appreciation to the Ethiopian Government for responding to the note of the Secretary-General.

"24. The Working Group heard a statement made by the observer of France in connexion with its reply to the note of the Secretary-General. In his view the legal opinion produced by the Legal Office was not totally convincing. He believed that the Sub-Commission was acting beyond its terms of reference when it adopted resolution 1 B (XXXII). Nevertheless, the observer expressed the readiness of his Government to further co-operate with the Sub-Commission. He stated that the question of accession to the International Covenants was currently under consideration by the Senate. With regard to the Apartheid Convention, the observer for France pointed out that although his Government strongly condemned the crime of apartheid the Convention as drafted was not compatible with existing French law. The Working Group expressed its appreciation to the representative of France for his statement.

"25. The representative of the Netherlands addressed the Working Group on 5 September 1980 and welcomed its establishment "as a viable means of trying to get as many countries as possible to ratify human rights instruments". Although his Government did not feel obliged to respond to the invitation of the Working Group, it was willing to extend its co-operation to it. It was hoped that other States would follow the example of Australia, France and the Netherlands and enter into a constructive dialogue with members of the Working Group. It was also hoped that States which had not responded to the Secretary-General's note would be encouraged to do so.

"26. The representative stressed the importance of the procedure followed at the first session of the Working Group, as precedents were being created. He further took the opportunity to make two suggestions to the Working Group: (i) The term "human rights instruments" in resolution 1 B (XXXII) had been treated as if it meant human rights conventions. Technically, however, the word "instruments" might also apply to declarations promulgated by the General Assembly in the field of human rights, although from a legal point of view it would be difficult to speak of "acceptance" of a "declaration". The Working Group could be mandated to look into the matter of government action in the field of implementing the declarations that have not, as yet, been transformed into a convention. This might be done on the basis of questionnaires at first, and by inviting State representatives at a later stage; in that manner, for example, the questionnaire pertaining to the General Assembly's Declaration against Torture might be of assistance to the Sub-Commission; (ii) The representative of the Netherlands supported the suggestion submitted by the International League of Human Rights and contained in document E/CN.4/Sub.2/NGO/82. According to that suggestion, "the Secretariat could enhance the work of the Working Group by charging a high level official with an ongoing responsibility to consult with members of Permanent Missions and visiting government officials in New York and Geneva on how to overcome impediments to ratification. This official could inform them of the availability of the United Nations Human Rights Advisory Services and other technical services to advise on how to reconcile domestic laws with international standards".

"27. The representative further pointed out that the Netherlands had ratified all of the instruments listed in resolution 1 B (XXXII) except the Convention against Apartheid. His Government did not contemplate acceding to that Convention since it did not consider that instrument, from a legal point of view, a viable way of combating apartheid. Problems arose in regard to (a) the broad scope of definition of the crime of apartheid in article II, (b) the extent of criminal responsibility in article III, and (c) the extra-territorial jurisdiction that would flow from articles III and IV. The Government of the Netherlands continued to condemn apartheid as a cruel and inhuman policy and practice. The Working Group expressed its appreciation and gratitude to the representative of the Netherlands for his statement.

"28. The Working Group was unable to discuss the statements made by the representatives of France and the Netherlands.

"29. On the question of designating other human rights instruments under paragraph 1 of Sub-Commission resolution 1 B (XXXII), the Working Group decided to consider the entire question, including the question of designating the International Convention against the Taking of Hostages of 1979 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979, at its next session.

"30. The Working Group decided to request the Sub-Commission to allot more time to future sessions of the Working Group in view of the volume and complexity of the work entrusted to it.

"31. The Working Group also recommended that the Secretary-General be requested by the Sub-Commission to make a study on extra-territorial criminal responsibility, with special reference to the Convention against Apartheid and to make it available to the Working Group for its consideration at its next session.

ANNEX

(Opinion of the Legal Office of the United Nations)

"A. The Sub-Commission's capacity to seek information from Governments would seem to be inherent in the general mandate to undertake studies and make recommendations on matters within its competence. The capacity to collect information is a prerequisite for the effective accomplishment of the Sub-Commission's tasks. It should be noted in this connexion that when Mrs. Questiaux introduced the draft of resolution 1 B (XXXII) in the Sub-Commission she stated that "its purpose was to enable the Sub-Commission to study the reasons why the international instruments on human rights had not been ratified by States" (E/CN.4/Sub.2/SR.851, para. 38).

While the action taken and envisaged by the Sub-Commission in this particular case may seem to involve more than what originally seemed to be implied in the Sub-Commission's general terms of reference, it can be considered to be in line with developments in practice which have shown considerable broadening of the scope of the Sub-Commission's activity (including addressing Governments directly) and to which the parent bodies (Commission on Human Rights and ECOSOC) have not objected. Thus the basic legislative authority for the Sub-Commission's action under resolution 1 B (XXXII) can be considered to be primarily the Sub-Commission's general mandate to undertake studies and not ECOSOC resolution 1979/36 to which reference is made in the preamble to resolution 1 B (XXXII). The Sub-Commission's action was brought to the attention of the Commission on Human Rights through the report on the thirty-second session of the Sub-Commission and the Commission on Human Rights took note of that report without a vote (decision 7 (XXXVI) of the Commission on Human Rights).

"B. The Sub-Commission's reliance on the services of the Secretary-General to obtain information from Governments would seem to be appropriate in the light of the right of every United Nations body to be assisted in the accomplishment of its tasks by the Secretary-General as Chief Administrative Officer of the Organization (as defined by article 97 to the Charter). The Sub-Commission has thus addressed numerous requests for assistance directly to the Secretary-General. While article 98 of the Charter refers explicitly to the main organs of the United Nations, it does not imply that subsidiary organs do not enjoy similar assistance by the Secretary-General. In fact, the formulation of the first part of article 98 is not only repeated in the Rules of Procedure of the General Assembly and the Councils, but is also included in the Rules of Procedure of the Functional Commissions of ECOSOC under which the Sub-Commission operates and which provide in rule 25 that 'the Secretary-General shall act in that capacity in all meetings of the Commission'. In addition, according to rule 26 the Secretariat shall 'generally perform all other work that may be required'."

29/. For the text of the Sub-Commission's decision, see decision 2 in chapter XVII, section B.

XV. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND THE
DRAFT PROVISIONAL AGENDA FOR THE THIRTY-FOURTH SESSION OF THE
SUB-COMMISSION

298. The Sub-Commission considered agenda item 16 at its 893rd meeting on 12 September 1980.

299. The Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/L.756), prepared in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), containing a draft provisional agenda for the thirty-fourth session of the Sub-Commission and listing the documents to be submitted under each item and the legislative authority for their preparation.

300. The draft provisional agenda (E/CN.4/Sub.2/L.736), as revised to take account of the resolutions and decisions approved subsequent to its preparation, and as noted by the Sub-Commission, reads as follows: 1/

1. Election of officers
2. Adoption of the agenda
3. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO.

Legislative authority: Sub-Commission resolution 5 (XIV).

4. Measures to combat racism and racial discrimination and the role of the Sub-Commission

Report by Mr. Chowdhury*
Reports by the Secretary-General

Legislative authority: General Assembly resolution 3377 (XXX); Economic and Social Council resolution 1980/28; Sub-Commission resolutions 1 (XXXI), 2 A (XXXII), 3 (XXXIII) and 4 (XXXIII).

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

Report by Mr. Khalifa*

Legislative authority: General Assembly resolution 33/23; Economic and Social Council decision 1980/131; Commission resolutions 7 (XXXIII) and 11 (XXXVI); Sub-Commission resolutions 2 (XXXI) and 2 (XXXIII).

1/ An asterisk indicates that the document or report is likely to exceed the 32 pages referred to in Economic and Social Council resolution 1894 (LVII).

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Legislative authority: Economic and Social Council resolution 1235 (XLII) and Commission resolution 8 (XXIII).

7. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers.*

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

8. Question of the human rights of persons subjected to any form of detention or imprisonment

Report by Mrs. Questiaux*
Reports by the Secretary-General*

Legislative authority: Economic and Social Council resolution 1979/34; Commission resolution 17 (XXXV); Sub-Commission resolutions 7 (XXVII), 10 (XXX), 5 D (XXXI), 17 (XXXIII) and 18 (XXXIII).

9. Human rights and scientific and technological developments

Report by Mrs. Daes*
Report of the sessional Working Group
Report by a Special Rapporteur to be appointed*

Legislative authority: General Assembly resolution 33/53; Commission resolution 10 A and 10 B (XXXIII); Sub-Commission resolutions 11 (XXXIII) and 12 (XXXIII).

10. Study of the problem of discrimination against indigenous populations

Final report by the Special Rapporteur, Mr. Martínez Cobo*

Legislative authority: Economic and Social Council resolution 1589 (L) and Sub-Commission resolutions 8 (XXIV) and 5 (XXXIII).

11. The New International Economic Order and the Promotion of Human Rights

Report by Mr. Ferrero*

Legislative authority: Sub-Commission resolution 8 (XXXII); Commission resolution 18 (XXXVI); Economic and Social Council decision 1980/126.

12. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Report by the Working Group on Slavery on its seventh session
Reports by the Secretary-General*

Legislative authority: Economic and Social Council decision 16 (LVI) of 17 May 1974; Commission resolution 13 (XXIII) and Sub-Commission resolutions 11 (XXVII), 5 (XXIX), 6 B (XXXI), 8 (XXXIII) and 9 (XXXIII).

13. Exploitation of child labour

Report by Mr. Bouhdiba*
Report by the Working Group on Slavery on its seventh session

Legislative authority: Economic and Social Council decision 1980/125; Commission resolution 17 (XXXVI); Sub-Commission resolution 7 B (XXXII).

14. Report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments

Reports by the Secretary-General
Report of the Sessional Working Group on the encouragement of universal acceptance of human rights instruments

Legislative authority: Sub-Commission resolution 1 B (XXXII) and decision 2 (c) (XXXIII).

15. Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Report by Mr. Singhvi*

Legislative authority: Economic and Social Council decision 1980/124; Commission resolution 16 (XXXVI); Sub-Commission resolution 18 (XXXIII).

16. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-fifth session of the Sub-Commission

A note by the Secretary-General

Legislative authority: Resolution adopted by the Sub-Commission at its tenth session and Economic and Social Council resolution 1894 (LVII).

17. Report on the thirty-fourth session

Report of the Sub-Commission on its thirty-fourth session.

301. On 10 September 1980 a draft resolution (E/CN.4/Sub.2/L.765) was submitted by Mr. Sadi. Several members of the Sub-Commission said that their names should have been included in the list of sponsors. Mr. Bouhdiba, Mr. Carey, Mr. Jimeta, Mrs. Questiaux, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker later became sponsors of the draft resolution, which was introduced by Mr. Sadi at the 893rd meeting. Mr. Sofinsky declared his intention not to participate in the consideration of the draft resolution.

302. The draft resolution as orally revised was adopted by 14 votes to 1, with 2 abstentions.

303. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 27 (XXXIII).

XVI. ADOPTION OF THE REPORT

304. The Sub-Commission considered the draft report of its thirty-third session at its 894th meeting, on 12 September 1980, and adopted the report as amended without a vote.

XVII. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION
AT ITS THIRTY-THIRD SESSION

A. Resolutions

- 1 (XXXIII). Review of further developments in fields with which the Sub-Commission has been concerned 1/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the great importance of the item relating to the protection of the rights of migrant workers and their families,

Bearing in mind the decision by the General Assembly to create at its thirty-fifth session a working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling that the excellent study prepared by Mrs. Halima Warzazi on the exploitation of labour through illicit and clandestine trafficking 2/ has not yet been published,

1. Decides to request the Commission on Human Rights to ask the Economic and Social Council to arrange for the report by the Special Rapporteur, Mrs. Halima Warzazi, to be printed as soon as possible and given the widest possible dissemination;

2. Expresses the hope that Mrs. Warzazi will be able to participate in the working group that is to elaborate the draft international convention on the protection of the rights of all migrant workers and their families.

- 2 (XXXIII). Review of further developments in fields with which the Sub-Commission has been concerned 3/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides, in accordance with paragraph 8 of Commission on Human Rights resolution 11 (XXXVI) and decision 1980/131 of the Economic and Social Council of 2 May 1980, to mandate Mr. Ahmed Khalifa as Special Rapporteur,

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régimes in southern Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate and including explanations or responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

1/ Adopted at the 876th meeting, on 2 September 1980, without a vote. See chap. II.

2/ E/CN.4/Sub.2/L.640.

3/ Adopted at the 877th meeting, on 2 September 1980, without a vote. See chap. II.

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations, and such other sources as publications media, in order to demonstrate clearly the volume and nature of the assistance given to the racist régimes in southern Africa;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, including the necessary resources to pay for pertinent services solicited from various agencies;

3. Decides further to consider, henceforth, the topic entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa" as a separate item on its agenda.

3 (XXXIII). Measures to combat racism and racial discrimination and the role of the Sub-Commission 4/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the basic importance of human rights and fundamental freedoms for the maintenance of peace and in securing justice,

Recalling the discussions in the Sub-Commission at its thirty-second session and, in particular, its resolution 2 B (XXXII) adopted on 5 September 1979, as well as resolution 24 (XXXVI) of the Commission on Human Rights,

Recognizing the need to ensure effective measures for promoting human rights and safeguarding fundamental freedoms, and considering the great importance of economic, cultural, educational and psychological factors in that regard,

1. Recommends to the Commission on Human Rights that it make recommendations to the Economic and Social Council: (i) to consider the proposal to set up a human rights assistance fund to help countries to achieve, rapidly and in a practical and purposeful manner, at least the minimum standards of human rights laid down in the international instruments on human rights; (ii) to assist in the introduction of human rights education and, if practicable, of human rights centres in all schools, colleges and universities in all the countries of the world; and (iii) to request all Member States of the United Nations to translate important United Nations conventions, declarations and principles relating to Human Rights into their respective languages including, so far as practicable, languages spoken and used by minorities and other ethnic, cultural and linguistic groups;

2. Requests the Secretary-General to collect from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status information on how the immigration laws of Member States affect different races, on measures taken to eliminate racism and racial discrimination, if any, from such laws, and on any necessary further safeguards or guarantees against racism and racial discrimination in the administration of such laws and to transmit this information to the Sub-Commission at its thirty-fifth session.

4/ Adopted at the 883rd meeting, on 5 September 1980, without a vote. See chap. III.

3. Requests the Secretary-General to collect from Governments and non-governmental organizations in consultative status and provide to the Sub-Commission at its thirty-fourth session information on measures taken with a view to eliminating racism and racial discrimination, if any, (a) in public and private employment, including requirements such as "affirmative action" and (b) with respect to voting and election to public office.

4 (XXXIII). Measures to combat racism and racial discrimination and the role of the Sub-Commission 5/

The sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 2 (XXXII) on measures to combat racism and racial discrimination and the role of the Sub-Commission,

Taking into account resolution 14 (XXXVI) of the Commission on Human Rights,

Mindful of resolution 1980/28 of the Economic and Social Council,

Welcoming resolution 34/24 of the General Assembly and the four-year programme of activities to accelerate progress in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination as set forth in the annex to that resolution,

A.

1. Requests Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur for the study on discriminatory treatment against members of racial, ethnic, religious or linguistic groups at various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to all forms of racism, to prepare an action-oriented report paying particular attention to methods of action for combating discrimination in the administration of criminal justice;

2. Decides to consider the above-mentioned study at its thirty-fourth session, under an agenda item entitled "Measures to Combat Racism and Racial Discrimination and the Role of the Sub-Commission";

B.

Decides to consider, at its thirty-fourth and subsequent sessions, the question of political, economic, cultural and other factors underlying situations leading to racism and racial discrimination and methods of action for the eradication of such causes, taking into account the report 6/ of the United Nations seminar on this topic held in Nairobi in 1980, as well as other pertinent materials, including the deliberations of such seminars as may be organized in the future under the Programme of the Decade for Action to Combat Racism and Racial Discrimination;

5/ Adopted at the 883rd meeting, on 5 September 1980, without a vote. See chap. III.

6/ ST/HR/SER.A/7.

Bearing in mind also the statements made at the current session by the National Aboriginal Conference and by the Government of Australia concerning the situation of aborigines in Australia, in particular at Noonkanbah in Western Australia,

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights of indigenous populations,

Having noted with satisfaction the progress report given by the Special Rapporteur, Mr. José R. Martínez-Cobo, on the matter,

1. Expresses the hope that the study of the problem of discrimination against indigenous populations will be completed as a matter of urgency, in time for consideration by the Sub-Commission at its thirty-fourth session,

2. Decides to this end to request the Secretary-General to provide all necessary assistance to the Special Rapporteur so as to facilitate his work.

6 (XXXIII). The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law 9/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the recommendation 10/ concerning the elaboration of a study on the status of the individual in contemporary international law, contained in the study prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur, entitled "Study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law"; 11/

2. Recommends to the Commission on Human Rights that it adopted the following draft resolution:

"The Commission on Human Rights

1. Recommends to the Economic and Social Council that it authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate of preparing a study on the status of the individual in contemporary international human rights law. The Special Rapporteur, in preparing her study, should take into account, inter alia, the conclusions contained in the study entitled "study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" and the relevant comments made by the members of the Sub-Commission;

9/ Adopted at the 891st meeting, on 10 September 1980, by 16 votes to 2. See chap. VIII.

10/ E/CN.4/Sub.2/432/Rev.1, para. 673.

11/ E/CN.4/Sub.2/432/Rev.1 and E/CN.4/Sub.2/432/Add.1-7.

2. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work;

3. Requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its thirty-fifth session and her final report to the Sub-Commission at its thirty-sixth session."

7 (XXXIII). The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law 12/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered at its thirty-third session the study prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur, entitled "Study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" 13/

1. Expresses its deep appreciation to the Special Rapporteur for the excellent work she has accomplished;

2. Requests the Special Rapporteur to present the study, together with a select bibliography, to the Commission on Human Rights at its thirty-seventh session;

3. Requests the Secretary-General to provide any assistance which may be required by the Special Rapporteur in connexion with the verification of the relevant bibliography for the study;

4. Recommends to the Commission on Human Rights that it adopt the following draft resolution:

"The Commission on Human Rights

1. Recommends to the Economic and Social Council that it decide that the study prepared by Mrs. Erica-Irene A. Daes entitled "Study on the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" should be printed and given the widest possible distribution, including in Arabic;

2. Endorses the recommendation on teaching and education on human rights contained in part one of the study; 14/

12/ Adopted at the 891st meeting, on 10 September 1980, by 16 votes to 2.
See chap. VIII.

13/ E/CN.4/Sub.2/432/Rev.1 and E/CN.4/Sub.2/432/Add.1-7.

14/ E/CN.4/Sub.2/432/Rev.1, para. 673.

3. Authorizes the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to elaborate a draft declaration confirming common United Nations principles and standards defining limitations and restrictions on the exercise of certain human rights as recommended in chapter VI of part two of the study." 15/

8 (XXXIII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. 16/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the goals of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Noting with concern that the reports of the Working Group on Slavery on its fifth and sixth sessions 17/ contain evidence of the continuance of slavery-like practices in many countries of the world, including such abuses of human freedom and dignity as the sale of children, the exploitation of child labour, debt bondage, certain traditional practices affecting women, traffic in persons and the exploitation of the prostitution of others,

Noting that one of the conclusions in the report of the Secretary-General on apartheid as a collective form of slavery 18/ is that the apartheid system as a slavery-like practice rests on the enforced exploitation and repression of black workers and cannot be reformed but must be totally eradicated,

Noting with appreciation that a number of governments have submitted comments and information to the Working Group on Slavery in reply to its reports and requests,

I. General

1. Urges States which have not yet done so, to ratify without delay the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956;

2. Requests the Secretary-General to call upon States parties to these Conventions to submit regular reports on the situation in their countries, as provided for under the Conventions, and to call upon other States to supply relevant information to the Working Group on Slavery;

3. Recommends to the Commission on Human Rights that it resolve that the United Nations and the competent specialized agencies should have a special responsibility to create a sense of awareness in the world community, so that influence is brought to bear on Governments to put an end to such odious practices as slavery, the slave trade and the slavery-like practices of apartheid and colonialism;

15/ E/CN.4/Sub.2/432/Add.6.

16/ Adopted at the 891st meeting, on 10 September 1980, by 17 votes to none with 3 abstentions. See chap. V.

17/ E/CN.4/Sub.2/434, E/CN.4/Sub.2/447.

18/ E/CN.4/Sub.2/449.

4. Calls upon the mass media to disseminate information and to make their important contribution to the rapid elimination of slavery and the slave trade in all their practices and manifestations;

5. Proposes to the Commission on Human Rights that it consider establishing a human rights assistance fund to provide material support, including the appearance of witnesses before the Working Group on Slavery, to those areas of human rights where it is most needed;

6. Decides to resume annual consideration of the reports of the Working Group on Slavery;

II. The slavery-like practices of apartheid and colonialism

1. Decides to bring the report of the Secretary-General on apartheid as a collective form of slavery and the report on child labour in South Africa submitted to the Working Group on Slavery at its sixth session to the attention of the Ad Hoc Working Group of Experts on southern Africa, the Special Committee Against Apartheid, and the Director-General of the ILO for their consideration and such action as may be appropriate;

2. Strongly rejects the labour practices of the Government of South Africa, which constitute a modern form of slavery;

3. Strongly expresses its conviction that military, economic and other forms of collaboration with South Africa contribute to perpetuation of the slavery-like practice of apartheid, and expresses its support for wide and effective sanctions against the apartheid régime, and the General Assembly's decision to organize, in co-operation with the Organization of African Unity, an International Conference on Sanctions against South Africa, which is now scheduled for 1981;

III. Slavery and the slave trade

1. Notes with appreciation the information submitted by the Government of Australia 19/ and invites that Government to consider ratifying the Tribal and Indigenous Populations Convention (No. 107);

2. Requests the Secretary-General to bring the report concerning migrant workers submitted to the Working Group on Slavery at its fifth session to the attention of the Governments concerned, and to the attention of the Organization of American States and the relevant United Nations specialized agencies for comment;

3. Requests the Secretary-General to request information from the Government of Guatemala on such denunciations as are related to slavery-like practices in that country;

4. Expresses its appreciation to the Government of Mauritania on its decision to eradicate slavery from that country and invites it to supply information to the Working Group on the measures being taken to that effect;

IV. The sale of children

1. Invites the United Nations Children's Fund, the High Commissioner for Refugees, and the International Committee of the Red Cross to provide information to the Working Group concerning the sale of children for adoption;

2. Rejects the adoption of practices based on financial considerations in disregard of the welfare of the children involved, and calls for an immediate end to all such practices, in particular as they affect refugee children;

3. Requests the Secretary-General to bring the report on the sale of children in Thailand submitted to the Working Group at its sixth session to the attention of the Government of Thailand for comments;

4. Recommends to the Commission on Human Rights that it invite the Government of Thailand to adopt and officially enforce strict legislation on the prohibition of the sale of children and the punishment of offenders and to take practical economic and social steps to eliminate the causes of this form of slavery;

5. Once again invites the competent United Nations agencies to look into the question of the sale of children with a view to elaborating appropriate measures of technical assistance in the countries concerned, aimed at the elimination of the economic and social causes of the shameful, inhuman practice of the sale of children;

V. The exploitation of child labour

1. Requests the Secretary-General to bring the reports submitted to the Working Group at its sixth session on child labour in Italy, Spain, West Malaysia and Thailand to the attention of the Governments concerned for comments;

2. Once again calls on all Governments to ratify the ILO Convention on Minimum Age for Admission to Employment, 1973 (No. 138) and implement the relevant Recommendation, No. 146, and to ensure that adequate legislation to protect the rights of working children is enacted and properly enforced;

3. Requests the Secretary-General to bring the documentation on child labour submitted to the Working Group on Slavery at its fifth and sixth sessions to the attention of the ILO for use in its general survey, under article 19 of the ILO Constitution, concerning the Minimum Age Convention, and to the attention of UNDP as it may assist the Programme in its planning of programmes for specially deprived areas;

4. Invites UNESCO to inform Member States of its readiness to provide assistance for the development and adaptation of their educational systems to the specific needs of working children; 20/

VI. Debt bondage

1. Requests the Secretary-General to bring the reports of the Working Group on its fifth and sixth sessions, together with supporting documentation on debt bondage, to the attention of the Government of India for information;
2. Invites the Secretariat to give priority to the study of debt bondage requested in Sub-Commission resolution 6 B (XXXI).
3. Requests the Secretariat to examine the possibility of organizing a round-table or symposium on debt bondage, with the participation of experts, the specialized agencies and all concerned parts of the United Nations system, as part of its advisory services programme, in order that the problem may be studied in depth;

VII. The traffic in persons and the exploitation of the prostitution of others

1. Calls on States to give publicity to cases of the traffic in persons so that people may be persuaded of the dangers which exist, and invites them to take more effective measures to put an end to the traffic in women both within their countries and across international borders.

- 9 (XXXIII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. Apartheid as a collective form of slavery 21/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the report of the Working Group on Slavery on its sixth session, 22/

Having also examined the report of the Secretary-General entitled "Apartheid as a collective form of slavery", 23/

Mindful of the important role that full enjoyment of human rights and fundamental freedoms can play in the promotion of peace and justice,

Recalling various United Nations decisions and resolutions denouncing the principles and practices of the apartheid régime, including General Assembly resolution No. 34/93 C which called for the organization of an International Conference on Sanctions against South Africa,

21/ Adopted at the 891st meeting, on 10 September 1980, by 20 votes to none, with 1 abstention. See chap. V.

22/ E/CN.4/Sub.2/447.

23/ E/CN.4/Sub.2/449.

1. Endorses the recommendations of the Working Group concerning apartheid as a collective form of slavery and submits these to the Commission on Human Rights for further consideration;
2. Takes note with appreciation of the Secretary-General's report on apartheid as a collective form of slavery, which constitutes a major contribution to the anti-slavery activities of the United Nations;
3. Recommends that the Commission on Human Rights should consider that report, together with the Sub-Commission's comments on it, with a view to recommending appropriate action against apartheid, including mandatory sanctions against South Africa in accordance with the Charter of the United Nations;
4. Requests the Secretary-General to bring the report to the attention of all Member States and competent United Nations bodies, including the International Court of Justice, in order that they may assess the conclusions of the report, including, in particular, those to the effect that:
 - (a) Apartheid which was introduced in 1948, as official Government policy, represented a systematization and formalization of controls over the black people of South Africa and was extended to the entire country with a view to maintaining the slavery and the slavery-like practices imposed by the white settlers during the early stages of their penetration and settlement of South Africa;
 - (b) The Government of South Africa has continued, through repressive legislation since 1948, to enforce the system of apartheid as a slavery-like practice despite the growing resistance of the black population in South Africa;
 - (c) In agriculture, the conditions of exploitation of black workers similar to those indicated in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and in the Forced Labour Convention of 1930, continue to exist on white farms of South Africa;
5. Decides to consider developments related to the findings of the report at its next session.

10 (XXXIII). Rights of persons belonging to ethnic, religious and linguistic minorities 24/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its long-standing concern for the elimination of religious intolerance, as evidenced by its many years of work to draft an instrument to combat discrimination and intolerance based on religion or belief.

Bearing in mind article 18 of the Universal Declaration of Human Rights, which proclaims the fundamental right of everyone to "freedom of thought, conscience and religion," and article 18 of the International Covenant on Civil and Political Rights, which provides that everyone shall have the right to freedom of religion, which includes "freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching," and, further, that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice,"

Having now heard statements regarding the serious violation of human rights and fundamental freedoms being experienced by the Bahá'í community of Iran,

1. Expresses its profound concern for the safety of the recently arrested members of the elected National Administrative Council of the Bahá'í of Iran, and that of all members of this community, both as individuals and collectively;

2. Requests the Secretary-General to transmit this concern to the Government of the Islamic Republic of Iran, and to invite that Government to express its commitment to the guarantees provided in the above-mentioned International Covenant on Civil and Political Rights, ratified by that State, by granting full protection of fundamental rights and freedoms to the Bahá'í religious community in Iran, and by protecting the life and liberty of the members of that Bahá'í community.

11 (XXXIII). Human rights and scientific and technological developments 25/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 33/35 of 14 December 1978,

Bearing in mind Commission on Human Rights resolution 10 A (XXXIII) of 11 March 1977, in which the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, with a view to formulating guidelines, the question of the protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity,

Having considered the report by the Secretary-General on medical measures that may properly be employed in the treatment of persons detained on the grounds of mental ill-health, 26/

Noting the Draft Body of Principles for the Protection of Persons Suffering from Mental Disorder 27/, which was submitted to it at its thirty-third session,

Aware that the General Assembly has proclaimed the year 1981 International Year of Disabled Persons, and eager to contribute to the protection of mentally disabled persons,

1. Entrusts its member Mrs. Erica-Irene A. Daes with the task of studying available documents and the replies of Governments and specialized agencies with a view to elaborating and submitting to the Sub-Commission at its thirty-fourth session:

25/ Adopted at the 891st meeting, on 10 September 1980, without a vote. See chap X.

26/ E/CN.4/Sub.2/446.

27/ E/CN.4/Sub.2/NGO.81.

(a) guidelines related to procedures for determining whether adequate grounds exist for detaining persons on the grounds of mental ill-health, and (b) principles for the protection, in general, of persons suffering from mental disorder;

2. Requests the Secretary-General to transmit a questionnaire, prepared by Mrs. Erica-Irene A. Daes, to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations concerned, and to request them to submit, as soon as possible, such comments, views and observations as they may wish to make;

3. Requests the Secretary-General to give to the Rapporteur all the assistance that she may require in her work;

4. Requests the Rapporteur to submit her report, with a draft body of guidelines and principles for the protection of persons detained on the grounds of mental ill-health, to the Sub-Commission at, in principle, its thirty-fourth session;

5. Decides to establish at its thirty-fourth session a sessional working group to consider the draft body of guidelines and principles prepared by the Rapporteur, with a view to adopting it at its thirty-fourth session.

12 (XXXVIII). Human rights and scientific and technological
Developments 28/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which recognize the protection of individual privacy as a fundamental right,

Taking into consideration the Proclamation of Teheran adopted on 13 May 1968 by the International Conference on Human Rights, which urges the international community to give continuing attention to the need for a just balance to be maintained between the essential progress offered by scientific and technological discoveries and the protection required when such discoveries endanger the rights and freedoms of individuals,

Recalling General Assembly resolutions 2450 (XXIII) of 19 December 1968, 3268 (XXIX) of 10 December 1974, 3384 (XXX) of 10 November 1975 and 31/128 of 17 December 1976, concerning the use of scientific and technological developments in the interests of mankind,

Bearing in mind Commission on Human Rights resolution 10 B (XXXIII) and the numerous studies carried out at the request of the General Assembly, in particular the report of the Secretary-General 29/ dated 31 January 1974 on the uses of electronics which may affect the rights of the person and the limits which should be placed on such uses in a democratic society,

28/ Adopted at the 892nd meeting, on 11 September 1980, without a vote. See chap. X.

29/ E/CN.4/1142 and Corr.1 and Add.1 and 2.

Noting that one of the consequences of the use of computers, which now affects most regions of the world, is the increasingly frequent recourse to computerized personal files,

Noting further that the concentration of personal particulars in such files entails grave risks of interference with the privacy of individuals and the exercise of their freedoms,

Noting also that, apart from States, international intergovernmental and regional organizations are keeping an increasing number of computerized personal files for their own purposes,

Convinced of the need for immediate appropriate action to develop guidelines based on the above-mentioned studies, with a view to inviting States Members of the United Nations and international, intergovernmental or regional agencies using data processing to adopt rules of protection based on those guidelines,

1. Requests the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to designate one of its currently serving members to undertake a study of the relevant guidelines in this area;

2. Requests the member so designated to submit his study and his proposals to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fourth session.

13 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 30/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council resolution 1980/124 asking the Sub-Commission to prepare a report on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers to the end that there shall be no discrimination in the administration of justice and to the end that human rights and fundamental freedoms may be maintained and safeguarded,

Mindful of the essential role played by judges and lawyers in the protection and promotion of human rights and fundamental freedoms,

Considering that associations of judges and lawyers reinforce the professional competence and independence of judges and lawyers and thus aid them in fulfilling this role,

Considering that freedom of association is thus vested with particular importance for these professions,

Calls upon all States fully to respect and guarantee the right of all judges and lawyers freely and without interference to form or participate in professional organizations of their own.

30/ Adopted at the 892nd meeting, on 11 September 1980, by 19 votes to none, with 1 abstention. See chap. VII.

14 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 31/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and international instruments for the protection of human rights and fundamental freedoms,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly on 9 December 1975,

Recognizing that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel,

Taking into consideration the reports of the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

Being informed of persistent reports that the conditions suffered by Palestinian detainees and prisoners in Israeli prisons is cruel, inhuman and degrading, especially in the Israeli prison situated in the Negev,

Having considered the letter from the Ambassador and Permanent Representative of Israel dated 9 September 1980,

1. Regrets and rejects the aspersions cast by the Government of Israel on the objectivity of the Sub-Commission in its aforesaid letter of 9 September 1980;
2. Requests the Chairman of the Sub-Commission to appoint up to three members of the Sub-Commission to visit Israeli prisons and detention camps in which Palestinian Arab prisoners and detainees are held and to report on the conditions of those prisoners and detainees;
3. Invites Israel to agree to receive and to co-operate with the members of the Sub-Commission appointed under paragraph 2 above and provide them with all assistance in order that they may carry out their mandate without hindrance, allowing them to conduct on-the-spot investigations of Israeli prisons and detention camps and free access to Palestinian prisoners and detainees.

15 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 32/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and international instruments for the protection of human rights and fundamental freedoms,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly on 9 December 1975,

31/ Adopted at the 892nd meeting, on 11 September 1980, by 17 votes to none, with 4 abstentions. See chap. VII.

32/ Adopted at the 892nd meeting, on 11 September 1980, by 14 votes to 1, with 5 abstentions. See chap. VII.

Recognizing that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel,

Taking into consideration the reports of the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

Aware of persistent reliable reports that the conditions suffered by Palestinian detainees and prisoners in Israeli prisons is cruel, inhuman and degrading especially in the Israeli prison situated in the Negev,

1. Condemns Israeli violations of the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant United Nations instruments on human rights,

2. Calls on Israel to release all Palestinian political detainees or prisoners and to ameliorate the conditions of all detainees and prisoners held in Israeli prisons with a view to meeting international standards.

16 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 33/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 5 A (XXXII), resolution 16 (XXXVI) of the Commission on Human Rights and decision 1980/124 of the Economic and Social Council by which Mr. L.M. Singhvi was designated Special Rapporteur for the preparation of a report on the independence and impartiality of judiciary, jurors and assessors and the independence of lawyers, to the end that there shall be no discrimination in the administration of justice and that human rights and fundamental freedoms may be maintained and safeguarded,

Noting with appreciation the preliminary report submitted by the Special Rapporteur, 34/

1. Requests the Secretary-General to invite Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to transmit, on the basis of a questionnaire, to the Special Rapporteur, through the Secretary-General, any comments, views or materials, including constitutional, legislative or administrative provisions and practice, and decisions of courts and tribunals, which may be relevant in the preparation of the report;

2. Requests the Secretary-General to consider the possibility of organizing, within the framework of the advisory services in the field of human rights, a seminar on the independence and impartiality of judiciary, jurors and assessors and the independence of lawyers in different legal systems, which would assist the Special Rapporteur in carrying out and completing his task;

33/ Adopted at the 892nd meeting, on 11 September 1980, without a vote. See chap. VII.

34/ E/CN.4/Sub.2/L.731.

3. Requests the Special Rapporteur, in the preparation of his study, to give due attention to ways and means whereby the judiciary and the legal profession can contribute to maintaining and safeguarding respect for human rights and fundamental freedoms,
4. Decides to include, as a separate subject on the agenda of its thirty-fourth session, the item "Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers".

17 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 35/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 7 (XXVII), 4 (XXVIII), 3 A (XXIX), 7 (XXX) and 5 C (XXXI) relating to the annual review of developments in the field of the human rights of persons subjected to any form of detention or imprisonment,

Noting with concern from the information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations that various forms of gross violations of human rights continue to affect persons subjected to detention or imprisonment,

Stressing the need for continuous and up-to-date information from all reliable sources in order to carry out its annual review of developments in the field of the human rights of persons subjected to any form of detention or imprisonment,

Recalling its recommendation that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of a working group of the Sub-Commission to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of development in this field,

Convinced that the establishment of such a working group would enable the Sub-Commission to advance further in its consideration of this item,

1. Reiterates strongly its recommendation that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days prior to each session of the Sub-Commission, beginning with the thirty-fourth session of the Sub-Commission, to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field;

2. Requests the Secretary-General to invite, for the next annual review of this question at its thirty-fourth session, Governments, specialized agencies, regional intergovernmental organizations, INTERPOL and non-governmental organizations in consultative status with the Economic and Social Council to provide any reliably attested information, and further requests the Secretary-General to submit in good time before its next session (or that of its working group if established in pursuance of paragraph 1 above) the information received from Governments, specialized agencies, regional intergovernmental organizations and INTERPOL, together with a synopsis of the material received from non-governmental organizations.

18 (XXXIII). Question of the human rights of persons subjected to any form of detention or imprisonment 36/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 33/173 of 20 December 1978 entitled "Disappeared persons",

Bearing in mind its resolution 5 B (XXXII) on the question of enforced or involuntary disappearances of persons,

Taking account of resolution 20 (XXXVI) of the Commission on Human Rights and welcoming the establishment of the Working Group on Enforced or Involuntary Disappearances,

Noting resolution 23 of the World Conference of the United Nations Decade for Women entitled "Question of Missing and Disappeared Persons" which, inter alia, laid great stress, on measure to prevent disappearances of persons,

Gravely concerned at reports of continuing occurrences of enforced or involuntary disappearances in various parts of the world,

Expressing its deepest concern at the danger to the life, liberty and physical security of persons subjected to enforced or involuntary disappearances and for the anguish and sorrow caused to relatives of those persons,

Emphasizing the importance for Governments, relevant United Nations organs, specialized agencies, intergovernmental organizations and humanitarian bodies to co-operate for the purpose of bringing an end to the occurrence of enforced or involuntary disappearances and of determining the whereabouts or fate of missing or disappeared persons,

1. Urges the Commission on Human Rights, in view of the continuing seriousness and scale of the question of missing and disappeared persons, to extend the mandate of its Working Group on Enforced or Involuntary Disappearances;

2. Emphasizes that the extreme gravity of enforced or involuntary disappearances necessitates emergency action by the Working Group of the Commission, by other organs in the United Nations system, as well as by the Secretary-General;

3. Urges the Secretary-General to continue to exercise his good offices, as requested by the General Assembly, in cases of enforced or involuntary disappearances of persons, paying particular attention to urgent cases where action is necessary to preserve the life or integrity of individuals;

4. Decides to study further, at its thirty-fourth session, the question of missing persons and of enforced or involuntary disappearances of persons, especially as regards:

(a) The adequacy of methods utilized at the domestic and international levels in searching for missing and disappeared persons and in undertaking speedy and impartial investigations;

36/ Adopted at the 892nd meeting, on 11 September 1980, by 14 votes to none, with 3 abstentions. See chap. VII.

(b) The adequacy of methods for ensuring that law enforcement and security authorities or organizations are fully accountable especially in law, in the discharge of their duties, taking into account, as stated by the General Assembly, that such accountability includes legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights;

(c) Procedures for regarding as official the detention without trial as an emergency preventive measure of any person held on premises whether or not intended for that purpose;

(d) The adequacy of the protection of persons who provide information about disappeared persons, particularly the protection of witnesses and journalists who furnish such informatio ;

(e) Procedures for effective reporting, monitoring and appraisal of cases of missing persons and of enforced and involuntary disappearances, including cases in which an authority implicated on the basis of relevant facts contents itself with replying by denials without due investigation and without showing itself ready to investigate and to set up an inquiry for the purpose, and when such situations occur, procedures providing for publication of findings relating to such situations;

5. Requests the Secretary-General to invite Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations to transmit to the Commission at its thirty-seventh session and to the Sub-Commission at its thirty-fourth session, through the Secretary-General, information, views or comments on the matters mentioned in the preceding paragraph;

6. Decides to consider the question of missing and disappeared persons as a matter of high priority at its thirty-fourth session under the agenda item on the question of the human rights of persons subjected to any form of detention or imprisonment.

19 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 37/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling paragraph 2 of resolution 8 (XXIII) of the Commission on Human Rights of 16 March 1967 which requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources,

Recognizing that the sources of information available to the Sub-Commission are limited and dependent mostly on non-governmental organizations,

Recognizing further that the Sub-Commission in order to carry out the mandate given to it requires adequate information reflecting the situation in different countries and under different systems,

37/ Adopted at the 892nd meeting, on 11 September 1980, without a vote.
See chap. IX.

1. Recommends the establishment of an information-gathering service within the United Nations Division of Human Rights,

2. Calls on the Economic and Social Council to seek authorization for the establishment of such a service and provide funds and personnel for this purpose.

20 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 38/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles and purposes of the Charter of the United Nations, the many resolutions of the General Assembly and decisions of the Security Council and of the Commission on Human Rights concerning the question of Palestine,

Guided further by the Universal Declaration of Human Rights and the principles and provisions of the Geneva Conventions, particularly the fourth Convention,

Guided also by resolutions ES-7/2 and ES-7/3 on the question of Palestine adopted by the General Assembly on 1 August 1980 at its seventh emergency special session,

Deploring the refusal of the Israeli authorities to abide by the relevant resolutions of the General Assembly and the decisions of the Security Council, mainly decisions Nos. 446 (1979), 465 (1980) and 476 (1980) concerning the status of the Holy City of Jerusalem,

Gravely concerned by reports of continuing inhuman Israeli practices in the occupied Arab territories,

1. Expresses its thanks to the Secretary-General of the United Nations for having supplied the Sub-Commission with valuable reports, studies, documents, including document E/CN.4/Sub.2/454, statistics and the texts of relevant decisions and resolutions concerning the Palestinian question and describing the multiple violations of human rights committed by Israeli authorities against the Arab population in the occupied territories, and requests the Secretary-General to draw upon all the new documents and studies at his disposal and to submit a detailed up-to-date and revised report to the Sub-Commission in its thirty-fourth session;

2. Reaffirms the principle of the inadmissibility of the acquisition of territory by force and urges the Israeli authorities to withdraw from all the occupied Arab territories, including the Holy City of Jerusalem, and to stop immediately all excavation and works aimed at the destruction of the essential physical character, demographic composition, historical structure, institutional structure and status of the Holy City of Jerusalem;

3. Deeply deplores the reported violations of human rights committed by Israeli authorities in the occupied Arab territories, including the Holy City of Jerusalem;

4. Strongly disapproves of and regrets the refusal of Israel to implement the relevant resolutions and decisions of the General Assembly and the Security Council concerning the Holy City of Jerusalem;

5. Requests the Commission on Human Rights and the Economic and Social Council to take, as a matter of urgency, the necessary measures for the implementation of this resolution.

38/ Adopted at the 892nd meeting, on 11 September 1980, by 17 votes to 1, with 1 abstention. See chap. IX.

21 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 39/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the release of several United States citizens with diplomatic or consular status held in Iran, on grounds of mercy and compassion, illness and other considerations,

Believing that considerations of mercy and compassion are equally applicable to the United States citizens still held in Iran, who have been allowed little or no communication with the outside world for over 300 days,

Expressing its concern about the possible effect upon the traditionally recognized principles of diplomatic immunity of the non-observance of such principles,

1. Urges the Government of the Islamic Republic of Iran and all the authorities concerned, despite bitter memories and the grave injustices which the Iranian people have suffered, to continue and intensify efforts for the immediate release of the United States citizens held in Iran since November 1979, so that they may return to their homes and families and resume a normal life, in accordance with the spirit of Islam and basic humanitarian principles, the Universal Declaration of Human Rights and other applicable obligations under international law;

2. Appeals to all countries to refrain from any action which might hamper the solution of the problem of the hostages.

22 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 40/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 8 (XXIII) of the Commission on Human Rights of 16 March 1967, in paragraph 2 of which the Commission requested the Sub-Commission to prepare, for its use, a report containing information on violations of human rights and fundamental freedoms from all available sources, and in paragraph 6 of which the Commission invited the Sub-Commission to bring to its attention any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories,

Having considered at its thirty-third session numerous allegations which may reveal such patterns of violations but which the Sub-Commission wishes to verify by independent fact-finding before bringing them to the attention of the Commission,

39/ Adopted at the 893rd meeting, on 12 September 1980, by 14 votes to none, with 2 abstentions. See chap. IX.

40/ Adopted at the 893rd meeting, on 12 September 1980, by 11 votes to 6, with 3 abstentions. See chap. IX.

Requests the Commission on Human Rights, at its thirty-seventh session, to authorize the Chairman elected by the Sub-Commission at its thirty-third session, in consultation with the Vice-Chairmen and Rapporteur then elected, and with the Secretary-General, and with the consent of the governmental authorities concerned, to make arrangements for one or more of the members of the Sub-Commission elected by the Commission on Human Rights at its thirty-seventh session to visit any countries which were the subject of discussion at the Sub-Commission's thirty-third session with a view to examining first-hand and reporting to the Sub-Commission at its thirty-fourth session upon human rights problems in those countries, together with any other human rights problems of comparable magnitude which may come to the attention of such member or members during their examination.

23 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 41/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 8 (XXIII) of the Commission on Human Rights and resolution 1235 (XLII) of the Economic and Social Council,

Deeply concerned about serious and reliable reports of gross violations of human rights in Bolivia,

1. Makes an urgent appeal to the Government of Bolivia to respect the Universal Declaration of Human Rights and to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms in Bolivia, particularly when there are threats to human life and liberty;
2. Recommends that the Commission on Human Rights at its thirty-seventh session study reported violations of human rights in Bolivia and take urgent measures aimed at the restoration of human rights in that country;
3. Requests Governments, specialized agencies, other intergovernmental organizations as well as non-governmental organizations in consultative status to submit to the Secretary-General for transmittal to the Commission on Human Rights recent and reliable information on violations of human rights in Bolivia;
4. Requests Mrs. Halima Embarek Warzazi to make an analysis of the information received by the Secretary-General in accordance with paragraph 3 above and to present this analysis together with such recommendations as she deems appropriate to the Commission on Human Rights at its thirty-seventh session;
5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Bolivia.

41/ Adopted at the 893rd meeting, on 12 September 1980, by 15 votes to none, with 3 abstentions. See chap. IX.

- 24 (XXXIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories 42/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights decision 9 (XXXIV) and Commission on Human Rights resolution 29 (XXXVI) on the human rights situation in Democratic Kampuchea,

Further recalling its resolution 4 B (XXXIII) in which it expressed its appreciation to Mr. A. Bouhdiba for his highly competent analysis of the situation of human rights in Kampuchea,

Having considered, in accordance with paragraph 10 of resolution 29 (XXXVI) of the Commission on Human Rights, the careful and objective review of further materials on the human rights situation in Kampuchea which was undertaken by Mr. Bouhdiba,

1. Expresses, once again, its appreciation to Mr. A. Bouhdiba for his very conscientious work in analysing the situation of human rights in Kampuchea;
2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-seventh session the further materials reviewed by Mr. Bouhdiba, together with the summary records of the Sub-Commission's consideration of the matter at its thirty-third session, including Mr. Bouhdiba's statement to the Sub-Commission;
3. Recommends to the Commission on Human Rights that it should keep the situation of human rights in Kampuchea under continuing review and, to this end, to consider inviting the Secretary-General to designate a Special Representative to assist in restoring full respect for human rights and fundamental freedoms as speedily as possible in Kampuchea.

- 25 (XXXIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories 43/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 8 (XXIII) of the Commission on Human Rights,

Mindful of its experience in considering situations of violations of human rights, including those referred to it by the Commission on Human Rights,

Noting that as regards forms of urgent action, the Sub-Commission has been used in the past as a forum to discuss situations, to adopt resolutions expressing concern thereon, or to draw situations to the attention of organs such as the General Assembly and the Commission on Human Rights,

42/ Adopted at the 893rd meeting, on 12 September 1980, by 11 votes to 3, with 4 abstentions. See chap. IX.

43/ Adopted at the 893rd meeting, on 12 September 1980, by 16 votes to 3, with 1 abstention. See chap. IX.

Recalling the provisions of paragraphs 4 and 5 of resolution 28 (XXXVI) of the Commission on Human Rights on the possibility of the creation of an intersessional role for the Commission's Bureau and on the possible need for convening emergency sessions of the Commission in order to consider responding to reports of mass and flagrant violations of human rights of an urgent nature;

Conscious of the needs to develop further the possibilities open to the United Nations for dealing with situations of gross violations of human rights of an urgent nature which may arise, particularly in periods when neither the Commission nor the Sub-Commission is in session,

1. Decides to inform the Commission of its readiness to assist the Commission in responding to reports of mass and flagrant violations of human rights of an urgent nature and, to this end, recommends that the Commission, in considering this matter, should give attention also to ways and means by which the Sub-Commission, particularly having regard to the expert character of its composition, can contribute to the response of the United Nations to reports of mass and flagrant violations of human rights of an urgent nature;
2. Decides, in this regard, to draw the attention of the Commission to the ideas contained in the annex to the present resolution in connexion with possible future roles of the Sub-Commission as part of United Nations responses to emergency situations of violations of human rights;
3. Urges the Commission to consider approaches to the handling of emergency situations by the United Nations which seek to complement the activities of the Commission by utilizing the possibilities of the various Charter-based human rights organs which meet outside of the annual session of the Commission, such as the General Assembly, the Security Council and the Economic and Social Council, and by drawing upon the possible assistance of subsidiary organs such as the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
4. Recommends to the Commission on Human Rights that it recommend the Economic and Social Council to consider including as a regular item on its agenda the question of emergency situations of violations of human rights;
5. Suggests also that due consideration be given to the various useful avenues open to the Secretary-General in responding to reports of mass and flagrant violations of human rights of an urgent nature by, for example, bringing a United Nations presence to bear on situations through the exercise of his good offices, through personal contacts, the use of special representatives, members of the United Nations Secretariat, United Nations field officers, other emissaries, or through other appropriate discreet methods;
6. Requests the Secretary-General to inform the Sub-Commission at its thirty-fourth session of the deliberations of the Commission on this matter, as well as of any consideration which may be given to it by the General Assembly, the Economic and Social Council or the Security Council.

ANNEX

Ideas which may be considered in connexion with possible future roles of the Sub-Commission as part of United Nations responses to urgent situations of violations of human rights

- (1) The Sub-Commission may be used as a forum for discussing emergency situations or for expressing international concern thereon.
- (2) The Sub-Commission may seek appropriate channels within the United Nations to bring a United Nations presence to bear upon situations as a matter of urgency. This could be done, for example, by the Sub-Commission drawing a situation to the attention of the President of the General Assembly, the President of the Security Council, the President of the Economic and Social Council, the Chairman of the Commission on Human Rights, or the Secretary-General, as appropriate, with a view to their interceding with the Government concerned or taking other appropriate action.
- (3) In particularly serious instances the Sub-Commission could draw a situation directly to the attention of the General Assembly, which meets shortly after the sessions of the Sub-Commission.
- (4) The Sub-Commission could suggest the inclusion in the agenda of the next session of the Commission of an item or a subitem on a specific situation or on emergency situations.
- (5) The Sub-Commission could, in situations which it considers especially serious, designate one of its members to make an analysis of the information available on that situation and present that analysis to the Commission on Human Rights at its next session.
- (6) In situations considered by the Sub-Commission, the Sub-Commission could be granted the competence to intercede, through the Secretary-General, directly with Governments concerned if this appears necessary in order to save lives or to prevent imminent danger to life or physical integrity or security.
- (7) Consideration could be given to the possibility of utilizing the Bureau of the Sub-Commission to respond to emergency situations of violations of human rights, particularly having regard to the expert character of the membership of the Sub-Commission and of its Bureau.

26 (XXXIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries with particular reference to colonial and other dependent countries and territories 44/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the importance of universal respect for the principle of equal rights and self-determination of peoples, enshrined in the Charter of the United Nations and embodied in the International Covenant on Civil and Political Rights,

Welcoming the progressive exercise of the right of self-determination by peoples formerly under colonial and alien domination and their emergency into sovereign Statehood and independence,

Deeply concerned that the right of self-determination of a growing number of sovereign peoples and nations is being suppressed particularly through the increasing incidence of foreign military intervention and occupation,

Further concerned that the problem of international refugees has reached unprecedented proportions as a consequence of such actions,

Noting the relevant resolutions of the Commission on Human Rights regarding the violation of the right of self-determination and of other human rights of peoples as a result of military intervention and foreign occupation,

1. Reaffirms that universal respect for the right of peoples to self-determination is the most fundamental condition for the preservation and promotion of human rights in various parts of the world;
2. Declares its firm opposition to acts of foreign military intervention and occupation which result in the suppression of the right of self-determination and other human rights of peoples in various parts of the world;
3. Calls upon those States responsible for such acts, pending the cessation of their military intervention and occupation of foreign countries and territories, to cease all acts of suppression against the peoples concerned including innocent men, women and children, particularly the brutal and inhuman methods reported employed for this purpose;
4. Expresses its deep sympathy and support for the plight of the hundreds and thousands of refugees who have been driven away from their countries as a result of military occupation and intervention and reaffirms their right to return voluntarily to their countries;
5. Recommends that the Commission on Human Rights give special attention to the violation of the right of self-determination and other human rights resulting from foreign military intervention or occupation.

44/ Adopted at the 893rd meeting, on 12 September 1980, by 12 votes to 1, with 3 abstentions. See chap. IX.

27 (XXXIII). Consideration of the future work of the sub-commission and of the draft provisional agenda for the thirty-fourth session of the sub-commission 45/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering the increasing number, importance and complexity of the subjects discussed by the expert members of the Sub-Commission, and also the increasing number of its working groups,

Considering also the heavy work imposed on the Division of Human Rights in the preparation of documents for the Sub-Commission,

Requests the Commission on Human Rights to reconsider this development and recommend to the Economic and Social Council that it decide

(a) That the Sub-Commission should meet twice a year, each time for a period of two weeks;

(b) That, if possible, one of the meetings should take place at United Nations Headquarters in New York and the other at the United Nations Office at Geneva;

(c) That the Sub-Commission be renamed the Sub-Commission of the Commission on Human Rights;

(d) That the Sub-Commission be empowered to vote by secret ballot, should it so decide.

B. Decisions

1. The Sub-Commission decided, in implementation of Commission on Human Rights resolution 37 (XXXVI), to submit the report of its open-ended Working Group on the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities, together with the summary record of the discussion on the item, to the Commission on Human Rights at its thirty-seventh session, for such action as the Commission might wish to take. 46/

2. The Sub-Commission decides:

(a) That the question of the designation of other human rights instruments, including the International Convention against the Taking of Hostages of 1979 and the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, for addition to the list contained in paragraph 1 of Sub-Commission resolution 1 B (XXXII), be considered at the next session of the sessional Working Group of Five on the encouragement of universal acceptance of human rights instruments;

(b) To allot more time in future to sessions of the Working Group of Five on the encouragement of universal acceptance of human rights instruments in view of the volume and complexity of the work entrusted to that Group;

45/ Adopted at the 893rd meeting, on 12 September 1980, by 14 votes to 1, with 2 abstentions. See chap. XV.

46/ Adopted at the 882nd meeting, on 5 September 1980.

(c) To request the Secretary-General to make a study on extra-territorial criminal responsibility, with special reference to the Convention against Apartheid, and to make it available to the Working Group of Five on the encouragement of universal acceptance of human rights instruments for consideration at its next session. 47/

3. The Sub-Commission decided to postpone discussion of the question of the competence of the Sub-Commission to send telegrams to Governments referring to respect of human rights in their countries. 48/

47/ Adopted at the 892nd meeting, on 11 September 1980.

48/ Adopted at the 894th meeting, on 12 September 1980.

Annex I

ATTENDANCE

Members and alternates

Mr. Mario Amadeo	(Argentina)
Mr. Yuli Bahnev	(Bulgaria)
Mr. Abdelwahab Bouhdiba	(Tunisia)
Mr. Beverly Carter Jr. <u>a/</u>	(United States of America)
Mr. John Carey <u>*/</u>	
Mr. Dumitru Ceasu	(Romania)
Mr. Justice Abu Sayeed Chowdhury	(Bangladesh)
Mrs. Erica-Irene Daes	(Greece)
Mr. Abdullah El Khani	(Syrian Arab Republic)
Mr. Raúl Ferrero	(Peru)
Mr. Hicri Fisek	(Turkey)
Mr. Oktay Aksoy <u>*/</u>	
Mr. Manouchehr Canji <u>a/</u>	(Iran)
Mr. Carlos Holguin Holguín <u>a/</u>	(Colombia)
Mr. H.W. Jayawardene	(Sri Lanka)
Mr. C.W. Pinto <u>*/</u>	
Mr. Ibrahim Jimeta	(Nigeria)
Mr. Ahmed Khalifa	(Egypt)
Mr. Antonio Martínez Baez	(Mexico)
Mr. José Martínez Cobo	(Ecuador)
Mr. Erik Nettel	(Austria)
Mr. S. Sharifuddin Pirzada	(Pakistan)
Mr. Munir Akram <u>*/</u>	
Mrs. Nicole Questiaux	(France)
Mr. Louis Joinet <u>*/</u>	
Mr. Waleed Sadi	(Jordan)
Mr. L. M. Singhvi	(India)
Mr. Sergey N. Smirnov <u>a/</u>	(Union of Soviet Socialist Republics)
Mr. V.N. Sofinsky <u>*/</u>	
Mr. Arsene Usher <u>a/</u>	(Ivory Coast)
Mrs. Halima Warzazi	(Morocco)
Mr. Benjamin Whitaker	(United Kingdom of Great Britain and Northern Ireland)

*/ Alternate

a/ Not present

States Members of the United Nations represented by observers

Algeria, Argentina, Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, France, German Democratic Republic, Germany, Federal Republic of, Greece, Iraq, Iran, Israel, Italy, Mongolia, Morocco, Netherlands, New Zealand, Norway, Peru, Romania, Spain, Syrian Arab Republic, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Yugoslavia.

Non-member States represented by observers

Republic of Korea, Switzerland.

United Nations bodies

Commission on the Status of Women, Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization.

Regional intergovernmental organizations

Council of Europe, Organization of American States, Organization of African Unity.

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Youth and Student Movement for the United Nations, World Confederation of Labour, World Federation of Trade Unions.

Category II

Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Commission of the Churches on International Affairs, Friends World Committee for Consultation, International Association of Democratic Lawyers, International Association for Religious Freedom, International Commission of Jurists, International Council of Jewish Women, International Federation of Human Rights, International Federation of Women Lawyers, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, International Union for Child Welfare, World Association of World Federalists, World Conference on Religion and Peace, World Jewish Congress, World Student Christian Federation, World Young Women's Christian Association.

Roster

International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, Minority Rights Group, Movement against Racism and for Friendship between Peoples, Servas International, World Association for the School as an Instrument of Peace, World Council of Indigenous People.

ANNEX II

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS
ADOPTED BY THE SUB-COMMISSION AT ITS THIRTY-THIRD
SESSION

1. In the course of its thirty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted eight resolutions having financial implications. Prior to the adoption of these resolutions, statements of their administrative and financial implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1980 and 1981, additional credits as appropriate, would be required for the biennium 1980-1981.

Resolution 1 (XXXIII). Review of further developments in fields with which the Sub-Commission has been concerned

3. In paragraph 1 of its resolution 1 (XXXIII), the Sub-Commission decides to request the Commission on Human Rights to ask the Economic and Social Council to arrange for the report by the Special Rapporteur, Mrs. Halima Embarek Warzazi, to be printed as soon as possible and given the widest possible dissemination.

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

	<u>1981</u>
	(US dollars)
- Editing and printing of report in English, French, Russian and Spanish	26,613

Resolution 2 (XXXIII). Review of further developments in fields with which the Sub-Commission has been concerned

5. In paragraph 1 of its resolution 2 (XXXIII), the Sub-Commission decides, in accordance with paragraph 8 of Commission on Human Rights resolution 11 (XXXVI) and decision 1980/131 of the Economic and Social Council of 2 May 1980, to mandate Mr. Ahmed Khalifa as Special Rapporteur; (a) to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régimes in southern Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate and including explanations or responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights; (b) to use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations, and such other sources as publications media, in order to demonstrate clearly the volume and nature of the assistance given to the racist régimes in southern Africa.

6. In paragraph 2 of its resolution, the Sub-Commission requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate.

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

	<u>1981</u>
	(US dollars)
- One round-trip (Cairo/Geneva/Cairo) by economy class of Special Rapporteur for consultations with Division of Human Rights, and subsistence for 10 working days	2,240
- If no longer a member of Sub-Commission, travel (economy class, Cairo/Geneva/Cairo) to present report to the Sub-Commission at its thirty-fourth session, and subsistence for 5 working days	1,450
- Consultancy services to provide specialized expertise in obtaining detailed information on enterprises assisting the racist régimes in southern Africa	<u>10,000</u>
	<u>13,690</u>

Resolution 6 (XXXIII). The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law

8. In paragraph 2 of its resolution 6 (XXXIII) the Sub-Commission recommends to the Commission on Human Rights that it adopt the following draft resolution:
"Recommends to the Economic and Social Council that it authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate of preparing a study on the status of the individual in contemporary international human rights law. The Special Rapporteur, in preparing her study, should take into account, inter alia, the conclusions contained in the study entitled "Study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" and the relevant comments made by the members of the Sub-Commission. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work. Requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its thirty-fifth session and her final report to the Sub-Commission at its thirty-sixth session.

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

	<u>1981</u>	<u>1982</u>	<u>1983</u>
	(US dollars)		
- Travel (economy class, Athens/Geneva/ Athens) for consultations with the Division of Human Rights, and subsistence for 10 working days	1,850		
- Translation of report into French, Russian and Spanish and reproduction in those languages and in English (approximately 500 pages)		151,260	
- If no longer a member of Sub-Commission, travel (economy class, Athens/Geneva/ Athens) to present preliminary report to the Sub-Commission at its thirty-fifth session, and subsistence for 5 working days		1,050	
- Travel (economy class, Athens/Geneva/ Athens) for consultations with the Division of Human Rights, and subsistence for 10 working days			1,850
- If no longer a member of Sub-Commission, travel (economy class, Athens/Geneva/ Athens) to present final report to the Sub-Commission at its thirty-sixth session, and subsistence for 5 working days			1,050
	<u>1,850</u>	<u>152,310</u>	<u>2,900</u>

Resolution 7 (XXXIII). The individual's duties to the community and
the limitations on human rights and freedoms under article 29 of the
Universal Declaration of Human Rights - A contribution to the freedom
of the individual under law

10. In paragraph 2 of its resolution 7 (XXXIII) the Sub-Commission requests the Special Rapporteur, Dr. Erica-Irene A. Daes, to present the study (E/CN.4/Sub.2/432/Rev.1 and E/CN.4/Sub.2/432/Add. 1-7), together with the select bibliography for the study, to the Commission on Human Rights at its thirty-seventh session. In paragraph 3 of the resolution, the Sub-Commission requests the Secretary-General to provide any assistance which may be required by the Special Rapporteur in connexion with the verification of the bibliography for the study. In paragraph 4 of the resolution, the Sub-Commission recommends to the Commission on Human Rights that it adopt the following draft resolution:

"The Commission on Human Rights recommends to the Economic and Social Council that it decide that the study prepared by Mrs. Erica-Irene A. Daes entitled "Study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" should be printed and given the widest possible distribution, including in Arabic."

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

	<u>1980</u>	<u>1981</u>
	(US dollars)	
- Travel (economy class, Athens/Geneva/Athens) of Special Rapporteur for consultations with Division of Human Rights in connexion with verification of the bibliography for the study, and subsistence for 5 working days	1,050	
- Travel (economy class, Athens/Geneva/Athens) of Special Rapporteur to present study to Commission on Human Rights at its thirty-seventh session, and subsistence for 5 working days		1,050
- Editing and printing of report in English, French, Russian and Spanish		76,315
- Translation of report into Arabic and printing in Arabic		46,585
	<u>1,050</u>	<u>123,950</u>

Resolution 14 (XXXIII). Question of human rights of persons subjected to any form of detention or imprisonment

12. Under the terms of paragraph 2 of resolution 14 (XXXIII), the Sub-Commission requests the Chairman of the Sub-Commission to name up to three members of the Sub-Commission to visit Israeli prisons and detention camps in which Palestinian Arab prisoners and detainees are held and to report on the condition of those prisoners and detainees.

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

1981
(US dollars)

Field mission to the Middle East in 1981
(approximately 5 working days)

(a) Travel and subsistence of 3 members		
(i) Travel		7,700
(ii) Subsistence		1,400
	Subtotal (a)	<u>9,100</u>
(b) Travel and subsistence of substantive and administrative staff (composition of staff listed below)		
Principal secretary	1	
Assistant secretary	1	
Administrative and Finance Officer	1	
Information Officer	1	
(i) Travel		4,800
(ii) Subsistence		1,300
	Subtotal (b)	<u>6,100</u>
(c) Travel and subsistence of conference servicing staff (composition of staff listed below)		
Interpreters	4	
Verbatim Reporter	1	
Sound Engineer	1	
	<u>6</u>	
(i) Travel		7,200
(ii) Subsistence		2,000
	Subtotal (c)	<u>9,200</u>
(d) General operating expenses		2,000
	Subtotal (d)	<u>2,000</u>
	TOTAL	<u><u>26,400</u></u>

Resolution 16 (XXXVIII). Question of the human rights of persons subjected to any form of detention or imprisonment

14. Under the terms of paragraph 3 of its resolution 16 (XXXVIII), the Sub-Commission requests the Special Rapporteur, Mr. L.M. Singhvi, in the preparation of his study, to give due attention to ways and means whereby the judiciary and the legal profession can contribute to maintaining and safeguarding respect for human rights and fundamental freedoms.

15. In implementing his mandate, the Special Rapporteur considers he would require to undertake consultations with the Division of Human Rights on two separate occasions during 1981.

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

	<u>1981</u> (US dollars)
- Travel (first class, New Delhi/Geneva/New Delhi*) of Special Rapporteur for consultations with Division of Human Rights, and subsistence for 10 working days	4,400
- If no longer a member of Sub-Commission, travel (first class, New Delhi/Geneva/New Delhi*) of Special Rapporteur to present report to the Sub-Commission at its thirty-fourth session, and subsistence for 5 working days	3,600
	<u>8,000</u>

Resolution 17 (XXXVIII). Question of the human rights of persons subjected to any form of detention or imprisonment

17. In paragraph 1 of its resolution 17 (XXXVIII), the Sub-Commission reiterates strongly its recommendation that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days prior to each session of the Sub-Commission, to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field.

* / Flight time more than 9 hours (General Assembly resolution 32/198).

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

	<u>1981</u> (US dollars)
- Subsistence of 5 members of the Sub-Commission for 5 days prior to the thirty-fourth session of the Sub-Commission	3,360
- Conference servicing costs (interpretation and documentation in English, French and Spanish)	<u>30,100</u>
TOTAL	<u>33,460</u>

Resolution 23 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories

19. In paragraph 4 of its resolution 23 (XXXIII), the Sub-Commission requests Mrs. Halima Embarek Warzazi to make an analysis of the information received by the Secretary-General in accordance with paragraph 3 of the resolution and to present this analysis together with such recommendations as she deems appropriate to the Commission on Human Rights at its thirty-seventh session.

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

	<u>1980</u>	<u>1981</u>
	(US dollars)	
- One round-trip (economy-class, Rabat/Geneva/Rabat) for consultations with the Division of Human Rights, and subsistence for 5 working days	1,200	
- One round-trip (economy-class, Rabat/Geneva/Rabat) to present report to Commission on Human Rights at thirty-seventh session, and subsistence for 3 working days		<u>1,100</u>
	<u>1,200</u>	<u>1,100</u>

ANNEX III

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-THIRD SESSION
OF THE SUB-COMMISSION

<u>Documents issued in the general series</u>	<u>Agenda item</u>
E/CN.4/Sub.2/432/Rev.1 and Corr.1 and E/CN.4/Sub.2/432 Add. 1-7	Final report by Mrs. Erica-Irene A. Daes, Special Rapporteur 8
E/CN.4/Sub.2/438	Provisional agenda and annotations thereto: Note by the Secretary-General 2
E/CN.4/Sub.2/439	Note by the Secretary-General 3
E/CN.4/Sub.2/440	Human Rights in Cyprus: Report by the Secretary-General 3
E/CN.4/Sub.2/441	Memorandum submitted by the International Labour Office 3
E/CN.4/Sub.2/442	Aide-mémoire submitted by the United Nations Educational, Scientific and Cultural Organization 3
E/CN.4/Sub.2/443	Background paper prepared by the Secretary-General in accordance with resolution 2 B (XXXII) of the Sub-Commission 4
E/CN.4/Sub.2/444 and Add. 1	Note by the Secretary-General 7
E/CN.4/Sub.2/445	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat 7
E/CN.4/Sub.2/446	Report by the Secretary-General 9
E/CN.4/Sub.2/447	Report of the Working Group on Slavery on its sixth session 11
E/CN.4/Sub.2/448	Note by the Secretary-General 11
E/CN.4/Sub.2/449	Report of the Secretary-General 11
E/CN.4/Sub.2/450	Note by the Secretary General 13
E/CN.4/Sub.2/451 and Add. 1 and 2	Note by the Secretary General 13

		<u>Agenda item</u>
E/CN.4/Sub.2/452 and Add. 1 and 2	Note by the Secretary-General	14
E/CN.4/Sub.2/453	Report of the sessional Working Group on the encouragement of universal acceptance of human rights instruments	14
E/CN.4/Sub.2/454	Note by the Secretary-General	5
E/CN.4/Sub.2/455 and Rev.1	Report of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities	15
E/CN.4/Sub.2/456	Note by the Secretary-General	5
E/CN.4/Sub.2/457	Communication dated 30 August 1980 addressed to the Director of the Division of Human Rights by the Minister of Foreign Affairs and Information of the Republic of South Africa, The Hon. R.F. Botha, M.P.	5
E/CN.4/Sub.2/458	Communication dated 8 September 1980 from the Permanent Mission of Democratic Kampuchea addressed to the Director of the Division of Human Rights	5
E/CN.4/Sub.2/NGO/81	Written statement submitted by the International Association of Penal Law and the International Commission of Jurists	9
E/CN.4/Sub.2/NGO/82	Written statement submitted by the International League for Human Rights	14
E/CN.4/Sub.2/NGO/83	Written statement submitted by the International League for Human Rights	7
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