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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session
2 February-13 March 1981

ANNOTATIONS TO THE PROVISIONAL AGENDA

prepared by the Secretary-General

1. Election of officers

Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required.

2. Adoption of the agenda

Rule 7 of the rules of procedure provides that the Commission shall at the beginning of each session, after the election of its officers, adopt the agenda for that session on the basis of the provisional agenda.

The Commission will have before it the provisional agenda (E/CN.4/1414/Rev.1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure. The Commission will also have before it the present annotations relating to the items included in the provisional agenda.

3. Organization of the work of the session

The attention of the Commission is drawn to Economic and Social Council resolution 1979/69 of 2 August 1979 entitled "Control and limitation of documentation", by which the Council decided to approve the revised guidelines for the format and contents of the reports of the functional commissions set out in a note by the Secretariat (E/1979/94, Annex) on the understanding that, in conformity with these revised guidelines, functional commissions will be able to introduce specific adjustments in their reporting and recording procedures, in the light of their established functions and of the questions dealt with by them.

It may be recalled that, on 10 May 1979, the Economic and Social Council, on the basis of the recommendation made by the Commission in its resolution 22 (XXXV) of 14 March 1979, adopted resolution 1979/36 by which it authorized an increase in the membership of the Commission to 43 members and regular meetings for six weeks each year, with an additional week for meetings of working groups. The Council noted that in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business.

On 2 May 1980, the Council, noting Commission decision 15 (XXXVI) of 12 March 1980, adopted decision 1980/140 by which it authorized three hours of additional meeting services a day during the Commission's thirty-seventh session, on the understanding that such additional meeting services would enable all the existing working groups on international instruments of human rights and other matters to receive sufficient time for their deliberations, taking into account the pre-sessional arrangements already provided for two of the working groups by the Council in its resolution 1980/32 and decision 1980/138. By resolution 1980/32 the Council authorized a meeting of an open-ended working group of the Commission to meet for one week prior to the thirty-seventh session to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment (see annotations to item 10 (a) below); by decision 1980/138 the Council authorized another open-ended working group of the Commission to meet for one week prior to the thirty-seventh session to facilitate the completion of the work on a draft convention on the rights of the child (see annotations to item 14 below). By resolution 28 (XXXVI), the Commission decided to establish at the very beginning of the thirty-seventh session, an open-ended group on the question of further promotion and encouragement of human rights (see annotations to item 11 below) and another open-ended working group on the question of a draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (see annotations to item 19 below).

On 2 May 1980, the Council, by decision 1980/133, noted Commission resolution 25 (XXXVI) of 11 March 1980 and decided that summary records would be reintroduced for the Commission and for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, commencing with the thirty-seventh session of the Commission and the thirty-third session of the Sub-Commission.

The attention of the Commission is drawn to certain decisions of the Economic and Social Council relating to the procedures and methods of work of the Council and its subsidiary bodies (E/INF/134/Rev.1).

It may be noted that the Council had decided on 18 May 1973 that its subsidiary organs, with the exception of the regional economic commissions, may not create either standing or ad hoc intersessional subsidiary bodies without prior approval by the Council.

It may also be noted that, in accordance with Council resolution 1623 (LI) of 30 July 1971, resolutions adopted by the Commission should normally be in the form of drafts for approval by the Council and that, according to a decision by the Council on 28 July 1972, preambular paragraphs of resolutions should be concise and should not be too numerous, and action should be taken by decision rather than by the adoption of a resolution, whenever that procedure may expedite the work.

In its decision 65 (ORG-75) the Council requested all its subsidiary bodies to exercise the utmost restraint in making requests to the Secretary-General for new reports and studies.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

By resolution 1 A (XXXVI) of 13 February 1980 the Commission decided to place this item on the provisional agenda of its thirty-seventh session as a matter of high priority.

In accordance with paragraphs 9, 13 and 14 of resolution 1 A (XXXVI), the Commission will have before it:

- (i) A report of the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1418);
- (ii) A report of the Secretary-General on the measures taken to bring that resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (E/CN.4/1422);
- (iii) A note by the Secretary-General listing all United Nations reports issued since the thirty-third session of the Commission that deal with the situation of civilians in the occupied Arab territories, including Palestine (E/CN.4/1423).

In addition, the Commission will have before it any report which may have been received by the Secretary-General from the Government of Israel in accordance with paragraph 12 of resolution 1 A (XXXVI) on the implementation of paragraphs 1, 6, 7 and 8 of the same resolution.

The attention of the Commission is drawn to Sub-Commission resolution 20 (XXXIII) of 11 September 1980 by which the Sub-Commission, *inter alia*, requested the Secretary-General, drawing upon all documents and studies at his disposal to submit to it at its thirty-fourth session a detailed report on the violation of human rights committed by the Israeli authorities in the occupied territories.

The Sub-Commission also adopted resolution 14 (XXXIII) on 11 September 1980 in which it requested the Chairman of the Sub-Commission to appoint up to three members of the Sub-Commission to visit Palestinian prisoners and detainees in Israeli prisons and detention camps and to report on their condition; it invited Israel to accept this visit and to extend its full co-operation.

The Commission may also note that the General Assembly, at its thirty-fifth session, adopted resolutions 35/122 A to F on 11 December 1980. By resolution 35/122 A the Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to all Arab territories occupied by Israel since 1967, including Jerusalem, and called upon Israel to acknowledge and to comply with the provisions of that Convention in those territories. By resolution 35/122 B the General Assembly strongly deplored the persistence of Israel in carrying out measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of the occupied Arab territories, in particular the establishment of settlements in the Palestinian and other occupied Arab territories. The Assembly called upon Israel to comply with its international obligations and to desist from taking such actions. It urged all States parties to the Geneva Convention to exert all efforts to ensure respect for and compliance with the provision of that Convention in the occupied territories. By resolution 35/122 C the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices, to consult,

as appropriate, with the International Committee of the Red Cross and to report to the Secretary-General as soon as possible and whenever the need arose thereafter. By resolution 35/122 D the General Assembly called upon the Government of Israel to rescind the measures expelling the Mayors of Hebron and Halhoul and the Sharia Judge of Hebron and to facilitate their immediate return to resume their functions. By resolution 35/122 E the Assembly condemned the persistence of Israel in changing, inter alia, the legal status of the Syrian Arab Golan Heights, determined that all legislative and administrative measures taken by Israel purporting to alter the character and legal status of the Golan Heights were null and void, constituted a flagrant violation of international law and the Fourth Geneva Convention and had no legal effect. The Assembly called upon Member States not to recognize such measures and called upon Israel to desist from enacting such legislation. By resolution 35/122 F the Assembly condemned the systematic Israeli campaign of repression against universities in the occupied Palestinian territories and demanded that Israel, as the occupying Power, comply with the Fourth Geneva Convention and rescind all measures against all educational institutions. It requested the Security Council to convene urgently to take the necessary measures to ensure that Israel rescind the measures taken against the Palestinian mayors and the Sharia Judge Tamimi and to facilitate their return and resumption of their functions. On 19 December 1980 the Security Council adopted resolution 484 (1980) by which it took note of Assembly resolution 35/122 F, called upon Israel to adhere to the provisions of the Fourth Geneva Convention, declared it imperative that the Mayor of Hebron and the Mayor of Halhoul be enabled to return to their homes and to resume their responsibilities, and requested the Secretary-General to report on the resolution's implementations as soon as possible.

5. Question of human rights in Chile

This item has been considered by the Commission, as a matter of high priority, since its thirty-first session. The Commission, by resolution 8 (XXXI), had established an Ad Hoc Working Group of five of its members to be appointed in their personal capacity to inquire into the situation of human rights in Chile. The Group was required to report the results of its inquiries to the Commission on Human Rights and to the General Assembly.

The mandate of the Ad Hoc Working Group was renewed by the Commission at each session until the thirty-fourth. At its thirty-fifth session, by resolution 11 (XXXV) of 6 March 1979, the Commission expressed its appreciation to the Working Group and, in accordance with General Assembly resolution 33/175 of 20 December 1978, appointed Mr. Abdoulaye Dieye as Special Rapporteur on the situation of human rights in Chile, to inquire into that situation, using as a basis the mandate contained in Commission resolution 8 (XXXI) of 27 February 1975.

At its thirty-sixth session the Commission had before it the report of the Special Rapporteur and the Expert on the Question of the Fate of Missing and Disappeared Persons. It adopted resolution 21 (XXXVI) by which it extended the mandate of the Special Rapporteur for another year and requested him to report on further developments, including the problem of disappeared persons, to the General Assembly at its thirty-fifth session and to the Commission at its thirty-seventh session.

At its thirty-fifth session the General Assembly had before it the report of the Special Rapporteur (A/35/522) and a letter dated 10 November 1980 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/35/10) setting out the position of the Government of Chile with regard to the report of the Special Rapporteur.

The General Assembly, in its resolution 35/188 of 15 December 1980, expressed its grave concern at the deterioration of the human rights situation in Chile as reported by the Special Rapporteur, in comparison with the same period last year, in particular concerning the alteration of the traditional democratic legal system and its institutions and the repression of the human rights activities of the Catholic Church and of academic life; noted with increasing concern that the Chilean authorities continue to ignore the repeated appeals of the international community reflected in the various resolutions of the General Assembly and other international organs and have failed to take urgent and effective measures to investigate and clarify the fate of persons who have disappeared, and strongly urged the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take concrete steps as outlined in resolution 21 (XXXVI) of the Commission.

The General Assembly, in the same resolution, requested the Commission on Human Rights to study thoroughly the report of the Special Rapporteur at its thirty-seventh session, deplored the fact that the Chilean authorities have consistently refused to co-operate with the Special Rapporteur and once more urged those authorities to co-operate with the Special Rapporteur and to submit their comments on the findings of his report to the Commission at its thirty-seventh session. The Assembly, in the same resolution, invited the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and requested the Commission to report on the human rights situation in Chile through the Economic and Social Council to the General Assembly at its thirty-sixth session.

The Commission will have before it the report of the Special Rapporteur to the General Assembly (A/35/522) which will be brought up to date by the Special Rapporteur in an additional report contained in document E/CN.4/1428.

The Commission will also have before it the report of the Chairman of the Board of Trustees of the United Nations Trust Fund for Chile in accordance with the Commission's request in its resolution 11 (XXXV) (E/CN.4/1449).

The attention of the Commission is drawn to General Assembly resolution 35/190 of 15 December 1980 entitled "Voluntary Fund of the United Nations for Victims of Gross and Flagrant Violations of Human Rights" to which reference is made in the annotations to item 13.

6. Violations of human rights in southern Africa: reports of the Ad Hoc Working Group of Experts

The Ad Hoc Working Group of Experts was established by the Commission by its resolution 2 (XXIII) of 6 March 1967. Its mandate has been renewed regularly since then.

By resolution 12 (XXXV) of 6 March 1979, the Commission decided that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment, with a view to improving assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in South Africa. The Group was requested to report on its findings to the Commission at its thirty-seventh session.

The Commission will have before it the report of the Ad Hoc Working Group of Experts (E/CN.4/1429). In accordance with Economic and Social Council resolution 1979/39 of 10 May 1979, the report also deals with allegations regarding infringements of trade union rights in South Africa. The study on the action taken to implement the Group's recommendations will be before the Commission in document E/CN.4/1430.

By its resolution 9 (XXXVI) of 26 February 1980, the Commission requested the Ad Hoc Working Group immediately to bring to the attention of the Chairman of the Commission on Human Rights particularly serious violations of human rights of which it learns in the course of its study of human rights violations in South Africa and Namibia, so that the Chairman may take whatever action he deems appropriate. In this connection, the attention of the Commission is drawn to document E/CN.4/1410 reproducing a cable dated 25 August 1980 from the Chairman of the Commission addressed to the Minister for Foreign Affairs of the Republic of South Africa concerning urgent reports of serious violations of human rights in South Africa and Namibia, and to document E/CN.4/1411 containing the reply of the Minister of Foreign Affairs and Information of the Republic of South Africa dated 30 August 1980.

In conformity with the request made by the Commission in resolution 12 (XXXVI), the Ad Hoc Working Group has also prepared a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention. This study (E/CN.4/1426) will be before the Commission in connection with item 17.

The attention of the Commission is drawn to General Assembly resolution 35/206 N of 16 December 1980 entitled "Women and children under apartheid" by which the Assembly requested the Commission to investigate crimes against women and children in South Africa.

7. 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

In its resolution 1 (XXX) of 26 August 1977 the Sub-Commission on Prevention of Discrimination and Protection of Minorities in implementation of Commission resolution 7 (XXXIII) of 4 March 1977, inter alia, invited Mr. Ahmed Khalifa, the Special Rapporteur on this item, to prepare the necessary material for a provisional general list identifying those individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constituted political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa.

At the thirty-sixth session the Commission considered the final report of the Special Rapporteur (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7) which contained a revised provisional general list of banks, firms and other organizations which give assistance to the colonial and racist régimes of southern Africa. In resolution 11 (XXXVI) the Commission requested the Economic and Social Council to have the revised report appended to the original report by the Special Rapporteur and to have it printed and disseminated on the widest scale, and forwarded to the General Assembly. The Commission further requested the Sub-Commission to mandate the Special Rapporteur to continue to update the list every year and submit, through the Sub-Commission, the updated report to the Commission.

On 2 May 1980, the Council, by its decision 1980/131, endorsed the Commission's decisions concerning the report of the Special Rapporteur (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7).

At its thirty-third session, the Sub-Commission, in resolution 2 (XXXIII), decided to mandate the Special Rapporteur, in accordance with Commission resolution 11 (XXXVI), to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régimes in southern Africa. The resolution called for the report to be submitted to the Commission through the Sub-Commission, and for the item "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" to be considered at future sessions of the Sub-Commission.

The Commission may also take note that in resolution 8 (XXXIII), section II, paragraph 3, the Sub-Commission expressed its conviction that military, economic and other forms of collaboration with South Africa contribute to perpetuation of the slavery-like practice of apartheid, and expressed 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, scheduled for 1981.

The Commission may further note that at its thirty-fifth session the General Assembly, by resolution 35/32, of 14 November 1980, inter alia expressed its appreciation to the Special Rapporteur for his revised report and called upon the Governments of countries where the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put a stop to their trading, manufacturing and investing activities in the territory of South Africa as well as in the territory of Namibia, illegally occupied by the racist Pretoria régime.

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

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

By resolution 2 (XXXI) of 10 February 1975, the Commission decided to keep this item on its agenda as a standing item with high priority.

It will be recalled that at its thirty-fifth session the Commission had before it a study on the subject "The International dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs" (E/CN.4/1334) prepared by the Secretary-General pursuant to Economic and Social Council decision 229 (LXII) of 13 May 1977, endorsing the recommendation made by the Commission on Human Rights in paragraph 4 of its resolution 4 (XXXIII) of 21 February 1977.

By resolution 4 (XXXV) of 2 March 1979 the Commission, inter alia, noted the study with satisfaction and requested the Secretary-General to transmit it and the relevant documents prepared by the United Nations Educational, Scientific and Cultural Organization to all Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and other appropriate international organizations, inviting their comments on the study. In paragraph 6 of the resolution, the Commission recommended that the Economic and Social Council invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to undertake a follow-up study on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and make it available for consideration by the Commission on Human Rights at its thirty-seventh session. In paragraph 8, the Commission further requested the Secretary-General to bring its resolution 4 (XXXV) to the attention of the competent economic organs of the United Nations and ask them for their comments, and to transmit those comments to the Commission on Human Rights at its thirty-seventh session together with a summary. The Economic and Social Council by decision 1979/29 of 10 May 1979, endorsed the recommendation made by the Commission in its resolution 4 (XXXV).

In its resolution 5 (XXXV) the Commission, inter alia, reiterated that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations; recognized the need to establish a more equitable and just international economic order; called upon all States to take prompt and effective measures to remove all obstacles to the full realization of economic, social and cultural rights; and, decided that the concepts contained in the resolution will guide its future work on this item.

By its decision 1979/30 of 10 May 1979 the Economic and Social Council, upon the recommendation made by the Commission in resolution 5 (XXXV), decided to request the Secretary-General to organize in 1980, within the framework of the advisory services programme, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

At its thirty-fourth session, referring to Economic and Social Council decisions 1979/29 and 1979/30 and to Commission on Human Rights resolutions 4 (XXXV) and 5 (XXXV), the General Assembly adopted resolution 34/46 in paragraph 8 of which it emphasized that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations. In the same resolution the General Assembly, inter alia, requested the Secretary-General to give priority to the holding of the seminar referred to above in decision 1979/30 of the Economic and Social Council.

In its resolution 6 (XXXVI) of 21 February 1980, the Commission requested the Secretary-General to hold the seminar mentioned above in June or July 1980, and formulated a list of priority items for that meeting.

The Commission decided that, as from its thirty-seventh session, the wording of this item should be expanded to read as follows:

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

(a) Problems related to the right to enjoy an adequate standard of living; the right to development;

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

In its resolution 7 (XXXVI), the Commission on Human Rights renewed its invitation to the competent economic and social organs of the United Nations to take account of the study on the international dimensions of the right to development in their activities and in particular, it invited the Preparatory Committee for the New International Development Strategy to pay due attention to the integration of human rights in the development process. In paragraph 2 of the resolution, the Commission requested the Secretary-General, in the study he is invited to undertake pursuant to paragraph 6 of Commission resolution 4 (XXXV) of 2 March 1979 and Economic and Social Council decision 1979/29 of 10 May 1979, to elaborate on the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, paying special attention to the effects on development of several factors, which were enumerated in the paragraph.

In its resolution 18 (XXXVI) of 29 February 1980 on the new international economic order and the promotion of human rights, the Commission, on the basis of the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 8 (XXXII) of 5 September 1979, recommended to the Economic and Social Council that it authorize the Sub-Commission to appoint Mr. R. Ferrero as Special Rapporteur, with the mandate of preparing a study on "The new international economic order and the promotion of human rights". In the same resolution, the Commission requested the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-third session and his final report to the Sub-Commission at its thirty-fifth session. This resolution was subsequently endorsed by the Economic and Social Council in its decision 180/126 of 2 May 1980.

By its decision 1980/130, the Council, noting Commission on Human Rights resolution 7 (XXXVI) of 21 February 1980, decided to request the Secretary-General to furnish all the assistance necessary in order that the study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right, as provided for in Commission resolutions 4 (XXXV) of 2 March 1979 and 7 (XXXVI) of 21 February 1980, and in Economic and Social Council decision 1979/29 of 10 May 1979, might be completed in a fully satisfactory manner.

In pursuance of Commission on Human Rights resolutions 5 (XXXV) and 6 (XXXVI) and General Assembly resolution 34/46 of 23 November 1979, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights was held in Geneva from 30 June to 11 July 1980 and adopted several conclusions and recommendations (see ST/HR/SER.A/8).

It may further be recalled that, by its resolution 34/46 of 23 November 1979, the General Assembly had, inter alia requested the Secretary-General to prepare and to submit to the General Assembly at its thirty-sixth session, a study on the nature and extent to which the realization of human rights and fundamental freedoms is affected by present international conditions, with particular reference to situations resulting from apartheid, from all forms of racial discrimination, from colonialism, neo-colonialism and imperialism, from policies tending to divide the world into spheres of influence, from the arms race, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, from refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, from intervention and interference in the internal affairs of States, particularly with reference to developing countries, as well as from the existence of the unjust system of international economic relations, taking also into account the conclusions of the seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

At its thirty-fifth session, the General Assembly adopted resolution 35/174 of 15 December 1980 by which it, inter alia, requested the Commission on Human Rights to undertake necessary measures to promote the right to development as a human right which is as much a prerogative of nations as of individuals within nations, and to take action for its realization; it also requested the Secretary-General to give, through the programme of advisory services in the field of human rights, priority to the holding in 1981 of a seminar on relations that exist between human rights, peace and development and to this end present a report to the Commission on Human Rights at its thirty-seventh session as was recommended by the seminar on the effect of the existing unjust international economic order on the economies of the developing countries and the obstacles that this represents for the implementation of human rights and fundamental freedoms, held in Geneva from 30 June to 11 July 1980.

The Commission on Human Rights may also note resolution 35/191 of 15 December 1980 adopted by the General Assembly on the right to education.

The Commission on Human Rights, at its thirty-seventh session, will have before it:

(a) A study (E/CN.4/1421) prepared by the Secretary-General on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their

efforts to secure the enjoyment of this right, in pursuance of Commission on Human Rights resolution 4 (XXXV), Commission resolution 7 (XXXVI), and Economic and Social Council decision 1979/29 of 10 May 1979;

(b) A summary of replies of United Nations economic organs (E/CN.4/1425) prepared by the Secretary-General pursuant to paragraph 8 of resolution 4 (XXXV);

(c) The report of the Seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights (ST/HR/SER.A/8).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

By resolution 3 (XXXI) of 11 February 1975, the Commission on Human Rights decided to place the question of "The right of peoples to self-determination and its application to peoples under colonial and alien domination" on its agenda every year with priority. The title of the item was amended by the addition of the words "or foreign occupation" by resolution 3 (XXXIV) of 14 February 1978.

By its resolution 2 (XXXVI) of 14 February 1980, the Commission, as in previous years, requested the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B of 2 December 1977.

The Commission, in its resolution 3 (XXXVI) of 14 February 1980, inter alia, condemned the Soviet military aggression against the Afghan people, denounced and deplored it as a flagrant violation of international laws, covenants, and norms, primarily the Charter of the United Nations, and called upon all peoples and Governments throughout the world to persist in condemning this aggression and denouncing it as an aggression against human rights and a violation of the freedoms of peoples. The Commission also urged all States and people throughout the world to provide generous assistance and succour to the refugees from Afghanistan who have been driven away from their homes.

In its resolution 4 (XXXVI) of 15 February 1980, the Commission took note with satisfaction of the recommendations of the Organization of African Unity and the General Assembly of the United Nations concerning exercise by the people of Western Sahara of the right to self-determination and independence, the sole means of putting an end to the violation of the fundamental rights of the Sarrawi people resulting from the foreign occupation of its territory and of restoring the dignity of that people. It also decided to follow closely the developments in that situation in the light of the recommendations of the Organization of African Unity and the General Assembly of the United Nations and to consider the question of Western Sahara within the framework of the present item at its thirty-seventh session, as a matter of high priority.

In its resolution 5 (XXXVI) of 15 February 1980, the Commission reiterated its profound indignation at the continued and flagrant violations of human rights of the peoples still under colonial and foreign domination and alien subjugation or foreign occupation, the perpetuation of the racist minority régime in South Africa, its illegal occupation of Namibia and persistent attempts to dismember the territory of Namibia, and the denial of the inalienable national rights of the Palestinian people. It strongly condemned the ever-increasing massacres of innocent and defenceless people, including women and children by the racist minority régimes of southern Africa in their desperate attempts to suppress the legitimate demands of the people. It decided to continue to give the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-seventh session.

At its thirty-third session, the Sub-Commission, in its resolution 26 (XXXIII) of 12 September 1980, reaffirmed 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, and declared 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. The Sub-Commission recommended 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.

At its thirty-fifth session, the General Assembly adopted resolutions 35/35 A and B of 14 November 1980. By resolution 35/35 A, the Assembly, inter alia, decided to consider this item again at its thirty-sixth session on the basis of the reports that Governments, United Nations agencies and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial territories and peoples under foreign domination and control. By its resolution 35/35 B, the Assembly, inter alia, requested the Commission on Human Rights to continue to give special attention to the violation of the right of self-determination and other human rights resulting from foreign military aggression, intervention or occupation. The Secretary-General was requested to report on this issue to the General Assembly at its thirty-sixth session under the item entitled "Importance of the Universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

The Commission will have before it an updated list of reports, studies and publications (E/CN.4/1432) prepared by the Special Unit on Palestinian Rights, established by General Assembly resolution 32/40 B.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
- (a) Torture and other cruel, inhuman or degrading treatment or punishment;
 - (b) Question of missing and disappeared persons.
- (a) Torture and other cruel, inhuman or degrading treatment or punishment.

It may be recalled that, in resolution 32/62 of 8 December 1977, the General Assembly requested the Commission to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in 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 Assembly in resolution 3452 (XXX) of 9 December 1975.

The Commission considered the question at its thirty-fourth session and, in resolution 18 (XXXIV), requested the Secretary-General to transmit all relevant documents of this session to the Governments of Member States of the United Nations or members of specialized agencies for their comments and to prepare a summary of those comments.

On the recommendation of the Commission in its resolution 18 (XXXIV), the Economic and Social Council, by its decision 1978/24 of 5 May 1978, authorized the holding of a meeting of a pre-sessional working group open to all members of the Commission to consider the relevant documents of the thirty-fourth session and any comments received from Governments and to prepare drafting proposals.

By resolution 33/178 of 20 December 1978, the General Assembly requested the Commission to give high priority at its thirty-fifth session to the question of drafting such a convention.

The pre-sessional working group of the Commission at its thirty-fifth session had before it two draft conventions submitted respectively by Sweden (E/CN.4/1285) and by the International Association of Penal Law (E/CN.4/NGO/213) as well as comments received from Governments (E/CN.4/1314 and Adds.1-3). The group adopted as the basis for its work a working paper submitted by the delegation of Sweden (E/CN.4/WG.1/WP.1) which contained a revision of the substantive parts of the draft convention. Work on this subject was carried over by an open-ended working group during the Commission's session. The report of the pre-sessional and sessional working groups (E/CN.4/L.1470) was considered by the Commission at its thirty-fifth session.

On the recommendation of the Commission in its resolution 18 (XXXV), the Economic and Social Council, by its resolution 1979/35 of 10 May 1979, authorized the meeting of an open-ended working group for a period of one week prior to the thirty-sixth session of the Commission to complete the work on a draft convention. The Council also requested the Secretary-General to transmit to the Commission at its thirty-sixth session all relevant materials relating to the draft conventions.

At the thirty-sixth session of the Commission, the working group, before and during the session, adopted articles 3 and 4, article 5, paragraph 1(a), article 6, paragraphs 1, 2, 3 and 5 and articles 8, 9, 12, 13, 14, 15 and 16 of the draft convention.

In its resolution 34 (XXXVI) the Commission on Human Rights noted with satisfaction the progress made by the open-ended working group on the draft convention. It recommended inter alia that the Economic and Social Council should authorize a meeting of an open-ended working group for a period of one week prior to the thirty-seventh session of the Commission to complete the work on a draft convention. The Council endorsed this recommendation by its resolution 1980/32 of 2 May 1980.

By its resolution 35/178 of 15 December 1980, the General Assembly requested the Commission on Human Rights to complete as a matter of urgency at its thirty-seventh session the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-sixth session. The Secretary-General was requested to forward the replies of Governments of States Parties to the International Covenant on Civil and Political Rights to the questionnaire on torture to the Human Rights Committee for the use of Committee members when dealing with questions relating to torture or cruel, inhuman or degrading treatment or punishment.

At its thirty-third session, the Sub-Commission, by its resolution 17 (XXXIII) noted with concern on the basis of information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, that various forms of gross violations of human rights continued to affect persons subjected to detention or imprisonment, reiterated 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 prior to each session of the Sub-Commission to analyse the material received in connection 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.

Resolutions 13 to 16 (XXXIII) and 18 (XXXIII) of the Sub-Commission may also be of interest to the Commission.

The General Assembly, at its thirty-fifth session, took the following action in connection with the present item. It established an open-ended working group for the consideration of the draft body of principles for the protection of all persons under any form of detention or imprisonment. The Commission may note the report of this working group (A/C.3/35/14 and Corr.1). By its resolution 35/177 of 15 December 1980, the General Assembly decided to refer at its thirty-sixth session the consideration of the draft body of principles for the protection of all persons under any form of detention or imprisonment to the Sixth Committee. The Assembly also decided to establish, at its thirty-sixth session, an open-ended working group with the intention of concluding the consideration of the draft body of principles for the protection of all persons under any form of detention or imprisonment, with a view to its adoption by the General Assembly.

By its resolution 35/179 of 15 December 1980, the General Assembly requested the Secretary-General to renew his request for comments and suggestions on the draft Code of Medical Ethics to Member States, to the specialized agencies concerned and to interested intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, which have not yet responded to his earlier note and to submit a revised report to the Economic and Social Council at the first regular session in 1981 and to the General Assembly at its thirty-sixth session. It invited those Member States which have not yet done so, to submit their comments and suggestions on the draft Code. The Assembly requested the Economic and Social Council to consider the draft Code at its next session taking into account the comments and recommendations submitted, with a view to presenting the draft Code to the General Assembly for adoption at its thirty-sixth session, and invited Member States to take an active part in the future deliberations on the draft Code.

The Commission may note General Assembly resolution 35/189 of 15 December 1980 by which the Assembly recognized that the arrest and detention, in many parts of the world, of numerous persons either in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions, or as a result of their struggle against colonialism, aggression and foreign occupation, for self-determination, independence, the elimination of apartheid and all forms of racial discrimination and racism, often give rise to serious human rights problems and that effective measures should be taken to eliminate these problems. The Assembly reiterated the requests to Member States in resolutions 32/121 and 33/169 regarding the release of such persons and ensuring that their fundamental human rights are protected during their arrest or detention.

The Commission may also note General Assembly resolution 35/172 of 15 December 1980 on "Arbitrary or summary executions". By this resolution, the Assembly urged Member States concerned:

(a) To respect as a minimum standard the content of the provisions of articles 6, 14 and 15 of the International Covenant on Civil and Political Rights, and where necessary, to review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases;

(b) To examine the possibility of making automatic the appeal procedure where it exists in cases of death sentences as well as the consideration of amnesty, pardon or commutation in these cases;

(c) To provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and in any case not until a reasonable time after the passing of the sentence in the court of first instance.

The Secretary-General was requested to seek from Member States, specialized agencies, regional intergovernmental organizations and concerned non-governmental organizations in consultative status with the Economic and Social Council, views and observations concerning the problem of arbitrary executions and summary executions, and to report to the Committee on Crime Prevention and Control at its next session.

(b) Question of missing and disappeared persons.

The General Assembly, in its resolution 33/173 of 20 December 1978, had expressed its deep concern about reports from various parts of the world relating to enforced or involuntary disappearances of persons, often while such persons are subject to detention or imprisonment, and requested the Commission to consider the question with a view to making appropriate recommendations.

The Economic and Social Council, by resolution 1979/38 of 10 May 1979, noted that the Commission at its thirty-fifth session had been unable, for lack of time, to take a decision on the matter. It requested the Commission on Human Rights to consider the question of disappeared persons as a matter of priority at its thirty-sixth session, and requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the subject at its thirty-second session with a view to making general recommendations to the Commission.

In accordance with resolution 1979/30, the Sub-Commission at its thirty-second session considered information before it relating to disappeared persons and, in resolution 5 B (XXXII), proposed that the emergency action called for by the situation be entrusted to a group of experts of the Sub-Commission which would be given all the information available for locating the missing and disappeared persons in different regions of the world, and would make the necessary contacts with the Governments and families concerned. It requested the Commission to authorize members designated by the Chairman of the Sub-Commission to undertake this task (Sub-Commission decision 7 (XXXII)). The Sub-Commission, also by resolution 5 B (XXXII), transmitted to the Secretary-General for action, pending the decision by the Commission, in accordance with the appropriate procedures and also, to such extent as he deems possible, as part of the good offices urged upon him by General Assembly resolution 33/173, the lists of missing persons communicated to him by members of the Sub-Commission. It suggested that if this phenomenon were to continue, its extreme gravity would justify envisaging some form of emergency remedy, based on the notion of habeas corpus or any other type of legal protection, designed to induce official organs to devote the necessary means to the search for the missing and disappeared persons in different regions of the world.

In this regard, it may be noted that the General Assembly at its thirty-fourth session, in resolution 34/178 of 17 December 1979, expressed its conviction that the application within the legal system of States of amparo, habeas corpus, or other legal remedies to the same effect, is of fundamental importance for: protecting persons against arbitrary arrest and unlawful detention; effecting the release of persons who are detained by reason of their political opinions or convictions, including in pursuance of trade union activities; and clarifying the whereabouts and fate of missing and disappeared persons. The Assembly also considered that the use of these remedies may also forestall opportunities for persons exercising power over detainees to engage in torture or other cruel, inhuman or degrading treatment or punishment. The Assembly, in that resolution, called upon all governments to guarantee to persons within their jurisdiction the full enjoyment of the right of amparo, habeas corpus or other legal remedies to the same effect, as may be applicable in their legal system and decided that in order to extend the global understanding and larger applications of institutions such as amparo and habeas corpus, or other legal remedies to the same effect, an international seminar on the matter would be timely and useful.

The Commission on Human Rights at its thirty-sixth session, by its resolution 20 (XXXVI), decided, inter alia, to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, for the examination of matters relevant to enforced or involuntary disappearances of persons. It requested the Chairman of the Commission to appoint the members of the Group. The Commission decided that the working group, in carrying out its mandate, should seek and receive information from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources. The Secretary-General was requested to appeal to all Governments to co-operate with and assist the working group in the performance of its tasks and to furnish all information required.

The Commission also requested the Secretary-General to provide the working group with all necessary assistance, in particular staff and resources, in order to perform its functions in an effective and expeditious manner. The working group was invited, in establishing its working methods, to bear in mind the need to be able to respond effectively to information that comes before it and to carry out its work with discretion. The Commission requested the working group to submit to the Commission at its thirty-seventh session a report on its activities, together with its conclusions and recommendations.

In the same resolution, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was requested to continue studying the most effective measures for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-seventh session. The Commission decided to consider this question again at its thirty-seventh session.

The Economic and Social Council, by its decision 1980/128 of 2 May 1980, approved the Commission's decision to establish a working group for a period of one year.

At its thirty-third session, the Sub-Commission by its resolution 18 (XXXIII) expressed deep concern over the fact that people were still disappearing in a number of countries, and urged the Commission on Human Rights to extend the mandate of its Working Group on Enforced or Involuntary Disappearances. It emphasized that the extreme gravity of the situation necessitated emergency action by the Working Group of the Commission and by other organs in the United Nations system as well as by the Secretary-General. It urged the Secretary-General to continue to exercise his good offices, as requested by the General Assembly, in cases of enforced or involuntary disappearances and decided to study further, at its thirty-fourth session, the question of missing persons and of enforced or involuntary disappearances of persons, as a matter of high priority, especially as regards a number of matters specifically mentioned in paragraph 4 of the resolution. Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations were requested to transmit to the Commission on Human Rights at its thirty-seventh session and to the Sub-Commission at its thirty-fourth session information, views or comments on these.

By its resolution 35/193 of 15 December 1980, the General Assembly welcomed the establishment by the Commission on Human Rights of the Working Group on Enforced or Involuntary Disappearances and requested the Commission to continue to study the question of involuntary or enforced disappearances of persons as a matter of priority and to take any steps it may deem necessary to the pursuit of its work on this question when it considers the report to be submitted to it by the Working Group at its thirty-seventh session. The Assembly appealed to all Governments to co-operate with the Working Group and the Commission on Human Rights and to enable them to perform their task effectively and in a humanitarian spirit. The Secretary-General was requested to draw the concerns expressed in this resolution to the attention of all Governments, regional and interregional organizations and specialized agencies.

At its thirty-seventh session, the Commission on Human Rights will have before it:

- (a) Drafts for the preamble and final clauses of a draft convention against torture, submitted by Sweden (E/CN.4/1427);
- (b) A note by the Secretariat containing the text of a draft optional protocol to the draft convention against torture as submitted by Costa Rica (E/CN.4/1409);
- (c) The report of the Working Group on Enforced or Involuntary Disappearances of Persons (E/CN.4/1435); and,
- (d) Information, views and comments on enforced or involuntary disappearances of persons, received under Sub-Commission resolution 18 (XXXIII) (E/CN.4/1434).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

(i) Over-all analysis

In resolution 32/130 of 16 December 1977, the General Assembly decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account a number of concepts. The General Assembly requested the Commission to undertake at its thirty-fourth session, as a matter of priority, an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of those concepts.

By resolution 33/104 of 16 December 1978 the Assembly requested the Commission to continue the over-all analysis with high priority. By resolution 33/105 of the same date it requested the Commission to take into account in that work the views expressed on the various proposals during the general debate at the thirty-second and thirty-third sessions of the General Assembly, including the proposal for the establishment of a post of United Nations High Commissioner for Human Rights. In resolution 33/54 of 14 December 1978 the Assembly requested the Commission, also in the context of the over-all analysis, to consult with specialized agencies and other organs and bodies of the United Nations system, which are, according to their mandates, concerned with the protection and promotion of human rights and fundamental freedoms and, as appropriate, with other regional intergovernmental bodies related to the United Nations system particularly concerned with human rights, on the various human rights activities and programmes, and the existing modes of co-ordination, co-operation and communication among them.

In resolution 1979/36 of 10 May 1979, the Economic and Social Council, on the recommendation of the Commission in resolution 22 (XXXV), inter alia, requested the Secretary-General to compile for the Commission on Human Rights at its thirty-seventh session an analytical presentation of the material submitted by specialized agencies and other organs and bodies within and related to the United Nations system which are, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms. The Council noted that the Commission on Human Rights, at its thirty-seventh session, may wish to set up a sessional working group to study the material compiled and to make proposals if it deems it appropriate for the co-ordination of specific human rights activities and programmes within the United Nations system.

At its thirty-fourth session, the General Assembly adopted resolution 34/25 of 15 November 1979 by which it welcomed the action decided on by the Commission on Human Rights and by the Economic and Social Council in response to General Assembly resolution 33/54. It urged those specialized agencies and other organs and bodies within and related to the United Nations system which were, according to their explicit mandates, concerned with the promotion and protection of human rights and fundamental freedoms to offer their full co-operation to the Secretary-General in his preparation of the preparatory material which would be the basis for the study to be carried out by the Commission on Human Rights at its thirty-seventh session. The Commission on Human Rights was requested to give priority to the completion of its study at its thirty-seventh session in 1981. The Assembly decided to include in the provisional agenda of its thirty-sixth session the item entitled "Review and co-ordination of human rights programmes of organizations in the United Nations system and co-operation with other international programmes in the field of human rights" and to give high priority to the consideration of the item at that session.

In resolution 34/46, the General Assembly, inter alia, requested the Commission to continue at its thirty-sixth session its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of resolution 32/130.

By its resolution 28 (XXXVI), the Commission on Human Rights decided to continue at its thirty-seventh session its ongoing work on the over-all analysis of further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. The Commission decided further to establish at the very beginning of its thirty-seventh session an open-ended sessional working group to continue the over-all analysis and also to consider the question of the co-ordination of specific human rights activities within the United Nations system as well as to elaborate appropriate recommendations with respect to the over-all analysis for consideration by the Commission at its thirty-seventh session.

By the same resolution the Commission deemed it necessary, while carrying out its task, to pay attention to the preparation of a broadly balanced long-term programme of work, in conformity with the Charter of the United Nations, the Universal Declaration of Human Rights, and relevant international instruments, taking into account the concepts enumerated in General Assembly resolution 32/130.

At its thirty-fifth session, the General Assembly, by its resolution 35/174 of 15 December 1980, inter alia, reiterated its request to the Commission on Human Rights to continue its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of resolution 32/130. It requested the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and the rights of people and individuals affected by situations such as those resulting from the evils mentioned in subparagraph (e) of paragraph 1 of resolution 32/130 and to indicate the obstacles for the establishment of the new international economic order which is an essential element for the effective promotion of human rights and fundamental freedoms.

(ii) Question of the intersessional activities of the Commission and its Bureau

In resolution 28 (XXXVI), the Commission on Human Rights requested the Secretary-General to seek the views of Governments on the possibility of the creation of an intersessional role for the Commission's Bureau and on the possible need for convening emergency sessions of the Commission in order to consider responding to reports of mass and flagrant violations of human rights of an urgent nature, taking into consideration General Assembly resolution 32/130, and to report thereon to the Commission at its thirty-seventh session.

The Commission requested also the Secretary-General to submit to the Commission on Human Rights at its thirty-seventh session:

(a) Available information on intersessional roles performed by the Bureaux of other bodies in the United Nations system;

(b) Information on the means available, including financial implications, for the convening of intersessional meetings of the Bureau as well as of emergency sessions of the Commission;

(c) Any other information relevant to the subject.

(iii) Relevant resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-third session

By its resolution 25 (XXXIII) the Sub-Commission urged 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.

By the same resolution, the Sub-Commission further decided to draw the attention of the Commission to the ideas contained in the annex to this resolution in connection with possible future roles of the Sub-Commission as part of United Nations responses to emergency situations of violations of human rights.

The Sub-Commission also adopted resolution 27 (XXXIII) by which it requested the Commission on Human Rights to 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.

(iv) Development of public information activities in the field of human rights

In accordance with the recommendation of the Commission on Human Rights (resolution 24(XXXVI)) the Economic and Social Council by its resolution 1980/30 inter alia, requested the Secretary-General, in co-operation with the United Nations Education, Scientific and Cultural Organization and the International Labour Organisation, to draw up and implement a world-wide programme for the dissemination of international instruments on human rights in as many languages as possible and to report on the implementation of this programme to the Commission on Human Rights at its thirty-seventh session. By the same resolution the Economic and Social Council also requested the Secretary-General to report to the Commission on Human Rights at its thirty-seventh session on the measures taken to enhance public information activities in the field of human rights, including any proposals made to this end by the Committee on Information, and to include in his report information on the implementation of the plans mentioned in his report to the Commission at its thirty-sixth session, as well as information received pursuant to the request for the drawing up and implementation of a world-wide programme for the dissemination of international instruments on human rights

(v) Relevant resolutions adopted by the General Assembly at its thirty-fifth session

By its resolution 35/175 of 15 December 1980, the General Assembly requested the Commission on Human Rights to consider the proposal for the establishment of a post of a High Commissioner for Human Rights at its thirty-seventh session within the present item of the agenda. It also requested the Commission to submit through the Economic and Social Council to the General Assembly at its thirty-sixth session a report on its work under this item, including the views expressed in the Commission in regard to the proposal for establishment of a post of United Nations High Commissioner for Human Rights. Finally, the General Assembly decided to consider the question of the creation of a post of United Nations High Commissioner for Human Rights at its thirty-sixth session under the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

By its resolution 35/176 of 15 December 1980, the General Assembly requested the Commission on Human Rights to discuss, at its thirty-seventh session under the present agenda item, the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may enhance the promotion and protection of human rights.

By its resolution 35/194 of 15 December 1980, the General Assembly requested the Secretary-General to keep the question of the redesignation of the Division of Human Rights as a Centre for Human Rights under consideration with a view to carrying out the redesignation when he deems it appropriate, taking into account the views expressed by Member States at the thirty-fifth session of the General Assembly.

The Commission may also note General Assembly resolution 35/197 of 15 December 1980, by which the Assembly noted with satisfaction the efforts currently under way within the Organization of African Unity to elaborate an African Charter of Human Rights and to establish an African Commission on Human Rights, and requested the Secretary-General to maintain close co-operation with the Secretary-General of the Organization of African Unity on this matter and to keep the General Assembly and the Commission on Human Rights informed as he deems it appropriate. It welcomed with appreciation the offer made by the Government of Sri Lanka to host a seminar of member States of the Asian region to consider appropriate arrangements for the promotion and protection of human rights in the region. The Assembly requested the Secretary-General to make the necessary arrangements following finalization of the consultations with member States of the Asian region with a view to holding the above-mentioned seminar in Colombo in 1981 and to inform the General Assembly at its thirty-sixth session of the deliberations of the seminar.

At its thirty-seventh session the Commission will have before it:

- (a) A short survey of the human rights activities and programmes of specialized agencies and other organs within and related to the United Nations System (E/CN.4/1433) submitted in accordance with Council resolution 1979/36;
- (b) A report by the Secretary-General on the question of the intersessional activities of the Commission and its Bureau, (E/CN.4/1443) submitted under Commission resolution 28 (XXXVI);
- (c) A report by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1436), submitted in accordance with Council resolution 1980/30.

12. Review of the draft medium-term plan for the period 1984 to 1989

It will be recalled that at its thirty-sixth session, the Commission had before it a conference room paper containing the up-dated medium-term plan for 1980-1983 (E/CN.4/CRP/1) as well as the programme budget for the biennium 1980-1981 (A/34/6). This information was made available in pursuance of General Assembly resolution 34/46 which requested the Commission at its thirty-sixth session, inter alia, "to consider the existing human and other resources that the Division of Human Rights of the Secretariat has at its disposal for the implementation of General Assembly resolutions, on the basis of complete data which the Secretary-General is requested to provide to it, and thereafter to make recommendations, through the Economic and Social Council, to the Assembly at its thirty-fifth session, with a view to further improving the working of the Division."

At its present thirty-seventh session, item 12 of the provisional agenda, "Review of the draft medium-term plan for the period 1984 to 1989", has been included in response to changes in the procedure for the preparation and review of medium-term plans as a result of the recommendations made by the Committee for Programme and Co-ordination, in particular the following decision taken at its twentieth session (A/35/38, paras. 319 and 320):

"The chapters of the proposed medium-term plan for the period 1984-1989 should be reviewed by the relevant sectoral, functional and regional intergovernmental bodies prior to their review by the Committee, the Economic and Social Council and the General Assembly. No change in the regular scheduling of those bodies should, however, be imposed by those reviews. As a consequence, programme managers should draft their portions of the plan for them to be reviewed at the normal session of the relevant intergovernmental body or competent ad hoc subsidiary of that body, even though that would mean that different parts of the plan would have to be prepared at different times in the latter part of 1980 and in 1981. When those bodies are considering the proposed plan, the Secretariat should draw their attention to the provisions of General Assembly resolution 31/93 of 14 December 1976, in particular paragraphs 6 and 7 thereof."

During autumn 1980, the draft medium-term plan for the period 1984-1989 was prepared in the Division of Human Rights and is submitted, in accordance with the above-mentioned procedure and in accordance with General Assembly resolution 35/9 of 3 November 1980, as document E/CN.4/1424, together with a covering note by the Secretary-General.

13. 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, including:

- (a) Question of human rights in Cyprus
- (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-fifth session

The Commission will have before it, in connection with this item as a whole, the annual supplement to document E/4226 (E/CN.4/923/Add.13), listing decisions taken by United Nations bodies during 1979 relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries and territories.

Chapter IX of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-third session (E/CN.4/1413) is relevant to the item as a whole.

The Commission will also have before it a number of specific issues relating to this item as a whole.

I. Democratic Kampuchea

It will be recalled that by decision 9 (XXXIV), the Commission had requested the Secretary-General to transmit to the Government of Democratic Kampuchea documents and summary records of the thirty-fourth session of the Commission relating to the human rights in that country with a view to inviting that Government to send its comments and observations. By that same decision the Secretary-General was further requested to transmit the response of the Government of Kampuchea together with all information that might be available about the situation to the Commission at its thirty-fifth session, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

At its thirty-first session, the Sub-Commission, by its resolution 11 (XXXI) requested its Chairman or such member as the Chairman may decide to appoint, to analyse these materials on its behalf, together with the comments and observations made by the Sub-Commission and other relevant materials received by the Secretary-General before the thirty-fifth session of the Commission on Human Rights, and to present his analysis with the recommendation that the Commission give this matter highest priority at its thirty-fifth session.

Pursuant to the above-mentioned decision of the Commission and resolution of the Sub-Commission, the Commission had before it at its thirty-fifth session the following documents: (a) E/CN.4/Sub.2/414 and Addenda 1-8 (pertaining to the material received under Commission decision 9 (XXXIV)); (b) E/CN.4/1295 and E/CN.4/Sub.2/414/Add.9 (submissions from the Government of Democratic Kampuchea) and (c) E/CN.4/1335 (the analysis prepared and introduced by the Chairman of the Sub-Commission).

At its thirty-fifth session, the Commission decided to postpone consideration of the analysis prepared by the Chairman of the Sub-Commission to its thirty-sixth session (Commission decision 6 (XXXV)).

At its thirty-sixth session the Commission considered the analysis by the Chairman of the Sub-Commission (E/CN.4/1555). It also had before it a number of documents in connection with this question. It adopted resolution 29 (XXXVI) in which it expressed its appreciation for the efficient manner in which the Sub-Commission under its dedicated Chairman, had discharged its responsibilities and it endorsed the Sub-Commission's report. The Commission decided to keep the human rights situation in Kampuchea under review as a matter of priority and to that end requested a member of the Sub-Commission to review any further material on the subject which might become available by the thirty-third session of the Sub-Commission and to submit it together with appropriate recommendations to the Commission at its thirty-seventh session.

The Sub-Commission considered this situation at its thirty-third session. It considered the review of the further material on the human rights situation in Kampuchea undertaken by Mr. A. Bouhdiba. It adopted resolution 24 (XXXIII) by which it requested the Secretary-General to transmit to the Commission at its thirty-seventh session the further material received by Mr. Bouhdiba together with the summary records of the Sub-Commission's considerations of the matter and including Mr. Bouhdiba's statement to the Sub-Commission. The Sub-Commission recommended to the Commission that it should keep the situation of human rights in Kampuchea under continuing review and, to that 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. The Commission will have before it the materials reviewed by Mr. Bouhdiba and the summary records of the Sub-Commission's consideration of this matter including Mr. Bouhdiba's statement (E/CN.4/1457).

II. Guatemala

The Commission considered the situation of human rights in Guatemala at its thirty-sixth session. It had before it a number of documents concerning the situation, including the response of the Government of Guatemala to Commission decision 12 (XXXV) which concerns the assassination in Guatemala of Dr. Alberto Fuentes Mohr. The Commission expressed its profound concern at the situation of human rights in Guatemala and urged the Government to take the necessary measures to ensure full respect for the human rights of the people of Guatemala. It noted with satisfaction the decision of the Government to invite the Inter-American Commission on Human Rights to visit the country and to prepare a report on the human rights situation. The Commission decided to keep the situation of human rights in Guatemala under review at its thirty-seventh session on the basis of information received from all relevant sources. Accordingly, the Commission will have before it a document containing the information received (E/CN.4/1438).

III. Equatorial Guinea

At its thirty-sixth session the Commission examined the report of the Special Rapporteur appointed under its resolution 15 (XXXV). It adopted resolution 33 (XXXVI) by which it took note with appreciation of the report of the Special Rapporteur and noted with appreciation the interest of the Government of Equatorial Guinea in the co-operation of the United Nations in order to ensure the effective enjoyment of fundamental rights by the citizens of Equatorial Guinea. The Commission decided, in response to the request of the Government of Equatorial Guinea, to request the Secretary-General to appoint, as an expert in his individual capacity, a person with wide experience of the situation in

Equatorial Guinea to assist the Government of that country in taking the action necessary for the restoration of human rights, bearing in mind the recommendations of the Special Rapporteur and the economical, political and social realities of that country. The Commission requested the expert to submit a report on the implementation of that resolution to it for consideration at its thirty-seventh session. By decision 1980/137, the Economic and Social Council approved the Commission's decision. The report of the expert will be before the Commission in document E/CN.4/1439.

IV. Bolivia

At its thirty-third session, the Sub-Commission considered the question of Bolivia and adopted resolution 23 (XXXIII) by which it recommended that the Commission at its thirty-seventh session study the reported violations of human rights in Bolivia and take urgent measures aimed at their restoration. It requested Governments, specialized agencies, other intergovernmental organizations and non-governmental organizations in consultative status to submit to the Secretary-General recent and reliable information on violations of human rights in Bolivia for transmittal to the Commission on Human Rights. It requested Mrs. Halima Ambarek Warzazi to make an analysis of the information received and to present this analysis together with such recommendations as she deems appropriate to the Commission on Human Rights at its thirty-seventh session. The Commission will have before it the analysis prepared by Mrs. Warzazi in document E/CN.4/1441.

The Commission may also note that the General Assembly at its thirty-fifth session considered the question of human rights in Bolivia. It had before it a letter from the Government of Bolivia addressed to the Secretary-General in which the Government referred to reports of violations of human rights in Bolivia and indicated its readiness to receive a delegation from the Commission on Human Rights to visit Bolivia in order to dispel once and for all the distorted picture which biased informants are seeking to give of Bolivia in an effort to do harm to the country. The text of the letter will be before the Commission in document A/C.3/35/9. The General Assembly adopted resolution 35/185 of 15 December 1980 by which it requested the Commission to accept this invitation and to review the human rights situation in Bolivia at its thirty-seventh session.

V. El Salvador

The attention of the Commission is drawn to General Assembly resolution 35/192 of 15 December 1980 entitled "The situation of human rights and fundamental freedoms in El Salvador" by which the General Assembly requested the Commission to examine at its thirty-seventh session the situation of human rights in El Salvador. By the same resolution the Assembly expressed its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador and deplored several aspects of the human rights situation in that country.

VI. Human rights and massive exoduses

The Commission considered this question for the first time at its thirty-fifth session when it had before it a draft proposal and amendments thereto. The main proposal was withdrawn and the Commission postponed consideration of the question until its thirty-sixth session. At its thirty-sixth session, the Commission took up the matter and adopted resolution 30 (XXXVI) by which it

requested the Secretary-General, in cases where large-scale exoduses became a matter of international concern, to consider establishing direct contacts with Governments, to assess the relationships between the situation and full enjoyment of human rights and to make concrete recommendations for ameliorating such situations.

A note of the Secretary-General will be before the Commission in document E/CN.4/1440.

The Secretary-General was requested, where warranted, to submit to the Commission at its thirty-seventh session or to the General Assembly, a summary of his findings and recommendations to assist Governments in restoring full enjoyment of human rights. The Commission decided to consider the question "Human rights and massive exoduses" under item 13 of the provisional agenda.

The Commission may wish to note General Asssmbly resolution 35/196 of 15 December 1980 by which the Assembly endorsed the request of the Commission in its resolution 30 (XXXVI), and requested the Commission at its thirty-seventh session to examine the report of the Secretary-General and to make recommendations for further action on the basis of that report. The Assembly decided to consider the question at its thirty-sixth session in the light of the consideration given to it by the Commission on Human Rights.

VII. Other questions

At its thirty-sixth session, the Commission adopted decision 11 (XXXVI) entitled "Message on the question of Sakharov" by which the Commission decided to defer the consideration of the question in draft decision E/CN.4/L.1534 until its thirty-seventh session, including it among its priority items.

It may be also noted that, at its thirty-third session, the Sub-Commission adopted resolution 19 (XXXIII) by which it recommended the establishment of an information-gathering service within the United Nations Division of Human Rights and called upon the Economic and Social Council to seek authorization for the establishment of such a service. By resolution 22 (XXXIII) the Sub-Commission requested 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 at the same session, 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 at its thirty-seventh session, to visit any countries which were the subject of decisions 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.

At its thirty-fifth session the General Assembly adopted resolution 35/190 entitled "Voluntary fund of the United Nations for victims of gross and flagrant violations" by which the Assembly decided to request the Commission at its thirty-seventh session to study the possibility of extending the mandate of the United Nations Trust Fund for Chile to receive voluntary contributions and to study the criteria for their distribution through established channels of assistance to persons not covered by the mandate of other existing United Nations Trust Funds and whose human rights have been violated. The Commission is requested

to report to the Economic and Social Council at its first regular session in 1981. By the same resolution the Council is requested to present to the General Assembly at its thirty-sixth session recommendations concerning the extension of the mandate of the existing United Nations Trust Fund for Chile to become a United Nations Trust Fund for Victims of Gross and Flagrant Violations of Human Rights.

(a) Question of human rights in Cyprus

It will be recalled that the Commission decided at its thirty-fifth session in 1979 to postpone consideration of this sub-item to its thirty-sixth session (Commission decision 5 (XXXV)), it being understood that action required by previous resolutions of the Commission on this subject continue to remain operative including the request to the Secretary-General to provide a report to the Commission regarding their implementation. At its thirty-sixth session, the Commission had before it a report by the Secretary-General (E/CN.4/1979); the Commission, by decision 13 (XXXVI) again decided to postpone debate on the question in the same terms as in the previous session. The Commission will have before it a note of the Secretary-General in document E/CN.4/1442.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-sixth session

(i) Procedural developments

It will be recalled that the Commission decided at its thirty-fourth session in 1978 to issue, during the first week of each session, invitations to the States in respect of which situations were being considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission (Commission decision 5 (XXXIV)).

Further to that decision, the Commission decided at its thirty-fifth session to authorize its working groups in future, if they have been established to assist the Commission in examining documents reaching it in virtue of Council resolution 1503 (XLVIII), to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (Commission decision 14 (XXXV)).

At its thirty-sixth session, the Commission decided, having regard to its decision 5 (XXXIV), that the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (Commission decision 9 (XXXVI)).

(ii) Report of the Working Group established by Commission decision 3 (XXXVI)

The Commission will have before it the report of the Working Group established by its decision 3 (XXXVI) of 7 March 1980 to examine such particular situations as may be referred to the Commission by the thirty-third session of the Sub-Commission under Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review. The report of the Working Group (E/CN.4/R.70), as well as other confidential documents pertaining to the sub-item, including the confidential report of the thirty-third session of the Sub-Commission (E/CN.4/R.66 and addenda), observations received from Governments (E/CN.4/R.68 and addenda) and summaries of further communications of relevance to the situations which the Commission has before it (E/CN.4/R.69) will be distributed to each member of the Commission personally.

Chapter XII of the report of the Sub-Commission on the work of its thirty-third session (E/CN.4/1413) is also of relevance in this connection.

(iii) Implementation of earlier decisions taken by the Commission under Council resolution 1503 (XLVIII)

Documentation pertaining to the implementation of decisions adopted at previous sessions of the Commission under Council resolution 1503 (XLVIII) in respect of specific countries, including the confidential reports prepared by the Secretary-General pursuant to Commission resolution 15 (XXXIV) (document E/CN.4/R.67 and addenda), will be distributed to each member of the Commission personally.

14. Question of a convention on the rights of the child

At its thirty-fifth session, the Commission on Human Rights decided to establish an informal open-ended working group to consider the question of a convention on the rights of the child. The working group had before it the text of a draft convention annexed to Commission resolution 20 (XXXIV), together with a number of amendments thereto, and the report of the Secretary-General on the views, observations and suggestions on the question submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324 and Corr.1 and Add.1-4). The report of the working group may be found in chapter XI of the Commission's report on its thirty-fifth session (E/1979/36).

At the thirty-sixth session of the Commission, work on the draft convention continued through an open-ended working group. Nine preambular paragraphs and the first article of the draft convention have now been adopted. The report of the working group can be found in chapter XI of the Commission's report on its thirty-sixth session (E/1980/13).

In resolution 36 (XXXVI) of 12 March 1980, the Commission resolved to continue work on the draft convention as a matter of priority. By decision 1980/130 of 2 May 1980, the Council authorized a further open-ended working group to meet for one week prior to the Commission's thirty-seventh session to facilitate the completion of the work on the draft convention.

At its thirty-fifth session, the General Assembly, by resolution 35/131 of 11 December 1980, welcomed Council decision 1980/133 and requested the Commission, at its thirty-seventh session, to continue to give high priority to the question of completing the draft convention. The item will be included in the provisional agenda of the Assembly's thirty-sixth session.

At the thirty-seventh session the Commission will have before it the report of the working group set up at the thirty-sixth session (see above), the draft convention annexed to Commission resolution 20 (XXXIV), and the report of the Secretary-General on the views, observations and suggestions on that draft convention submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324 and Corr.1 and Add.1-5). The Commission will also have before it a number of Sub-Commission documents relating to the exploitation of child labour which the Sub-Commission, by paragraph 4 of resolution 7 B (XXXII), had recommended be taken into account in drafting the appropriate articles of the convention (E/CN.4/Sub.2/453, E/CN.4/Sub.2/454, E/CN.4/Sub.2/451, E/CN.4/Sub.2/SR.335 and 336), and written statements submitted to the Commission for consideration by non-governmental organizations in consultative status (E/CN.4/NGO/265 and 276).

In addition, the Commission will have before it the text of a draft convention submitted by Poland on 5 October 1979 (E/CN.4/1349).

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

By resolution 32/120 of 16 December 1977, the General Assembly recommended that the Commission on Human Rights and the Economic and Social Council should consider this question fully and in depth at their next sessions, in collaboration with ILO, UNESCO and other interested agencies of the United Nations system, on the basis of the instruments adopted and the documents and studies prepared by the United Nations and the specialized agencies, including the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the Seminar on the Human Rights of Migrant Workers, held at Tunis from 12 to 24 November 1975 (ST/TAO/HR/50).

In its resolution 21 B (XXXIV) of 8 March 1978, the Commission on Human Rights, noting that, in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned, requested the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action. The report of the Secretary-General prepared pursuant to this resolution is contained in document E/CN.4/1325.

As decided by the Economic and Social Council in its resolution 1978/22 of 5 May 1978, a Working Group open to all Member States of the United Nations met in Geneva from 18 to 22 December 1978 to formulate specific proposals to be submitted to the Commission on Human Rights at its thirty-fifth session. The report of the Working Group is contained in document E/CN.4/1316.

By resolution 33/163 of 20 December 1978, the General Assembly expressed the hope that the Commission on Human Rights would submit to the first regular session of the Economic and Social Council in 1979 the study recommended in resolution 32/120 on the basis of the concrete proposals formulated by the Working Group established pursuant to Council resolution 1978/22. In addition, the Assembly requested the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the ILO, the possibility of drawing up an international convention on the rights of migrant workers.

The Commission considered the question at its thirty-fifth session. By its resolution 25 (XXXV) of 14 March 1979, the Commission, inter alia, invited the Governments of host countries to take certain measures to improve the situation of migrant workers and their families.

The Commission requested the United Nations bodies, the specialized agencies and the other world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers, to communicate to the Commission the model agreements and agreements which they formulate on the various aspects of inter-State relations in so far as they concern migrant workers (paragraph 6).

Also in resolution 25 (XXXV), the Commission decided to supervise, with the assistance of the ILO, UNESCO and WHO, and the other competent intergovernmental organizations and those NGOs which have consultative status with the Economic and Social Council, the application of the principles of the Universal Declaration of Human Rights to all migrant workers. It decided to give priority, at its next session, to the following three questions: (i) protection of the children of migrant workers against any form of discrimination and measures to be taken in order to facilitate their adaptation to the culture of the host country while maintaining and developing their knowledge of the language and national culture of the country of origin; (ii) violations of the human rights of migrant workers resulting from the illicit traffic in such workers; (iii) access of migrant workers to remedies in enterprises, from the administration, in courts and against all forms of arbitrary expulsion (paragraph 7).

The Commission decided to keep on its agenda the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", in particular for the purpose of studying the situation of those groups of migrant workers who continue to encounter practical difficulties with regard to the complete and genuine enjoyment of human rights.

In its resolution 1979/15 of 9 May 1979, the Economic and Social Council requested the Commission on Human Rights, at its thirty-sixth session, to give all necessary attention to the provisions of its resolution 25 (XXXV) of 14 March 1979, in particular paragraphs 2 and 7, with a view to their implementation. The Council requested the Secretary-General to invite the ILO, UNESCO, WHO and other interested United Nations bodies to continue their co-operation towards the preparation by the General Assembly of an international convention on protection of the rights of all migrant workers in accordance with the relevant recommendations contained in the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination and to submit to the Council at its first regular session of 1980 a report on the results of this co-operation covering the activities being conducted by them in their respective spheres of competence. In addition, the Council requested the Secretary-General to communicate to Member States at the thirty-fourth session of the General Assembly the results of the consultations which the Assembly requested him to undertake pursuant to resolution 33/163 in order to explore the possibility of drawing up an international convention on the rights of migrant workers. A report of the Secretary-General on this subject is contained in document A/34/535 and Add.1.

At its thirty-fourth session, the General Assembly, by its resolution 34/172 of 17 December 1979, decided to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. It requested the Secretary-General, in application of the provisions of Economic and Social Council resolution 1979/13, to give the working group all necessary support, with a view to facilitating the elaboration of the international convention on the protection of the rights of all migrant workers and their families. The Assembly invited the international organizations concerned to participate in the work of the working group and to co-operate with a view to the elaboration of such convention.

At the thirty-fifth session of the General Assembly, an open-ended working group on the drafting of an international convention on the protection of the rights of all migrant workers and their families was established pursuant to Assembly resolution 34/172. The Commission may note the report of the Chairman of this working group and the documents annexed to it (A/C.3/35/13 and Corr.1).

In its resolution 35/198 of 15 December 1980, the General Assembly, inter alia, decided that the working group should hold an intersessional meeting of two weeks' duration in New York in May 1981, immediately after the first regular session of the Economic and Social Council, to enable it to continue its work in order to discharge its mandate to the best of its ability during the thirty-sixth session of the General Assembly. It invited the Secretary-General to communicate to Governments the report of the Chairman of the working group and the documents annexed to it in order to enable the members of the working group, in the light of instructions from their respective Governments, to undertake during the second phase of its activities, at the forthcoming intersessional meeting, the preparation of a preliminary draft convention for consideration at the thirty-sixth session of the General Assembly. It also invited the Secretary-General to communicate, for information purposes, the above-mentioned documents to the competent organs of the United Nations system and to the interested international organizations, in order to enable them to participate in the work of the working group and to co-operate in the preparation of the draft convention. The Assembly further invited the Secretary-General to communicate to Governments, to the competent organs of the United Nations system and to the interested international organizations the report and the preliminary draft convention to be drawn up by the working group at its forthcoming intersessional meeting, in order to ensure effective preparation of the work of the thirty-sixth session of the General Assembly on the elaboration of a draft convention on the protection of the rights of all migrant workers and their families. Finally, the Assembly decided that the working group should meet during the thirty-sixth session of the General Assembly in order to continue its work on the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

At its thirty-sixth session, the Commission decided, on 12 March 1980, to postpone to its thirty-seventh session, consideration of the item on migrant workers.

At its first regular session for 1980, the Economic and Social Council, concerned at the fact that the Commission on Human Rights was unable to consider at its thirty-sixth session the item relating to migrant workers, invited, in its resolution 1980/16 of 30 April 1980, the Commission on Human Rights, at its thirty-seventh session, to devote all the time required to the implementation of paragraph 1 of Council resolution 1979/13. It decided to consider at its first regular session of 1981 the item entitled "Measures to improve the situation

and ensure the human rights and dignity of all migrant workers", to follow the progress of work relating to the elaboration by the General Assembly of the above-mentioned international convention on the protection of the rights of all migrant workers and their families and to make further recommendations to the working group on the convention in the light of the conclusions concerning the subject, which the Commission on Human Rights and the Commission for Social Development will submit in their reports on their thirty-seventh and twenty-seventh sessions, respectively, to the Economic and Social Council.

At its thirty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution I (XXXIII) of 2 September 1980. By this resolution the Sub-Commission decided 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, on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640), to be printed as soon as possible and given the widest possible dissemination.

The Commission may note that at its thirty-sixth session it had before it a report of the Secretary-General (E/CN.4/1374) prepared in accordance with paragraph 6 of Commission resolution 25 (XXXV).

16. Human Rights and scientific and technological developments.

In its resolution 10 (XXVII) of 18 March 1971, the Commission decided to retain the question of human rights and scientific and technological developments as a standing item on its agenda.

By resolution 31/128 of 17 December 1976, the General Assembly requested the Commission, in its consideration of the question of scientific and technological progress and human rights, to give special attention to the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, proclaimed by the General Assembly in its resolution 3304 (XXX) of 10 November 1975.

By resolution 10 B (XXXIII) of 11 March 1977, the Commission welcomed the adoption by the General Assembly, in its resolution 3304 (XXX), of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and accepted it, together with other relevant international instruments, as a guide for its future work.

In resolution 10 A (XXXIII) of 11 March 1977, the Commission requested the Sub-Commission to study, with a view to formulating guidelines, if possible, the question of the protection of those detained on the grounds of mental ill-health against treatment that might adversely affect the human personality and its physical and intellectual integrity, and further requested the Sub-Commission to submit a progress report on the above to the Commission when such a report was ready. In connection with that request, the Secretary-General submitted to the Sub-Commission at its thirtieth session a note (E/CN.4/Sub.2/386 and Add.1) on 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.

In this context, the General Assembly, at its thirty-third session, adopted resolution 33/53 by which it requested the Commission to urge that the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken as a matter of priority by the Sub-Commission and to submit a progress report on the question to the General Assembly at its thirty-fifth session.

At its thirty-second session, the Sub-Commission, by its resolution 6 (XXXII) of 5 September 1979 requested the Secretary-General to prepare a report analysing information concerning the subject referred to in Commission 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.

This report (E/CN.4/Sub.2/446), was circulated to the Sub-Commission at its thirty-third session together with a written statement submitted by the International Association of Penal Law and the International Commission of Jurists (E/CN.4/Sub.2/NGO/81).

Having considered these documents, the Sub-Commission, in resolution 11 (XXXIII), entrusted one of its members, Mrs. Erica-Irene 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 guidelines related to procedures for determining whether adequate grounds exist for detaining persons on the grounds of mental ill-health, and principles for the protection, in general, of persons suffering from mental disorder. By the same resolution the Sub-Commission decided to establish a sessional working group at its thirty-fourth session to consider the draft body of guidelines and principles prepared by the Rapporteur.

The Commission may note that at its thirty-fifth session the General Assembly, on 11 December 1980, adopted resolutions 35/130 A and B entitled "Human Rights and scientific and technological developments". By resolution 35/130 A the Assembly requested the Commission, in its consideration of the item entitled "Human Rights and scientific and technological developments" to give special attention to the question of the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Mankind. By resolution 35/130 B, the Assembly welcomed the action taken by the Sub-Commission to implement Assembly resolution 33/53 and requested the Commission and the Economic and Social Council to consider the draft guidelines related to procedures for determining whether adequate grounds exist for detaining persons on the grounds of mental ill-health and the draft principles for the protection of persons suffering from mental disorder requested in resolution 33/53, with a view to their being submitted to the Assembly at its thirty-seventh session.

Bearing in mind Commission 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 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) and noting the increasingly frequent recourse to computerized personal files, the Sub-Commission at its thirty-third session, in resolution 12 (XXXIII), requested its Chairman to designate one of its currently serving members to undertake a study on relevant guidelines in this area. The member designated was requested to submit his study and his proposals to the Sub-Commission at its thirty-fourth session.

The Commission will have before it the relevant chapter of the report of the Sub-Commission on its thirty-third session (E/CN.4/L413), together with the two reports previously mentioned which were submitted to the Sub-Commission at its thirty-third session (E/CN.4/Sub.2/446 and E/CN.4/Sub.2/NGO/81). Having postponed consideration of this agenda item at its thirty-fifth and thirty-sixth sessions, the Commission will also have before it two annual reports on developments relating to science and technology elsewhere in the United Nations system of interest to the Commission (E/CN.4/1276 and E/CN.4/1306), which should be read in conjunction with the first report issued on the same subject (E/CN.4/1234), and an addendum to the report of the Secretary-General on human rights and national machinery for decision-making on science policy, with particular reference to technological assessment (E/CN.4/1235/Add.1).

17. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

By resolution 12 (XXXVI) of 26 February 1980, the Commission decided to maintain this question on its agenda as a standing item.

In the same resolution, the Commission, inter alia, reiterated its appeal to those countries that had not yet done so to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay; urged the States Parties to adopt the measures prescribed by the Convention, particularly those referred to in its articles IV and V; requested the Ad Hoc Working Group of Experts to continue, in co-operation with the Special Committee against Apartheid as appropriate, its compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention on the Suppression and Punishment of the Crime of Apartheid and of individuals, organizations, institutions and representatives of States against whom or which legal proceedings have been undertaken; and further requested the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and in accordance with paragraph 20 of the annex to resolution 34/24 adopted by the General Assembly on 15 November 1979, to undertake a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the said Convention (see also the annotations relating to item 6 of the provisional agenda).

In resolution 13 (XXXVI) of 26 February 1980, the Commission, having considered the report of the Group of Three (E/CN.4/1358), took note with appreciation of this report and in particular the recommendations contained in it; renewed its appeal to those countries that had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid without delay; commended those States Parties that had submitted their reports, in particular those that had submitted a second report, and urged the States Parties which had not yet done so to submit their report as soon as possible; requested the Secretary-General to renew his invitation to the States Parties to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention and to transmit such suggestions to the Ad Hoc Working Group of Experts responsible for investigating violations of human rights in southern Africa in order that it may undertake a study on the establishment of the aforesaid international penal tribunal, in accordance with

the mandate entrusted to it under resolution 12 (XXXVI) of the Commission; again urged States Parties to the Convention to take into consideration, when submitting their reports, the guidelines (E/CN.4/1286) laid down by the Group in 1978 for the submission of reports; and decided that the Group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-seventh session of the Commission to consider the reports submitted by States Parties in accordance with article VII of the Convention.

The Group, composed of the representatives of Bulgaria, Cuba and Nigeria, appointed by the Chairman of the Commission at its thirty-sixth session, is scheduled to meet in Geneva from 26 to 30 January 1981.

At its thirty-seventh session, the Commission will have before it the following documents:

(a) A note by the Secretary-General (E/CN.4/1415) concerning the status of the Convention and of the submission of reports by States Parties in accordance with article VII. The reports received from States Parties after the thirty-sixth session of the Commission will be made available to the Commission in addenda to document E/CN.4/1415;

(b) A note by the Secretary-General (E/CN.4/1416) concerning the implementation of the decisions of the Commission in its resolution 12 (XXXVI) relevant to the discharge of its functions under article X of the Convention;

(c) The report of the Group of Three on its 1981 session (E/CN.4/1417);

(d) A study prepared by the Ad Hoc Working Group of Experts on Southern Africa under Commission resolution 12 (XXXVI), paragraph 7, on the ways and means of ensuring implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1426).

The General Assembly in its resolution 35/39 of 25 November 1980, inter alia, welcomed the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invited the Commission to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken; requested the Commission on Human Rights, in preparing the above-mentioned list, to take into account General Assembly resolution 33/23 of 29 November 1978 entitled "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", as well as the documents on this subject prepared by the Commission and its sub-organs reaffirming, inter alia, that States giving assistance to the racist régime in South Africa become accomplices in the inhuman practices of racial discrimination and apartheid; and called upon the competent United Nations organs to continue to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid.

18. "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service"

This item has been considered by the Commission since its twenty-fifth session. The Commission, in resolution 1 B (XXXII) of 11 February 1976, requested the Secretary-General to summarize the information which all member States, the appropriate United Nations organs, the specialized agencies and the non-governmental organizations concerned would be invited to furnish on steps taken to promote within their respective spheres of competence measures enumerated in the resolution. Accordingly, the report of the Secretary-General on the role of youth in the promotion and protection of human rights (E/CN.4/1223 and Add.1-3) was issued in pursuance to that resolution.

It may be recalled that the question of conscientious objection to military service was discussed by the Commission at its thirty-second session. The Commission, in its resolution 1 A (XXXII), noted the report on the question of conscientious objection to military service prepared by the Secretary-General pursuant to its resolution 11 B (XXVII) (E/CN.4/1118 and Corr.1 and Add.1-3).

At its thirty-sixth session, the Commission, in resolution 38 (XXXVI), requested the Secretary-General to seek once again from member States up-to-date information on national legislation and other measures and practices relating to conscientious objection to military service and alternative service, together with any comments they might wish to transmit on the matter. The Commission further requested the Secretary-General to prepare a report on the information provided, for submission to it at its thirty-seventh session.

The Commission will therefore have before it the report by the Secretary-General requested in resolution 38 (XXXVI) (E/CN.4/1419 and addenda).

19. Draft Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief

In resolution 3027 (XXVII) of 18 December 1972, the General Assembly decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the International Convention on this subject. Having been requested by the Assembly in resolution 3267 (XXIX) of 10 December 1974 to draft a Declaration, the Commission has, since 1974, considered the question at each of its sessions. The informal working group set up by the Commission during these sessions to consider the elaboration of a draft Declaration has so far adopted the title, the preamble, articles I to IV and article V, paragraph 2 (E/1980/13, para. 318).

At its thirty-fourth session, the Commission, by its resolution 22 (XXXIV) of 8 March 1978, suggested that member States of the United Nations or members of specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council which had views to submit on the elaboration of a draft declaration might wish to do so in writing, to the Secretary-General.

At its thirty-fifth session, the Commission adopted resolution 20 (XXXV) of 14 March 1979. In that resolution, the Commission noted that its working group had achieved far-reaching agreement on several substantive aspects of the first articles of the draft Declaration but had been unable to reach consensus; decided to adopt, on the basis of those proposals on which there was far-reaching agreement, three draft

articles (articles I-III); requested the Secretary-General to invite the United Nations Educational, Scientific and Cultural Organization to organize a collective consultation, embracing various established schools of religious thought, on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance, and to submit the conclusions reached by this consultation to the Commission at its thirty-sixth session; and decided to continue the elaboration of the remaining articles of the draft Declaration and to establish again the open-ended working group at its next session.

The document received from UNESCO under resolution 20 (XXXV) and submitted to the Commission at its thirty-sixth session consisted of extracts from a report on a meeting of experts on the place of human rights in cultural and religious traditions held in Bangkok in December 1979 (E/CN.4/1375).

In resolution 35 (XXXVI) of 12 March 1980, the Commission decided that, although progress was made by the working group during the session, a substantial amount of work remained to be done; therefore work on the draft Declaration should be continued at the thirty-seventh session, as a matter of highest priority, and the formulation of the Declaration should be completed at that session for transmission to the General Assembly through the Council. Another open-ended working group was to be established at the thirty-seventh session in order that the task of producing a Declaration could be completed.

The Assembly, at its thirty-fifth session, by resolution 35/125 welcomed the progress made so far by the Commission, and urged the Commission to complete its work on the drafting of the Declaration at the Commission's thirty-seventh session with a view to submitting to the Assembly, through the Council, at its thirty-sixth session a single draft Declaration.

The Commission will have before it: (a) a working paper prepared by the Secretariat (E/CN.4/1145); (b) reports submitted by the Secretary-General under Commission resolution 22 (XXXIV) (E/CN.4/1305 and Add.1-3 and E/CN.4/1337); (c) the provisions of existing international instruments made available in accordance with Assembly resolution 33/106 (E/CN.4/L.1417).

20. Periodic reports on human rights

- (a) Periodic reports on freedom of information
- (b) Periodic reports on civil and political rights and question of the rights of everyone to leave any country, including his own, and to return to his country (Economic and Social Council resolution 1788 (LIV))

The Commission has postponed consideration of this item at every session since its thirty-third session.

(a) The Commission will again have before it at its thirty-seventh session the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1977 session (E/CN.4/1226).

The following documentation distributed at the thirty-third, thirty-fourth, thirty-fifth and thirty-sixth sessions of the Commission will be available:

- (i) The reports on freedom of information for the period 1 July 1970-30 June 1975 received from Governments (E/CN.4/1214 and Add.1-20) and specialized agencies (E/CN.4/1215 and Add.1-3);
- (ii) An analytical summary of these reports (E/CN.4/1224);
- (iii) A subject and country index to the reports (E/CN.4/1225);
- (iv) Relevant contributions received from non-governmental organizations in consultative status and comments made on them by the member States concerned.

(b) The Commission will again have before it the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1979 session (E/CN.4/1304).

In connection with this item, the following documentation distributed at the thirty-fifth and thirty-sixth sessions will be available to the Commission:

- (i) Reports on civil and political rights for the period 1 July 1971 to 30 June 1977, received from Governments (E/CN.4/1300 and addenda) and specialized agencies (E/CN.4/1301);
- (ii) An analytical summary of the reports and other material on civil and political rights for the period from 1 July 1971 to 30 June 1977 (E/CN.4/1302) prepared by the Secretary-General in accordance with Commission resolution 16 B (XXIII);
- (iii) A subject and country index of the reports on civil and political rights (E/CN.4/1303) prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);
- (iv) An up-to-date memorandum on the status of multilateral international agreements in the field of human rights, concluded under the auspices of the United Nations (ST/HR/4/Rev.3), prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);
- (v) Contributions from non-governmental organizations in consultative status received under the terms of Economic and Social Council resolution 1074 C (XXXIX) and comments made on them by the member States concerned.

By its decision 14 (XXXVI) of 12 March 1980, the Commission decided to recommend to the Economic and Social Council that the session of the Ad Hoc Committee on Periodic Reports scheduled to meet prior to the Commission's thirty-seventh session be postponed to meet prior to the thirty-eighth session of the Commission. By its decision 1980/139, the Council approved the recommendation of the Commission.

21. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

By resolution 34/24 of 15 November 1979, the General Assembly adopted a four-year programme of activities designed to accelerate progress in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. Paragraph 19 of the Programme of activities provided that "in accordance with General Assembly resolution 3377 (XXX) of 10 November 1975, the Commission on Human Rights, in co-operation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, should undertake a study on ways and means of ensuring the implementation of the United Nations resolutions on apartheid, racism, and racial discrimination and submit its conclusions to the Assembly at its thirty-seventh session through the Economic and Social Council".

In this connection it should be recalled that in resolution 3 (XXX) of 31 October 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General to prepare a preliminary document that sets forth information from all available sources on how various United Nations instruments, including declarations and resolutions, have been used in national courts, administrative tribunals and domestic forums, including legislative forums, with suggestions for their effective future use in the specific field of racial discrimination. It also requested the Secretary-General to prepare a preliminary document that reports on the use of those United Nations instruments, declarations and resolutions in private forums as well. The two documents requested under the resolution were submitted to the Sub-Commission at its thirty-first session (E/CN.4/Sub.2/L.679, E/CN.4/Sub.2/L.680). By resolution 14 D (XXXVI) of 26 February 1980, the Commission on Human Rights requested the Sub-Commission to prepare a study on ways and means of ensuring the implementation of United Nations resolutions on apartheid, racism and racial discrimination and submit it together with its conclusions to the Commission at its thirty-eighth session. By resolution 4 D (XXXIII) of 5 September 1980 the Sub-Commission decided to discuss at its thirty-fourth session the preparation of the study.

21. (b) Implementation of the Programme for Action to Combat Racism and Racial Discrimination

By resolution 14 A (XXXVI) of 26 February 1980, the Commission, inter alia, recommended to the Economic and Social Council that it authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities: (a) to entrust Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur, with the preparation of a study on the discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings; and (b) to designate a special rapporteur from among its members to carry out a study on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of all forms of racism and racial discrimination. At its first regular session of 1980, by resolution 1980/28, the Council adopted these recommendations.

In resolution 14 B (XXXVI), the Commission, bearing in mind the four-year programme of activities to be undertaken during the second half of the Decade, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, decided to organize a seminar in 1981 with a view to studying the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist regimes of southern Africa. In accordance with the resolution the Chairman of the Commission will present a note to the Commission on the steps taken for the organization of the seminar (E/CN.4/1431).

In resolution 14 C (XXXVI) the Commission requested the Secretary-General to consult the Commission on Transnational Corporations and various other United Nations bodies with a view to determining the modalities under which the study referred to in paragraph 18 of the Programme of activities to be undertaken during the second half of the Decade should be carried on. Paragraph 18 of the Programme of activities provides, inter alia, that the Commission on Human Rights and the Commission on Transnational Corporations should make a study with a view to enumerating specific measures whose application by all States, intergovernmental organizations, private institutions and non-governmental organizations will make it possible to end all collaboration with the racist regime of South Africa. As requested by the resolution, the Secretary-General will report to the Commission on specific proposals regarding the preparation of the study (E/CN.4/1447).

At its thirty-third session, the Sub-Commission considered the question of the implementation of the Programme for the Decade under the item "Measures to combat racism and racial discrimination and the role of the Sub-Commission". At the conclusion of its discussion on the item, which is reflected in chapter III of its report (E/CN.4/1413) the Sub-Commission adopted, on 5 September 1980, resolutions 3 (XXXIII) and 4 (XXXIII).

In resolution 3 (XXXIII) the Sub-Commission, inter alia, recognizing the need to ensure effective measures for promoting human rights, and considering the great importance of economic, cultural, educational and psychological factors in that regard, recommended 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. It also requested the Secretary-General: (a) to collect from various sources information on how the immigration laws of member States affect different races and to transmit this information to the Sub-Commission at its thirty-fifth session; and (b) to provide to the Sub-Commission at its thirty-fourth session information on measures taken with a view to eliminating racism and racial discrimination in public and private employment and with respect to voting and election to public office.

In resolution 4 A (XXXIII) the Sub-Commission requested Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur for the above-mentioned study on discriminatory treatment in the administration of criminal justice proceedings, to prepare an action-oriented report for the thirty-fourth session of the Sub-Commission. In resolution 4 B (XXXIII) the Sub-Commission decided 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. In resolution 4 C (XXXIII) the Sub-Commission requested the Secretary-General to submit to it for consideration at its thirty-fifth session a concise, action-oriented report concerning measures which the Sub-Commission may recommend to Governments, through the Commission on Human Rights and the Economic and Social Council, with a view to the enhancement and strengthening of recourse procedures, at national and local levels, available to victims of racial discrimination.

In resolution 4 E (XXXIII), the Sub-Commission requested the Secretary-General to prepare and disseminate as widely as possible short pamphlets in various languages to popularize the findings of the studies prepared by the Sub-Commission on the subject of racial discrimination and the protection of minorities.

The General Assembly at its thirty-fifth session adopted two resolutions dealing with the implementation of the Programme for the Decade. In resolution A/35/33, the Assembly, inter alia, reaffirmed once again its strong support for the national liberation struggle against racism, racial discrimination, apartheid, colonialism and foreign domination and for the achievement of self-determination by all available means, including armed struggle; called once again upon all Governments which have not yet done so to take legislative, administrative and other measures in respect of their nationals and the bodies corporate under their jurisdiction that own enterprises in southern Africa, in order to put an end to such enterprises forthwith; called upon all States to adopt, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and outlawing organizations based on racial hatred and prejudice, including neo-Nazi and Fascist organizations as well as private clubs and institutions which are based on racial criteria or which spread ideas of racial discrimination and apartheid; appealed once again to all mass media and educational and cultural institutions to co-operate fully in implementing the Programme for the Decade; decided to hold in 1983, as an important event of the Decade, a second world conference to combat racism and racial discrimination, which, while reviewing and assessing the activities undertaken during the Decade, should have as its main purpose the formulation of ways and means and of specific measures aimed at ensuring the full and universal implementation of United Nations decisions and resolutions on racism, racial discrimination and apartheid; and invited the Economic and Social Council to begin the preparatory work for the conference at its first regular session of 1981 and to submit its suggestions on the subject to the General Assembly at its thirty-sixth session.

In resolution A/35/34 the Assembly called upon all Governments to take such steps as are necessary to enable duly constituted national non-governmental organizations, such as race-relations organizations or institutes, community-relations organizations or institutes and all other such national bodies, organizations or institutes established for the elimination of discrimination on grounds of race and for the improvement of relations between communities and races, to function effectively in pursuit of harmonious relations between races and communities.

Pursuant to General Assembly resolutions 33/100 and 34/24, a seminar for African countries members of the Economic Commission for Africa was held in Nairobi, Kenya, from 19 to 30 May 1980, within the context of the Decade. It dealt with the following subject: "Political, economic, cultural and other factors underlying situations leading to racism including a survey of the increase or decline of racism and racial discrimination". The report of the seminar (ST/HR/SER.A/7) will be made available to the Commission.

The Commission will have before it the Programme of activities adopted by the General Assembly at its thirty-fourth session (General Assembly resolution 34/24).

In the context of this item, the Commission will also have before it the annual reports on racial discrimination submitted by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XVI).

22. Status of the International Covenants on Human Rights

In resolution 8 (XXXVI), the Commission requested the Secretary-General to submit to it at its thirty-seventh session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. In this connection the Commission will have before it a report by the Secretary-General (E/CN.4/1444).

The Commission may wish to note that the General Assembly at its thirty-fifth session adopted resolution 35/132, of 11 December 1980, concerning the International Covenants on Human Rights, in which it noted, *inter alia*, that during the first regular session of the Economic and Social Council in 1980 the sessional working group on the implementation of the International Covenant on Economic, Social and Cultural Rights had begun consideration of reports submitted by States parties under article 16 of the Covenant, and that the Human Rights Committee was now considering the question of the follow-up to its consideration of the reports of the States parties to the International Covenant on Civil and Political Rights; invited all States which have not yet done so to become parties to the International Covenants on Human Rights as well as to consider acceding to the Optional Protocol; requested the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and also to transmit the annual reports of the Human Rights Committee to these bodies; and requested the Secretary-General to make appropriate arrangements in accordance with General Assembly resolution 31/140 for the holding of meetings of the Human Rights Committee in developing countries and to report in this regard to the General Assembly at its thirty-sixth session.

23. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-third session

The report of the Sub-Commission on its thirty-third session will be before the Commission in document E/CN.4/1413. The confidential part of the report of the Sub-Commission (E/CN.4/R.66) which is also before the Commission, has been referred to under item 13 above.

The report of the Sub-Commission in document E/CN.4/1413 contains 27 resolutions and three decisions. The resolutions that call for action by the Commission and referred to in these annotations under the appropriate item are as follows:

- (i) Resolution 1 (XXXIII) referred to under item 15
- (ii) Resolution 2 (XXXIII) referred to under item 7
- (iii) Resolution 3 (XXXIII) referred to under item 21
- (iv) Resolution 14 (XXXIII) referred to under item 4
- (v) Resolution 17 (XXXIII) referred to under item 10
- (vi) Resolution 18 (XXXIII) referred to under item 10
- (vii) Resolution 19 (XXXIII) referred to under item 13
- (viii) Resolution 20 (XXXIII) referred to under item 4
- (ix) Resolution 22 (XXXIII) referred to under item 13
- (x) Resolution 23 (XXXIII) referred to under item 13
- (xi) Resolution 24 (XXXIII) referred to under item 13
- (xii) Resolution 25 (XXXIII) referred to under item 11
- (xiii) Resolution 26 (XXXIII) referred to under item 9
- (xiv) Resolution 27 (XXXIII) referred to under item 11

In addition, the following resolutions, not referred to under other items, call for action by the Commission:

(i) Resolution 6 (XXXIII), 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, by which the Sub-Commission recommended to the Commission the adoption of 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;

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."

(ii) Resolution 7 (XXXIII), 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, by which the Sub-Commission recommended to the Commission the adoption of 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;

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."

(iii) Resolution 8 (XXXIII) on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, by which the Sub-Commission recommended 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; proposed 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; and, recommended 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.

(iv) Resolution 9 (XXXIII), on the 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, which recommended that the Commission on Human Rights should consider the Secretary-General's report on apartheid as a collective form of slavery, 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.

The Commission may note that 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 (decision 1 referred to under item 24).

24. Rights of persons belonging to national, ethnic, religious and linguistic minorities

At its thirty-fourth session, the Commission established an informal working group, open to all its members, to consider questions connected with drafting a declaration on the rights of members of national, ethnic, religious and linguistic minorities. A draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities which was proposed by Yugoslavia (E/CN.4/L.1367/Rev.1), and was meant to serve as a starting point for an exchange of views, was referred to the working group.

The Commission in its resolution 14 A (XXXIV) of 6 March 1978, after having taken note of Sub-Commission resolution 5 (XXX) of 31 August 1977 recommending that the Commission consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights, and having taken cognizance of the report of the working group (E/CN.4/1292, paragraph 302), requested the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission and the thirty-fourth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the member States for their comments, and decided to consider the relevant items at its thirty-fifth session.

At its thirty-fifth session the Commission had before it the comments received from Governments pursuant to Commission resolution 14 A (XXXIV) (E/CN.4/1298).

By its resolution 21 (XXXV) of 14 March 1979, the Commission, taking into consideration the fact that most of the Governments of member States had not yet submitted the comments requested by its resolution 14 A (XXXIV), and having taken cognizance of the report of the Working Group established during the session of the Commission (E/CN.4/L.1467), requested the Secretary-General to transmit to the Governments of member States the relevant documents of the thirty-fifth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, and to ask those Governments which had not yet done so to submit their comments on the subject-matter for consideration by the Commission; requested the Sub-Commission to submit its opinion on the draft Declaration proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) for consideration by the Commission at its thirty-sixth session, taking into account all relevant documents; and decided to consider at its thirty-sixth session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

The Sub-Commission at its thirty-second session, by decision 1, decided to submit the summary record which reflected its discussions on the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities, particularly with regard to the draft declaration proposed by Yugoslavia, to the Commission as requested by Commission resolution 21 (XXXV) of 14 March 1979.

At the thirty-sixth session of the Commission, a working group was established to continue work on the draft Declaration, and the report of the group (E/CN.4/L.1540) was considered at the session. By resolution 37 (XXXVI) the Commission requested the Chairman-Rapporteur of the Working Group to prepare a revised and consolidated text of the draft Declaration, taking into account all views expressed orally and in writing in connection with the previous draft, as a basis for future work, and to transmit the revised draft to the Secretary-General in time for consideration at the thirty-third session of the Sub-Commission.

The resolution also requested the Secretary-General to prepare a document incorporating all provisions relevant to the rights of persons belonging to minorities as contained in international instruments for the same session of the Sub-Commission. The resolution also called for the Sub-Commission, at its thirty-third session, to make a thorough and detailed examination of the revised draft Declaration to be prepared by the Chairman-Rapporteur, and to submit its views on the revised draft to the Commission at its thirty-seventh session.

At the thirty-third session of the Sub-Commission, the revised draft Declaration (E/CN.4/Sub.2/L.734) prepared by the Chairman-Rapporteur, and the report requested from the Secretary-General in Commission resolution 37 (XXXVI) (E/CN.4/Sub.2/L.735) on international instruments were considered. An open-ended working group was established during the session to work on the revised draft Declaration.

In decision 1 of its thirty-third session, the Sub-Commission decided to submit the report of its open-ended Working Group, together with the summary record of the discussion on the item of minorities, to the Commission at its thirty-seventh session for such action as the Commission might wish to take.

At its thirty-seventh session the Commission will have before it: the report of the Sub-Commission's Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/Sub.2/455/Rev.1), reproduced in paragraph 268 of the report of the thirty-third session of the Sub-Commission (E/CN.4/1413); the discussion of the Sub-Commission on the matter as reflected in its report E/CN.4/1413, paragraphs 269-275; and in the summary records of the debate on the item (E/CN.4/Sub.2/SR.882 and SR.841); a report by the Secretary-General incorporating all provisions relevant to the rights of minorities as contained in international instruments (E/CN.4/Sub.2/L.735); and the revised draft Declaration on minorities (E/CN.4/Sub.2/L.734).

25. Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred

This item has been included in the agenda of the Commission since the twenty-eighth session, in accordance with General Assembly resolution 2839 (XXVI) of 18 December 1971. In that resolution, the Assembly decided to place the question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred on its agenda and to keep it under continuing review. It also urged other competent organs of the United Nations to do likewise, so that appropriate measures can be taken promptly as required.

At its 2201st plenary meeting, on 14 December 1973, the General Assembly decided that consideration of this item by the Assembly should be deferred until such time as the discussion of the item has been concluded in the Commission on Human Rights.

At its thirty-fifth session the General Assembly adopted resolution 35/200 of 15 December 1980, entitled "Measures to be taken against nazism, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror". In that resolution the Assembly inter alia urged all States to give due consideration to implementing the provisions laid down in United Nations General Assembly resolution 2839 (XXVI) in accordance with the provisions of the Universal Declaration of Human Rights and especially to take the necessary measures against activities of groups and organizations practising nazism, fascism, neo-fascism or other ideologies based on racial intolerance, hatred and terror, in accordance with the national constitutional systems, and requested all States to provide the Secretary-General with their comments on those problems and on measures that should be taken on the national and international levels to eradicate nazism, fascism, neo-fascism and related ideologies based on racial intolerance, hatred and terror.

The attention of the Commission is drawn in particular to paragraphs 4 and 5 of the resolution in which the Assembly: (a) requests the Commission on Human Rights to consider this subject at its thirty-seventh session under the item of its agenda "Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred"; (b) requests the Secretary-General to submit through the Economic and Social Council to the General Assembly at its thirty-sixth session a report in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States.

26. Advisory Services in the field of human rights

In accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVII), the Commission will have before it the report of the Secretary-General on the programme of advisory services in the field of human rights for 1980 (E/CN.4/1445).

The Commission will also have before it the report of the regional symposium on the role of the police in the protection of human rights, held in the Netherlands from 14 March - 5 April 1980 (ST/HR/SER.A/6) and the report of the international seminar on the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms held at Geneva, from 30 June to 11 July 1980, pursuant to resolution 6 (XXXVI) of the Commission (ST/HR/SER.A/8). The report of the symposium was made available to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Caracas, Venezuela, from 25 August to 12 September 1980, and the report on the seminar was transmitted to the General Assembly at its special session on development and international economic co-operation, held in August-September 1980, and at its thirty-fifth regular session.

27. Communications concerning human rights

The Commission will have before it confidential lists of communications and confidential documents containing the replies of Governments thereto, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 728 F (XXVIII), 1235 (LXII) and 1503 (XLVIII). In accordance with Economic and Social Council decision 79 (LVIII) of 6 May 1975, these lists and documents are furnished to the members of the Commission every month. The Commission will also have before it a confidential document of a statistical nature prepared by the Secretary-General in accordance with Commission resolution 14 (XV).

Council resolution 728 F (XXVIII) - as Council resolution 75 (V) of 5 August 1947 had done - also envisages the distribution of a non-confidential list of communications dealing with the principles involved in the promotion of universal respect for and observance of human rights (paragraph 2 (a)), which may be reviewed annually by an ad hoc committee of the Commission (paragraph 4). No such non-confidential list has been prepared since the Commission's thirty-third session in 1977, as all communications received and dealt with since then have required confidential handling under paragraph 2 (b) of the resolution. It may also be pointed out that the Commission has not established an ad hoc committee to review a confidential non-confidential list for the last 30 years.

28. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968, the Commission, at its thirty-fourth session in 1978, elected 26 members of the Sub-Commission for a term of three years from nominations of experts made by States Members of the United Nations. The Commission will accordingly hold at this session a new election of the membership of the Sub-Commission. The Commission will have before it a note by the Secretary-General, (E/CN.4/1446 and addenda), which will include nominations received from member States of candidates for election and the provisions on the geographical distribution of membership of the Sub-Commission contained in Council resolution 1334 (XLIV) and in Council decision 1978/21.

29. Draft provisional agenda for the thirty-eighth session of the Commission

Rule 9 of the rules of procedure provides that at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to the work of the Commission and of their urgency and relevance in the light of the current situation.

The Commission will have before it, before the conclusion of the thirty-seventh session, a note for its consideration containing a draft provisional agenda for its thirty-eighth session, together with information concerning the corresponding documentation.

30. Report to the Economic and Social Council on the thirty-seventh session of the Commission

Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.