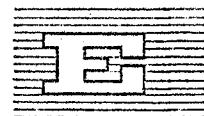
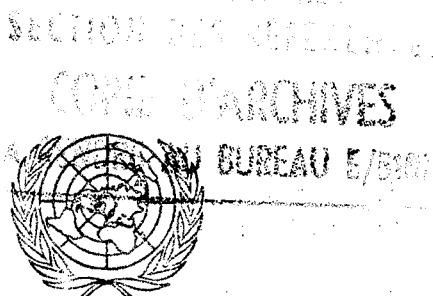


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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Study of action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment (1967), prepared in accordance with paragraph 15 of Commission on Human Rights resolution 12 (XXXV)

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INTRODUCTION

1. In resolution 12 (XXXV), of 6 March 1979, the Commission on Human Rights 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 improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa (para. 15).
2. This study, dealing with the action taken to implement the recommendations made by the Group since its establishment, has been prepared in response to the specific request of the Commission on Human Rights.
3. It should be pointed out that the question of violations of human rights in southern Africa has been before the Ad Hoc Working Group of Experts since 1967, during which time the Group has regularly submitted recommendations to the Commission on Human Rights, the Economic and Social Council and the General Assembly.
4. Like the Economic and Social Council and the General Assembly, the Commission on Human Rights itself has for many years expressed concern, in repeated appeals, at the serious instances of colonialism and racial discrimination encountered in the situation in South Africa, Namibia, Southern Rhodesia, Angola, Mozambique and Guinea-Bissau as a result of the policy of apartheid in South Africa, as well as of the acts of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portuguese colonial régime in Angola, Mozambique and Guinea-Bissau.
5. Every year since 1968, the Ad Hoc Working Group of Experts has submitted detailed reports on the situation in southern Africa. In all its recommendations it has called for the policies and practices of racial discrimination in southern Africa to be reviewed in accordance with the obligations of States under the Charter of the United Nations.
6. The territories formerly administered by Portugal, and very recently the people of Zimbabwe, have gained independence, but the situation in South Africa and in Namibia is becoming increasingly tense, with repression giving rise to growing opposition which, in turn, leads to more and more savage repression.
7. Radical changes have taken place since the Ad Hoc Working Group of Experts was entrusted with studying violations of human rights in southern Africa. Although Mozambique, Angola, Guinea-Bissau and Zimbabwe have now acceded to independence, the Group considered it necessary to evaluate the action taken to implement the recommendations concerning those countries so as to bring out the contribution of the United Nations to the process of decolonization in southern Africa.
8. This study contains the chief recommendations made by the Ad Hoc Working Group of Experts since its establishment and information concerning action taken to implement those recommendations. Only the action to implement those recommendations that has been taken by relevant United Nations bodies, namely the Commission on Human Rights, the Economic and Social Council and the General Assembly, has been taken into consideration.

9. In this connection, it should be pointed out that the Ad Hoc Working Group of Experts has on a number of occasions reiterated certain recommendations it considered to be of such importance that they should be brought to the attention of the competent United Nations bodies, with a view to strict application of the measures envisaged in various resolutions.

10. The information has been classified in chronological order by the subject-matter of the principal questions on which the Group has more particularly concentrated its attention, namely:

- (1) Capital punishment
- (2) Practices of torture and ill-treatment of political prisoners, detainees and captured freedom-fighters
- (3) The Bantu homelands policy
- (4) The situation of black workers
- (5) The situation of students
- (6) The African family
- (7) Flogging
- (8) Violations of trade union rights
- (9) Other serious human rights violations.

I: RECOMMENDATIONS MADE IN 1966 (E/CN.4/950 and Corr.1) AND ACTION
TAKEN ON THEM

A. Mandate of the Working Group

11. On 6 March 1967, at its twenty-third session, the Commission on Human Rights adopted resolution 2 (XXIII) establishing the Ad Hoc Working Group of Experts in accordance with Economic and Social Council resolution 9 (II) of 21 June 1946.

12. Under resolution 2 (XXIII), the Working Group was set up to: (a) investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa; (b) receive communications and hear witnesses and use such modalities of procedure as it might deem appropriate; (c) recommend action to be taken in concrete cases; (d) report to the Commission on Human Rights at the earliest possible time.

13. In accordance with these provisions, the Ad Hoc Working Group of Experts submitted a report (E/CN.4/950 and Corr.1) containing a number of recommendations to the Commission on Human Rights at its twenty-fourth session.

B. Recommendations made by the Ad Hoc Working Group of Experts

14. In its report (E/CN.4/950 and Corr.1), the Group, in response to the Commission's request, made the following recommendations:

(1) The South African Government should change existing prison conditions, as described in the report, in such a way as to make them conform to the standard minimum rules for the treatment of prisoners and, in particular: (a) young persons and juveniles should be kept away from older prisoners in every case; (b) political prisoners and opponents of apartheid should not be subjected to particularly harsh treatment because of their opposition to the policy of apartheid; (c) Mr. Robert Sobukwe should be released immediately; (d) non-white prisoners, on Robben Island in particular, should be provided with shoes at all times; (e) the inhuman practices known as the "tausa dance" and "carry-on" should be immediately terminated in the South African gaols; (f) action should be taken to put an immediate end to the utilization of convicted persons as a source of cheap labour; (g) every effort should be made to put an end immediately to any encouragement by prison officials of the practices of homosexuality and lesbianism among prisoners and detainees; (h) the nutritional value of the food given to non-white prisoners should be increased, more particularly by adding meat and providing greater variety than normally available; (i) the clothing given to South African prisoners should be the same as that given to all other prisoners and adequate for the climatic conditions at all times; (j) the bedding provided for prisoners should be adequate and should meet varying climatic conditions, and beds should be provided for all prisoners; (k) the toilet facilities provided in cells should be so constructed and located as to meet reasonable hygienic prison conditions; and (l) due care and attention should be taken to ensure that only a reasonable number of prisoners of the same sex be placed in any prison cell.

(2) The Government of the Republic of South Africa should bring to an end, in each and every case, the practices of torture and cruel, inhuman and degrading treatment to which detainees or prisoners were subjected during interrogation and during detention in prison.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

15. The Commission took the following decisions:

(1) After having considered the report of the Ad Hoc Working Group of Experts, the Commission on Human Rights, in resolution 5 (XXIV) of 20 February 1968:

(a) Called upon the Government of South Africa to conform to the international standard minimum rules for the treatment of prisoners, particularly with regard to the action described by the Group in its recommendations;

(b) Condemned any and every practice of torture and ill-treatment of prisoners in South African prisons and of persons in police custody in South Africa;

(2) The Commission also called upon the Government of the Republic of South Africa: (a) to bring to an end, in each and every case, all practices of torture and all cruel, inhuman and degrading treatment; (b) to take steps to ensure that the supervising authorities kept a watch on the behaviour of the police, in conformity with the international rules concerning the treatment of detainees; (c) to establish an effective system of remedies against violations of human rights in South African police stations and prisons.

2. Action taken by the Economic and Social Council

16. On the recommendation of the Economic and Social Council (resolution 1333 (XLIV) of 31 May 1968), the General Assembly on 19 December 1968 adopted resolution 2440 (XXIII), in which it condemned any and every practice of torture and inhuman and degrading treatment of detainees and prisoners in South African prisons.

3. Action taken by the General Assembly

17. The General Assembly called upon the Government of South Africa to initiate investigations into the violations mentioned in the report of the Ad Hoc Working Group of Experts with a view to establishing the degree of responsibility of the persons listed in the Group's report, for the purpose of punishing them accordingly; to abolish the 180-day law and the Terrorism Act, under which opponents of the policy of apartheid were detained without charge or trial, as well as the Suppression of Communism Act, the Sabotage Act and similar laws, and also to refrain from incorporating the principles contained in those laws into other laws; and to afford the opportunity to all persons who had suffered damage to receive indemnification.

II: RECOMMENDATIONS MADE IN 1967 (E/4459) CONCERNING VIOLATIONS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

18. In its resolution 1216 (XLII) of 1 June 1967, the Economic and Social Council requested the Ad Hoc Working Group of Experts to examine allegations regarding infringements of trade union rights in the Republic of South Africa.

19. In accordance with its resolution 277 (X), the Economic and Social Council, having considered allegations made by the World Federation of Trade Unions, regarding infringements of trade union rights in the Republic of South Africa, as well as a communication from the Director-General of the International Labour Office and the reply of the Government of the Republic of South Africa on the matter, adopted, on 1 June 1967, resolution 1216 (XLII) in which it decided to transmit the communication to the Ad Hoc Working Group of Experts established by the Commission on Human Rights to investigate allegations regarding infringements of trade union rights in the Republic of South Africa.

20. In accordance with that request, the Ad Hoc Working Group of Experts submitted a report (E/4459) containing a number of recommendations.

B. Recommendations made by the Working Group

21. In the report contained in document E/4459, prepared in accordance with Economic and Social Council resolution 1216 (XLII) of 1 June 1967, the Ad Hoc Working Group of Experts made a number of recommendations, in particular that: (a) it was essential for the Republic of South Africa to amend its legislation relating to trade union rights; (b) African trade union associations must be granted legal recognition; (c) the right to strike must be formally granted to workers; (d) "job reservation" must be abolished; (e) the provisions of the Masters and Servants Act and the Bantu Trust and Land Act of 1936 should be repealed; (f) the proceedings against convicted workers and trade unionists should be resumed, in order to review the convictions and ensure the observance of trade union rights and the release of the persons in question; (g) the South African Government must refrain from prosecuting African workers and trade unionists because of their trade union activities.

C. Action taken on the recommendations

1. Action taken by the Economic and Social Council

22. After having considered the Group's report, the Economic and Social Council adopted resolution 1302 (XLIV) of 28 May 1968, in which it endorsed the Group's recommendations and called upon the Government of the Republic of South Africa to conform to the generally accepted international standards pertaining to the right to freedom of association and, in particular, to implement the above recommendations with immediate effect and to inform the Secretary-General of the United Nations of its having done so.

III: RECOMMENDATIONS MADE IN 1969 (E/CN.4/984 and Add. 1-19)
AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

23. At its twenty-fourth session, the Commission on Human Rights adopted resolution 2 (XXIV) in which it decided to enlarge the mandate of the Working Group to enable it:

- (i) To investigate allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in South West Africa;
- (ii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Southern Rhodesia;
- (iii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Mozambique, Angola and all other Portuguese territories in Africa;
- (iv) To investigate, in particular, the consequences which flow from the illegal arrest and arraignment by the South African authorities of nationals of South West Africa, a Territory under the direct responsibility of the United Nations;
- (v) To carry out a thorough investigation of the conclusion contained in paragraph 1137 of the report of the Ad Hoc Working Group of Experts. 1/

24. The Commission also invited the Working Group to submit a report to the Commission at its twenty-fifth session.

25. In accordance with these provisions, the Working Group submitted a report (E/CN.4/984 and Add. 1-19) containing a number of recommendations to the Commission on Human Rights at its twenty-fifth session.

B. Recommendations made by the Working Group

26. The Group made the following recommendations:

- (1) The Commission on Human Rights should keep a watch on developments in the situation relating to prison conditions in the Republic of South Africa;
- (2) The Secretary-General should prepare and keep up to date a register of political prisoners or detainees in the Republic of South Africa;
- (3) The Government of South Africa should be called upon to repeal the provisions of the Prisons Act that made the publication of articles or documents reporting on ill-treatment of prisoners a punishable offence;

1/ The conclusion contained in paragraph 1137 of the Working Group's report reads as follows:

"The intention of the Government of South Africa to destroy a racial group, in whole or in part, not being established in law, the evidence nevertheless reveals certain elements which correspond to the acts described in article II (a), (b) and (c) of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide and which may, as such, establish the existence of the crime of Genocide."

(4) All available international funds to provide assistance or relief to prisoners in South Africa should be increased by means of voluntary contributions;

(5) The Secretariat should take all steps to ensure that the Group's reports are widely circulated.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

27. After having considered the report of the Ad Hoc Working Group of Experts, the Commission on Human Rights endorsed, in resolution 21 (XXV) of 19 March 1969, the recommendations made by the Working Group of Experts in its report E/CN.4/984 and Add. 1-19 and also decided that the Group's mandate should be extended to cover the situation in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea-Bissau, in view of the actions of the illegal South African régime in Namibia, the minority régime in Southern Rhodesia and the colonialist Portuguese régime in Angola, Mozambique and Guinea-Bissau.

2. Action taken by the General Assembly

28. In resolution 2547 (XXIV) of 15 December 1969, the General Assembly, recalling resolution 2440 (XXIII) of 19 December 1968, relating to the first report of the Ad Hoc Working Group of Experts, and Economic and Social Council resolution 1412 (XLVI) of 6 June 1969, regarding the infringement of trade union rights in southern Africa, again condemned the Government of South Africa for the inhuman and degrading treatment and torture meted out to political prisoners and detainees and to captured freedom fighters. The General Assembly further condemned the Government of South Africa for its refusal to permit an impartial enquiry into the deaths of political prisoners and detainees. It also requested (para. 13) the Secretary-General to establish, maintain and publicize an up-to-date register of persons subjected to imprisonment, detention, etc., for their opposition to apartheid and racial discrimination.

29. In addition, the General Assembly requested the Secretary-General to establish, maintain and publicize an up-to-date register of persons subjected to imprisonment, detention, banishment and other restrictions, and of persons who were victims of brutality because of their opposition to apartheid and racial discrimination, as well as of captured freedom fighters held in South Africa, Namibia, Southern Rhodesia, Angola, Mozambique and Guinea-Bissau. The General Assembly appealed to all Governments to contribute more generously to the United Nations Trust Fund for South Africa and also to voluntary organizations active in providing relief and assistance to the victims of apartheid and racial discrimination in southern Africa.

IV: RECOMMENDATIONS MADE IN 1968 (E/4646) REGARDING INFRINGEMENTS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

30. At its forty-fourth session, the Economic and Social Council adopted resolution 1302 (XLIV) of 23 May 1968, in which, after noting with appreciation the work of the Working Group and its report (E/4459), it decided to request the Working Group to examine further the question of the continuing infringements of trade union rights in the Republic of South Africa and also to include in its examination the infringements of trade union rights in the Territory of South West Africa under the direct responsibility of the United Nations and illegally occupied by the Government of the Republic of South Africa.

31. The Council also authorized the Working Group to receive communications, hear witnesses and make any other arrangements, as necessary, in order to conclude its work speedily.

32. In accordance with the provisions of this resolution, the Working Group submitted a report (E/4646) containing a number of recommendations.

B. Recommendations made by the Working Group

33. In the report contained in document E/4646, the Working Group made the following recommendations:

(1) The Government of the Republic of South Africa should abolish its system of job reservation. In any case, the slight relaxation of the system of job reservation during the previous year should be significantly accelerated. Where the system of job reservation had been relaxed to let in non-white workers to do the same jobs as white workers, equal conditions of employment should prevail for white and non-white workers alike;

(2) The Coloured Cadets Training Act of 1967 should be repealed;

(3) The Economic and Social Council should appeal to the major international trade unions to continue and intensify their efforts in South Africa through their systems of "International Trade Secretariats" and "Trade Union Internationals", organizing workers in different branches of industry;

(4) The Economic and Social Council should invite the Government of South Africa to permit the trade unionists in South Africa to benefit from the facilities offered by the major international trade unions as regards (a) trade union education, and (b) the formulation of trade union demands;

(5) The Economic and Social Council should appeal to the major international trade unions to continue to offer trade unionists in South Africa the benefit of solidarity funds, and the Council should recommend that the Government of South Africa permit trade unionists to utilize these funds when offered;

(6) The Economic and Social Council should appeal to the trade union movements throughout the world to intensify their propaganda for the promotion of trade union rights, without any discrimination, in South Africa;

(7) The Economic and Social Council should request the Secretary-General to prepare a brochure containing the report and the conclusions and recommendations set forth in the earlier report of the Group (E/4459) on infringements of trade union rights in South Africa and to disseminate the brochure mainly among trade unionists throughout the world;

(8) The competent United Nations bodies should declare expressly applicable to Namibia, a Territory under the direct administration of the United Nations, the international standards on trade union rights currently in force;

(9) The General Assembly should abolish the South West Africa Native Labour Association and replace it by freely constituted trade unions, as provided for in the relevant international instruments.

(10) The legislation concerning trade union rights introduced prior to the illegal unilateral declaration of independence should be applied and should not be fettered by the arbitrary application of emergency laws;

(11) Agricultural workers and domestic servants should be guaranteed full trade union rights;

(12) African trade unionists detained or convicted without trial should be brought immediately to trial, before an impartial court, or they should be released. Such persons and their families should be granted adequate compensation for the deprivation and the injuries suffered;

(13) The right of trade unionists to hold meetings freely on their own premises, without the need for prior authorization and without control by the public authorities, constitutes a fundamental element of freedom of association and should be immediately granted to all trade unionists in Southern Rhodesia;

(14) The Government of the United Kingdom, the administering Authority, should be invited by the Economic and Social Council to take all the necessary steps to ensure the application of those recommendations to its colony of Southern Rhodesia.

C. Action taken on the recommendations

1. Action taken by the Economic and Social Council

34. The Economic and Social Council took the following decision:

(1) In resolution 1412 (XLVI), of 6 June 1969, the Economic and Social Council endorsed the recommendations made by the Ad Hoc Working Group of Experts in its report E/4646, on the basis of which it once again called upon the Government of the Republic of South Africa: (a) to conform to the generally accepted international standards pertaining to the right to freedom of association; (b) to repeal the Coloured Cadets Training Act of 1967; (c) to permit trade unionists of all races, without discrimination, to benefit from the facilities offered by the major international trade unions as regards educational and other assistance in the trade union field;

(2) In addition, the Economic and Social Council requested the General Assembly to ensure the implementation of the provisions of paragraph 4 of Council resolution 1302 (XLIV) in Namibia, a Territory under its direct jurisdiction and illegally occupied by the Republic of South Africa, and also to abolish the South West Africa Native Labour Association (SWANLA) and enable freely constituted trade unions to be established, as provided for in the relevant international instruments;

(3) In resolution 1412 (XLVI) (para. 9), the Council endorsed the recommendations made by the Group and called upon the Government of the United Kingdom: (a) to intervene immediately with a view to checking further infringements of trade union rights in Southern Rhodesia and restoring the basic rights of trade unions there to freedom of association; (b) to abolish the emergency powers legislation and other enactments concerning trade unions by the illegal racist, minority régime in Southern Rhodesia; (c) to guarantee full trade union rights to agricultural workers and domestic servants in Southern Rhodesia (para. 10); (d) to ensure the right of African trade unionists to hold meetings freely on their own premises; (e) to ensure that persons held in detention were released.

2. Action taken by the General Assembly

35. In resolution 2547 A (XXIV) of 11 December 1969, the General Assembly requested the United Nations Council for Namibia: (a) to declare expressly applicable to Namibia, a Territory under the direct administration of the United Nations, the international standards of trade-union rights currently in force; (b) to ensure the implementation of paragraph 4 of Economic and Social Council resolution 1302 (XLIV) and also to abolish the South West Africa Native Labour Association.

V: RECOMMENDATIONS MADE IN 1970 (E/CN.4/1020 and Add. 1 - 5)
AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

36. At its twenty-fifth session, the Commission on Human Rights, in resolution 21 (XXV), again enlarged the Working Group's mandate to include:

- (a) An inquiry into the question of capital punishment in southern Africa, in accordance with General Assembly resolution 2394 (XXIII) of 26 November 1968;
- (b) An inquiry into the treatment meted out to political prisoners as well as to captured freedom fighters in southern Africa;
- (c) An investigation into the conditions of Africans in the so-called transit camps, as well as on the so-called "native reserves" in the Republic of South Africa as well as in Namibia, and in Southern Rhodesia;
- (d) A further investigation of grave manifestations of apartheid present in the situation prevailing in the Republic of South Africa and as brought out in the report of the Ad Hoc Working Group of Experts (E/CN.4/984/Add.18);
- (e) An investigation of grave manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia Southern Rhodesia, Angola, Mozambique and Guinea-Bissau, resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the colonialist Portuguese régime in Angola, Mozambique and Guinea-Bissau.

37. The Commission also decided that the Working Group should submit a report to it at its twenty-sixth session.

38. In accordance with these provisions, the Working Group submitted a report (E/CN.4/1020 and Add. 1-5) containing a number of recommendations.

B. Recommendations made by the Working Group

39. In its report E/CN.4/1020 and Add. 1-5, the Working Group, in response to the Commission's request, made the following recommendations:

With respect to South Africa

40. The following recommendations were made with respect to South Africa:

- (1) The South African Government should permit a full and impartial investigation into the deaths of political prisoners and detainees in its gaols;
- (2) The Commission on Human Rights and other organs of the United Nations should call upon the South African Government to disband the Bureau of State Security (BOSS);
- (3) The Working Group was of the view that, meanwhile, the activities of the Bureau of State Security (BOSS), particularly in respect of Africans and other non-whites, needed to be watched very closely;

(4) The practice by which political detainees were compelled to testify against their former colleagues must immediately be terminated;

(5) The Pretoria trial of 22 Africans, scheduled to convene on 16 February 1970, must be halted and the accused released immediately;

(6) Independent outside observers must have full access to all trials of political opponents of the régime conducted by the South African Government;

With respect to Namibia

41. The following recommendations were made with respect to Namibia:

(1) The Commission on Human Rights and other organs of the United Nations should immediately strongly condemn the trial of eight Namibians, under the Terrorism Act, that had commenced in Windhoek in July 1969 and had been concluded in November 1969;

(2) The Commission on Human Rights and other organs of the United Nations must call upon the Republic of South Africa to desist forthwith from the extension of the "Bantustan" system into Namibia. Steps must also be taken to repeal that part of the system which had already come into existence in Namibia;

With respect to Southern Rhodesia

42. The following recommendations were made with respect to Southern Rhodesia:

(1) The Commission on Human Rights and other competent bodies of the United Nations were requested to bring about immediate action by the Government of the United Kingdom in regard to appropriate parts of the recommendations contained in the Group's report of the previous year;

(2) The Government of the United Kingdom should immediately intervene in Southern Rhodesia, with a view to liberating the Africans from the reserves in which they were concentrated in conditions of near captivity and bondage;

(3) The Government of the United Kingdom should, furthermore, take action, with a view to repealing the entire so-called "Constitution of Rhodesia" of 1969, commencing in particular with section 84 of that "Constitution";

With respect to the African territories under Portuguese domination

43. The following recommendations were made with respect to African territories under Portuguese domination:

(1) The Portuguese Government was called upon to observe immediately the provisions of the Geneva Conventions of 1949;

(2) The practice of forced labour in the Portuguese colonies in Africa must be immediately eradicated and should also be further investigated;

(3) The system by which the African producers of primary and agricultural products were compelled to sell the produce of their labour to a buyer designated by the Portuguese authorities must be eliminated and normal market conditions, in which these products could be freely bought and sold, must be introduced immediately.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

44. The Commission on Human Rights took the following decisions:

(1) After having considered the report of the Ad Hoc Working Group of Experts, the Commission on Human Rights, in its resolution 8 (XXVI) of 18 March 1970, endorsed the recommendations made by the Group in its report E/CN.4/1020 and Add. 1-3. In the same resolution, the Commission requested the Group to study, from the point of view of international penal law, the question of apartheid, which had been declared a crime against humanity;

(2) Lastly, in response to the Group's recommendation relating to eradication of the practice of forced labour in the Portuguese colonies in Africa, the Commission requested the International Labour Organisation to include, as far as possible, a report on forced labour in the African Territories under Portuguese domination in its paper to be submitted to the Economic and Social Council at its forty-eighth session in accordance with Council resolution 1412 (XLVI).

2. Action taken by the General Assembly

With respect to South Africa

45. Having taken note of the report of the Ad Hoc Working Group of Experts, the General Assembly, in resolution 2714 (XXV) of 15 December 1970: (a) condemned any and every practice of torture and ill-treatment of prisoners, detainees and captured freedom fighters in Namibia, Southern Rhodesia and the African Territories under Portuguese domination, as well as of persons in police custody in those Territories; (b) also condemned again any and every practice of torture and ill-treatment of prisoners and detainees in prisons and in police custody in South Africa; (c) reaffirmed that the Standard Minimum Rules for the Treatment of Prisoners, of 30 August 1955, applied to all political prisoners or detainees, in prison or in police custody throughout South Africa, Namibia, Southern Rhodesia, and the African Territories under Portuguese domination; (d) called upon the Government of South Africa to implement the recommendations contained in the earlier reports of the Ad Hoc Working Group of Experts and also: (i) to disband immediately the Bureau of State Security; (ii) to discontinue the practice by which political detainees were compelled to testify against their former colleagues; (iii) to release immediately and unconditionally the 22 Africans re-arrested on 16 February 1970 under the Terrorism Act; (iv) to grant full access at all trials of political opponents of the régime to independent outside observers; (v) to permit a full and impartial investigation into the deaths of political prisoners and detainees in its gaols as well as to indemnify fully the families of the deceased;

With respect to Namibia

46. The General Assembly: (a) condemned the trial of eight Namibians under the Terrorism Act, that had taken place at Windhoek between July and November 1969, and called upon the Government of South Africa to release them immediately and unconditionally; (b) called upon the Government of South Africa to desist forthwith from the extension of the "Bantustans" system; (c) once again called upon the Government of South Africa to terminate its illegal occupation of the Territory of Namibia in accordance with relevant United Nations resolutions;

With respect to Southern Rhodesia

47. The General Assembly called upon the Government of the United Kingdom to intervene more effectively with a view to: (a) liberating the Africans from the reserves in which they were concentrated in conditions of near captivity and bondage; (b) repealing the entire so-called "Constitution of Rhodesia" of 1969; (c) reporting to the General Assembly the results of the effective measures it was called upon to take in that respect.

With respect to African territories under Portuguese domination

48. The General Assembly called upon the Government of Portugal: (1) to observe immediately the provisions of the Geneva Conventions of 12 August 1949; (2) to eradicate the practice of forced labour in its African colonies; (3) to introduce a system in which the products of the African farmers could be freely bought and sold in normal market conditions.

VI. RECOMMENDATIONS MADE IN 1970 (E/4791) REGARDING INFRINGEMENTS OF
TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

49. In its resolution 1412 (XLVI) of 5 June 1969, the Economic and Social Council, after authorizing the Working Group to continue its investigations into infringements of trade union rights in South Africa, Namibia and Southern Rhodesia, requested it to submit a report to the Council at its forty-eighth session.

50. The Working Group was also authorized to follow the procedure which it had adopted in the past, as well as any other established procedure necessary, in order to carry out its tasks with maximum dispatch.

51. In accordance with these provisions, the Working Group submitted a report (E/4791) containing a number of conclusions.

B. Conclusions put forward by the Working Group

52. In the report contained in document E/4791 prepared in accordance with Economic and Social Council resolution 1412 (XLVI) of 5 June 1969, the Ad Hoc Working Group of Experts reached a number of conclusions, on the basis of which the Economic and Social Council condemned, in resolution 1509 (XLVIII), the continuing suppression of trade union rights in southern Africa and called for an end to that suppression and the immediate and unconditional release of all persons imprisoned for their trade-union activities.

C. Action taken on the conclusions

53. The following decisions were taken by the Economic and Social Council:

(1) In resolution 1509 (XLVIII) of 28 May 1970, the Economic and Social Council authorized the Group, while carrying out the mandate entrusted to it in resolution 1412 (XLVI), and in co-operation with the International Labour Organisation, other specialized agencies concerned and the major international trade union organizations, to investigate the conditions of: (a) the African producers of primary products in the Portuguese colonies in Africa; (b) the sector of unorganized labour such as farm labour in the Portuguese colonies in Africa; (c) workers from Mozambique and Angola who were or had been employed in South Africa, Namibia and Southern Rhodesia;

(2) The Economic and Social Council also requested the Secretary-General to give maximum publicity to the report of the Ad Hoc Working Group of Experts, through the Office of Public Information and other appropriate bodies, and requested him to report on the matter to the Council at its fiftieth session.

VII. RECOMMENDATIONS MADE IN 1971 (E/CN.4/1050 and Corr.1) AND ACTION
TAKEN ON THEM

A. Mandate of the Working Group

54. At its twenty-fifth session, the Commission on Human Rights, in resolution 21 (XXV), decided that the Working Group should submit a report containing conclusions and recommendations to the twenty-seventh session of the Commission on Human Rights.

55. In accordance with that resolution, the Working Group submitted a report (E/CN.4/1050 and Corr.1) containing a number of recommendations.

B. Recommendations made by the Working Group

56. In its report E/CN.4/1050 and Corr.1, the Working Group in response to the Commission's request, reiterated the 1970 recommendations and made the following recommendations:

With respect to South Africa

57. The following recommendations were made with respect to South Africa:

(1) The Commission on Human Rights and other bodies of the United Nations should call upon the Government of South Africa to disband the Bureau of State Security (BOSS). This recommendation had already been made by the Group in 1970, in its report E/CN.4/1020;

(2) The Commission on Human Rights was requested to recommend to the General Assembly that it inform the World Health Organization about the findings of the Group concerning health problems in South Africa generally, and in the reserves and Bantu "homelands" in particular;

With respect to Namibia

58. The following recommendations were made with respect to Namibia:

(1) The Commission on Human Rights should recommend that Namibian refugees should be granted full refugee status in conformity with the Convention relating to the Status of Refugees;

(2) A full and thorough investigation should be undertaken into the cleaning-up of the Caprivi Strip as an element of genocide;

With respect to Southern Rhodesia

59. The following requests were made with respect to Southern Rhodesia:

(1) The Commission on Human Rights and other competent bodies of the United Nations were requested to bring about immediate action by the Government of the United Kingdom in regard to the recommendations already made by the Group in 1970 in its report E/CN.4/1020;

(2) The Commission on Human Rights and other competent bodies of the United Nations were requested, in agreement with the Government of the United Kingdom, to consider whether the United Kingdom colony of Southern Rhodesia should not be called "Zimbabwe";

With respect to African territories under Portuguese domination

60. The following requests were made with respect to African territories under Portuguese domination:

(1) The competent organs of the United Nations were requested to insist on the application of the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare and of the 1949 Geneva Conventions, certain provisions of which had been recalled, in General Assembly resolutions 2674 (XXV) and 2675 (XXV);

(2) The Economic and Social Council was requested to contact UNESCO and WHO, with a view to ensuring that the national liberation movements had adequate educational and medical facilities in the areas which they controlled.

C. Action taken on the recommendations made by the Working Group

1. Action taken by the Commission on Human Rights

61. In resolution 7 (XXVII) of 3 March 1971, the Commission on Human Rights, having examined the report of the Ad Hoc Working Group of Experts, endorsed the recommendations made by the Group in its report (E/CN.4/1050 and Corr.1). In the same resolution, the Commission decided that the Ad Hoc Working Group of Experts should continue to survey developments in southern Africa, with particular reference to grave manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea Bissau.

2. Action taken by the Economic and Social Council

62. In resolution 1591 (L), the Economic and Social Council: (1) appealed to all humanitarian organizations and to the International Committee of the Red Cross, in particular, to take an active role in assisting the victims of apartheid, especially those detained or imprisoned; (2) invited non-governmental organizations with a special interest in the elimination of racism and racial discrimination, independent of any action being undertaken by States, to mount a campaign against apartheid at both the national and international levels, and to report their endeavours and progress biennially to the Economic and Social Council; (3) urged the General Assembly to provide funds on the scale required to combat effectively the propaganda undertaken by the Government of South Africa, by which that Government sought to defend and justify the policy of apartheid; (4) invited the Secretary-General to make special efforts, utilizing the existing information services available to the United Nations, to alert world public opinion to the recommendations made by various United Nations bodies on the subject of apartheid, in order to facilitate compliance by Governments with those recommendations.

3. Action taken by the General Assembly

63. In resolution 2764 (XXVI) of 9 November 1971, the General Assembly, taking note of the report of the Ad Hoc Working Group of Experts (E/CN.4/1050 and Corr.1): (a) condemned the maltreatment and torture of opponents of apartheid in South Africa; (b) called upon all States to exert their influence to secure the repeal of all legislation designed to give effect to the policies of apartheid, the liberation of all persons imprisoned or detained for their opposition to apartheid and the removal of orders against those banned or banished for their opposition to apartheid.

VIII. RECOMMENDATION MADE IN 1971 (E/4953) CONCERNING INFRINGEMENTS OF
TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

64. In its resolution 1509 (XLVIII) of 28 May 1970, the Economic and Social Council authorized the Ad Hoc Working Group of Experts, while carrying out the mandate entrusted to it by the Council in resolution 1412 (XLVI), and in co-operation with the International Labour Organisation, other specialized agencies concerned and the major international trade union organizations, to investigate the conditions of:
(a) the African producers of primary products in the Portuguese colonies in Africa;
(b) the sector of unorganized labour, such as farm labour, in the Portuguese colonies in Africa; (c) workers from Mozambique and Angola who were or had been employed in South Africa, Namibia, and Southern Rhodesia.

65. In accordance with these provisions, the Working Group submitted a report (E/4953) containing a number of recommendations.

B. Recommendations made by the Working Group

66. In the report contained in document E/4953, prepared in accordance with resolution 1509 (XLVIII) of 28 May 1970, the Working Group made the following recommendations:

With respect to South Africa

67. The following recommendations were made with respect to South Africa:

(1) The report of the Group should be brought to the notice of ILO, which should be invited to continue its efforts in negotiating with the Republic of South Africa, with a view to stopping the discrimination against African workers, in particular as regards wages and salaries;

With respect to Namibia

68. The following recommendations were made with respect to Namibia:

(1) The system of recruitment of African workers by SWANIA must be subjected to a thorough investigation. Since the United Nations had the functions of the administering Power in Namibia, it was also its function to develop model rules which should be respected in the recruitment of workers in that Territory, as well as in its economic development;

(2) In all collective bargaining negotiations in Namibia, African workers must be represented by a non-official African to defend their interests, and not by a South African official;

With respect to Southern Rhodesia

69. The following recommendations were made with respect to Southern Rhodesia:

(1) The report of the Group should be brought to the notice of ILO and the Government of the United Kingdom, as the Power responsible for the colony of Southern Rhodesia;

(2) Since there seemed to be a clear breach by the authorities of Southern Rhodesia of the International Convention on the Elimination of All Forms of Racial Discrimination, a study should be made of ways and means of bringing the facts indicated in the report of the Group before the Committee established under that Convention;

With respect to the African territories under Portuguese administration

70. The following recommendations were made with respect to the African territories under Portuguese administration:

(1) The Portuguese Government should be called upon to stop the de facto confiscation of African lands which it was carrying out by assigning them to white settlers;

(2) The Portuguese Government must cease to use African workers as cheap labour;

(3) The system for the recruitment of African workers in the African territories under Portuguese administration, as well as the payment of African workers coming from Portuguese Territories and working in South Africa or in Southern Rhodesia, should be investigated with a view to determining the presence or absence of forced labour.

C. Action taken on the recommendations

71. In resolution 1599 (L) of 21 May 1971, the Economic and Social Council, having endorsed the above recommendations by the Ad Hoc Working Group of Experts:

(1) Condemned the repression of trade union leaders in South Africa;

(2) Condemned the treatment of African producers in the Territories under Portuguese domination;

(3) Called upon Portugal to stop immediately the confiscation of African lands;

(4) Requested the Secretary-General to bring the report of the Ad Hoc Working Group of Experts to the attention of ILO;

(5) Requested the Group to investigate the system of recruitment of African workers in Namibia, Southern Rhodesia and the Territories under Portuguese domination, and to report to the Council not later than at its fifty-fourth session;

(6) Requested the Secretary-General to bring the present resolution and the report of the Group to the attention of the Committee on the Elimination of Racial Discrimination.

IX. RECOMMENDATIONS MADE IN 1972 (E/CN.4/1075)
AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

72. At its twenty-sixth session, the Commission on Human Rights, in resolution 8 (XXVI), requested the Ad Hoc Working Group of Experts established pursuant to resolution 2 (XXIII) to study, from the point of view of international penal law, the question of apartheid, which had been declared a crime against humanity.

73. In accordance with these provisions, the Working Group submitted a report (E/CN.4/1075) containing a number of recommendations.

B. Recommendations made by the Working Group

74. In its report E/CN.4/1075, prepared in response to the request made by the Commission on Human Rights in resolution 8 (XXVI) of 18 March 1970, the Working Group made the following recommendations:

(1) The Commission on Human Rights should make specific proposals concerning a revision of the Genocide Convention, in particular to make "inhuman acts resulting from the policies of apartheid" punishable under that Convention;

(2) The General Assembly should be requested, through the Economic and Social Council, to define clearly the full meaning of "inhuman acts resulting from the policies of apartheid" mentioned in article 1, paragraph 2, of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

(3) Acts of "cultural genocide" should be expressly declared crimes against humanity;

(4) The Republic of South Africa should be asked to institute penal proceedings against persons who had allegedly committed crimes against humanity (see special report E/CN.4/1366);

(5) The Republic of South Africa, as a party to the Geneva Conventions of 12 August 1949, should be asked to apply in full the provisions of the third Geneva Convention with respect to captured freedom fighters;

(6) The General Assembly should be requested, through the Economic and Social Council, to renew its work on a code of offences against the peace and security of mankind, independently of the definition of aggression, and in the process to take into account "inhuman acts resulting from the policies of apartheid";

(7) The General Assembly should be requested, through the Economic and Social Council, to renew its efforts towards the establishment of an international criminal jurisdiction (action by the General Assembly: resolution 34/24 requesting that the Group should undertake a study on the subject in 1980);

(8) An international seminar should be organized to study in greater depth the present state of international penal law.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

75. The following decisions were taken by the Commission on Human Rights:

(1) In resolution 2 (XXVIII) of 17 March 1972, the Commission on Human Rights, having studied the Group's general report on policies and practices violating human rights in southern Africa (E/CN.4/1076) and the special report on apartheid from the point of view of international penal law (E/CN.4/1075), recommended to the Economic and Social Council that it should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries, and of the measures being taken and to be taken to combat such policies and practices, with a view to the submission of a report to the General Assembly by the Commission on Human Rights, through the Economic and Social Council, as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices, in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI);

(2) The Commission also requested the Economic and Social Council to transmit to Member States, the Special Committee on Apartheid and the International Law Commission the report of the Ad Hoc Working Group of Experts concerning the question of apartheid from the point of view of international penal law, for their comments.

2. Action taken by the Economic and Social Council

76. At its 1818th meeting on 2 June 1972, the Economic and Social Council endorsed the request made by the Commission on Human Rights in resolution 2 (XXVIII) of 17 March 1972, and decided, in accordance with the Commission's recommendation in that resolution, to transmit the Group's report (E/CN.4/1075) to Member States, the Special Committee on Apartheid and the International Law Commission.

3. Action taken by the General Assembly

77. The following decisions were taken by the General Assembly:

(1) In resolution 2923 (XXVII) of 15 November 1972, the General Assembly, having considered the report of the Special Committee on Apartheid entitled "Maltreatment and torture of prisoners in South Africa" submitted in pursuance of resolution 2764 (XXVI) of 9 November 1971, called upon the Government of South Africa immediately to put an end to all forms of physical and mental torture and other acts of terror against opponents of apartheid under detention or imprisonment and to punish the perpetrators of such criminal acts;

(2) The General Assembly also requested the Secretary-General to publicize the report of the Special Committee on Apartheid (A/8770) and to transmit it to the Commission on Human Rights and to appropriate international non-governmental organizations;

(3) In resolution 2922 (XXVII) of 15 November 1972, the General Assembly recognized the need to conclude, under United Nations auspices, an international convention on the suppression and punishment of the crime of apartheid.

X. RECOMMENDATIONS MADE IN 1973 (E/CN.4/1111)
AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

78. At its twenty-seventh session, the Commission on Human Rights decided, in resolution 7 (XXVII) of 8 March 1971, that the Ad Hoc Working Group of Experts should continue to survey developments in the areas and fields mentioned in Commission resolutions 2 (XXIV) and 21 (XXV), with particular reference to grave manifestations of colonialism in Southern Rhodesia, Angola, Mozambique and Guinea-Bissau, resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portuguese régime in Angola, Mozambique and Guinea-Bissau. The Commission also requested the Group to bring to the attention of the Commission new developments in the above-mentioned field and to submit a report including conclusions and recommendations to the twenty-ninth session of the Commission.

79. In accordance with these provisions, the Working Group prepared a report (E/CN.4/1111) containing relevant information on developments in the situation in southern Africa, together with a number of recommendations.

B. Recommendations made by the Working Group

80. In report E/CN.4/1111, the Working Group, in response to the Commission's request, made the following recommendations:

With respect to South Africa

81. The following recommendations were made with respect to South Africa:

- (1) A judicial inquiry should be held by the South African authorities into the death of Mr. Uthayeni Cutshela, who died after a long interrogation in Umtata prison;
- (2) The international community should follow closely the various trials taking place in South Africa and turn its attention to the trial of four Indians which began at Pretoria on 13 June 1972;
- (3) In cases where persons arrested for opposing the policy of apartheid were in need of financial aid, international funds should be provided for the defence of the accused;
- (4) The new system of recruiting African labour should be abolished;
- (5) Released political prisoners should be allowed complete freedom of movement;
- (6) The policy of transferring African workers and separating workers from their families should be discontinued forthwith;
- (7) Witnesses for the prosecution should be treated as genuine witnesses and not as accused persons, and should in no case be detained in any manner whatsoever.

With respect to Namibia

82. The following recommendations were made with respect to Namibia:

- (1) South Africa should cease to apply South African laws in Namibia;
- (2) A judicial inquiry should be opened into the case of the persons who had been killed since the strike of 1971/1972;

- (3) The inhuman and degrading treatment meted out to persons arrested or detained solely because of their opposition to South African policy in Namibia should be ended;
- (4) The "concentration camps" existing in Namibia should be abolished;
- (5) Namibian prisoners detained on Robben Island should be transferred to Namibia;
- (6) The trials of prisoners arrested for their opposition to South African policy in Namibia should be equitable and should conform to the provisions of article 14 of the International Covenant on Civil and Political Rights;
- (7) Political detainees should be allowed to communicate with their relatives and their lawyers;
- (8) The policy of removing populations and splitting up regions of Namibia should be discontinued in order to safeguard the unity of the Namibian people;
- (9) Progressive Namibian citizens arbitrarily expelled from their homeland should be allowed freely to return to their country;

With respect to Southern Rhodesia

83. The following recommendations were made with respect to Southern Rhodesia:

- (1) The Government of the United Kingdom, as the administering Power, should intercede with the Southern Rhodesian authorities and should take up the case of detainees under sentence of death, and a judicial inquiry should be instituted into the deaths which had occurred in suspicious circumstances in prisons or at police stations;
- (2) The United Kingdom Government should repeal all laws promulgated by the illegal Ian Smith régime which were contrary to international rules;

With respect to the African territories under Portuguese domination

84. The following recommendations were made with respect to African territories under Portuguese domination:

- (1) The uprooting of Africans in Angola, Mozambique and Guinea-Bissau should stop;
- (2) The "strategic centres" and "peace villages" should be abolished and freedom of movement restored to the people;
- (3) Retaliatory action against families of freedom fighters and against their women and children should cease;
- (4) Political prisoners and detainees should be treated in a humane manner and brought to fair trial, in accordance with the Universal Declaration of Human Rights;
- (5) Aerial bombardment of and the use of poisonous chemical substances in the liberated areas should stop;
- (6) The Security Council should take relevant measures accordingly and demand that no State should give help to the Government of Portugal;
- (7) International pressure should be brought to bear on Portugal so that captured freedom fighters would be treated as prisoners of war under the Geneva Convention;

(8) The prevailing unjust wage system operating against Africans in rural areas should be brought to an end;

(9) The Government of Portugal should cease its threats and attacks against independent African countries that were neighbours of Mozambique, Angola and Guinea-Bissau;

(10) The Government of Portugal should show to delegates of the International Committee of the Red Cross (ICRC) the conditions in which political prisoners and captured freedom fighters were detained. The ICRC should, to the extent permitted by its statute, submit detailed reports on the situation to the Commission on Human Rights and other United Nations bodies concerned.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

85. In resolution 19 (XXIX) of 3 April 1973, the Commission on Human Rights, having examined the report of the Ad Hoc Working Group of Experts (E/CN.4/1111):

(1) Condemned the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia for the policy of mass removal of people from fertile to arid regions, for the use of napalm and other chemical weapons of war, and for the execution of freedom fighters, who should be accorded the status and treatment of prisoners of war under the provisions of the third Geneva Convention of 12 August 1949;

(2) Recommended that: (a) the international community should follow closely the various trials taking place in southern Africa; (b) there should be a provision of financial aid or funds for the defence of persons arrested for opposing the policy of apartheid; (c) the new system of recruiting African labour from among offenders against the pass laws should be abolished outright; (d) the practice of separating workers from their families should be discontinued;

(3) Condemned the threats and attacks by the Government of Portugal and the illegal régime in Southern Rhodesia against the independent African countries neighbouring Mozambique, Angola and Guinea-Bissau, and requested all States to bring pressure on those Governments to desist from those threats and attacks;

(4) Called on the Government of the United Kingdom to live up to its obligations and responsibilities in Southern Rhodesia;

(5) Appealed to all Governments to desist from providing the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia with assistance that would help to perpetuate the situation;

(6) Recommended that the Economic and Social Council should request the Secretary-General, in consultation with the relevant organs of the United Nations, to explore ways and means of providing financial assistance to the victims of that situation, particularly the political prisoners and members of their families;

(7) Recommended that the Economic and Social Council should invite the General Assembly to bring to the notice of the Security Council the reported aerial bombardment and the use of poisonous chemical substances in the liberated areas by the Government of Portugal;

(8) Invited ICRC and the non-governmental organizations concerned to provide all possible assistance to the victims of the racist régimes in southern Africa and to help in strengthening world public opinion regarding the situation in those areas;

(9) Requested the Ad Hoc Working Group of Experts to list all inhuman acts resulting from punishment meted out to the freedom fighters of the liberation movements in Angola, Mozambique and Guinea-Bissau, and to compile a comprehensive report for consideration by the Commission at its thirty-first session.

2. Action taken by the Economic and Social Council

86. At its fifty-fourth session, by its decision of 18 May 1973, the Economic and Social Council decided:

(1) To request the Secretary-General, in consultation with the relevant organs of the United Nations, to explore ways and means of providing assistance to the victims of the situation in southern Africa, particularly political prisoners and members of their families;

(2) To invite the General Assembly to bring to the notice of the Security Council the reported aerial bombardments and the use of poisonous chemical substances in the liberated areas by the Government of Portugal.

In addition, at its fifty-sixth session, the Economic and Social Council, in resolution 1868 (LVI) of 17 May 1974: (a) drew the attention of the General Assembly to the mandate and activities of the Ad Hoc Working Group of Experts, emphasizing that the Group was available to undertake any inquiries which the General Assembly might desire to assign to it and to maintain appropriate collaboration with the bodies concerned; (b) requested the Secretary-General to provide the Group with the financial and technical assistance necessary for the accomplishment of its task.

3. Action taken by the General Assembly

87. The following decisions were taken by the General Assembly:

(1) In resolution 3055 (XXVIII) of 26 October 1973, the General Assembly: (a) condemned the failure of the Government of South Africa to comply with the repeated requests of the General Assembly and the Security Council for the release of all persons imprisoned, interned or otherwise restricted for their opposition to apartheid; (b) again called upon the Government of South Africa to grant forthwith unconditional release to all such persons; (c) appealed to all Governments, organizations and individuals to undertake more vigorous and concerted action to publicize and support the legitimate cause of all those persecuted in South Africa for their opposition to apartheid and racial discrimination;

(2) With regard to the situation in the Territories under Portuguese domination, the General Assembly, in resolution 3113 (XXVIII) of 12 December 1973, inter alia, invited the Secretary-General, bearing in mind the urgent need to mobilize world public opinion against the criminal war of repression being waged by the Government of Portugal against the peoples of the Territories under its domination, to continue to take effective and concrete measures through all the media at his disposal to give widespread and continuous publicity to the critical situation obtaining in those Territories. In addition, in resolution 3114 (XXVIII) of 12 December 1973, the General Assembly decided to establish a Commission of Inquiry on the Reported Massacres in Mozambique. The General Assembly instructed the Commission to carry out an investigation of the reported atrocities, to gather information from all relevant sources, to solicit the co-operation and assistance of the national liberation movements, and to report its findings to the General Assembly as soon as possible;

(3) In resolution 3068 (XXVIII) of 30 November 1973, the General Assembly, recognizing the urgent need to take further effective measures, with a view to the suppression and punishment of apartheid, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid. The General Assembly also requested the Economic and Social Council to invite the Commission on Human Rights to undertake the functions set out under article X of the Convention.

XL. RECOMMENDATIONS MADE IN 1973 (E/5245) CONCERNING INFRINGEMENTS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

88. In resolution 1599 (L), of 21 May 1971, the Economic and Social Council requested the Ad Hoc Working Group of Experts to investigate thoroughly the system of recruitment of African workers in Namibia, Southern Rhodesia and the Territories under Portuguese domination and to report to the Council as soon as possible, but not later than at its fifty-fourth session.

89. In accordance with these provisions, the Working Group prepared a report (E/5245) containing a number of recommendations.

B. Recommendations made by the Working Group

With respect to Namibia

90. The competent bodies of the United Nations, in co-operation with ILO, should study ways and means by which the trade union rights of Namibians, whose Territory was under United Nations authority, could factually and legally be applied in Namibia.

With respect to Southern Rhodesia

91. The following recommendations were made with respect to Southern Rhodesia:

(1) In order to prevent the gradual withdrawal of limited trade union rights on the pattern of South Africa, the situation should be kept under constant watch;

(2) Apart from expressing concern, relevant bodies of the United Nations, and ILO in particular, should make all efforts to collect up-to-date and accurate information on the state of black labour from all conceivable sources, especially the United Kingdom, the administering Power, in order to evaluate developments in the labour situation;

(3) From a juridical standpoint, access to information should remain as one of the methods of bringing to light any further deterioration or infringement or abridgement of trade union rights attributable to political motives on the part of the illegal white racist régime.

With respect to African territories under Portuguese domination

92. The following recommendations were made with respect to the African territories under Portuguese domination:

(1) Labour codes based on racial discrimination should be abolished forthwith and there should be a single code applicable to all workers without distinction;

(2) The forms of forced labour described by witnesses should cease immediately;

(3) The transit centres where workers were concentrated should be scrapped;

(4) Discriminatory practices and wages should be abolished at once;

(5) The recruitment of labour for South Africa should be reviewed and based on a system which guaranteed the full enjoyment of human rights, and steps should be taken to end the present system;

(6) The Economic and Social Council should consider all possible means for strengthening the implementation by Portugal of the ILO conventions to which it is a party.

C. Action taken on the recommendations

93. In resolution 1796 (LIV), having taken note of the above recommendations by the Ad Hoc Working Group of Experts, the Economic and Social Council:

(a) With respect to Namibia

Having noted the continued absence of a trade union system in Namibia, requested ILO to study ways and means by which the trade union rights of the people of Namibia should be ensured;

(b) With respect to Southern Rhodesia

(1) Condemned the existence of so-called transit camps, the practice of segregation and reservation in employment between black and white workers and the importation of white immigrant workers into Southern Rhodesia;

(2) Also condemned the discriminatory treatment of the African workers in Southern Rhodesia;

(3) Noted the gradual withdrawal of the limited trade union rights in Southern Rhodesia;

(4) Requested ILO to continue to study and review the conditions of work of black labour in Southern Rhodesia;

(c) With respect to African territories under Portuguese domination

(1) Noted the existence of a form of forced labour and the discriminatory hierarchy of labour codes in Angola and Mozambique;

(2) Condemned the existence of transit centres and other similar camps, as well as the conditions prevailing in those camps;

(3) Recommended that ILO should consider all possible means for strengthening the implementation by Portugal of the ILO conventions to which it was a party.

XII. RECOMMENDATIONS MADE IN 1975 (E/CN.4/1159) AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

94. At its twenty-ninth session the Commission on Human Rights, in its resolution 19 (XXIX) of 3 April 1973, decided that the Ad Hoc Working Group of Experts should continue carefully to observe and survey further developments concerning the policies of apartheid and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea-Bissau and resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portuguese régime in Angola, Mozambique and Guinea-Bissau (para. 13). The Commission also requested the Ad Hoc Working Group of Experts to give particular attention to situations which interfere with human rights in Guinea-Bissau (para. 14) and to remain active and vigilant in its observations of colonial and racially discriminatory practices, especially those arising from the Bantu homeland policies and the disclosure of the payment of wages below the poverty line to black African workers in South Africa (para. 15). The Commission requested the Working Group to submit a report on its findings to the Commission not later than at its thirty-first session and to present an interim report to the Commission at its thirtieth session (para. 16). The Commission further requested the Ad Hoc Working Group of Experts to list all inhuman acts resulting from punishment meted out to the freedom fighters of the liberation movements in Angola, Mozambique and Guinea-Bissau and to compile a comprehensive report for the consideration of the Commission at its thirty-first session (para. 17).

95. At the time, the Ad Hoc Working Group of Experts was unable because of lack of time, to draw up a list of inhuman acts in accordance with paragraph 17 of its resolution.

96. Furthermore, on the proposal of the Commission on Human Rights, the Economic and Social Council, in resolution 1868 (LVI), requested the Working Group to remain active and vigilant at all times and to report to the Commission, at its thirty-first session, on any events constituting serious violations of human rights and requiring urgent investigation in the countries and territories in question.

97. In accordance with the provisions of these two resolutions, the Working Group prepared a report (E/CN.4/1159) containing a number of recommendations.

B. Recommendations made by the Working GroupWith respect to South Africa

98. The Group made the following recommendations with respect to South Africa:

(1) A special study on farm gaols should be made in order to ascertain the extent, magnitude and illegal nature of that form of oppression;

(2) Another special study should be undertaken to investigate the historical process of the separate homelands policy and to obtain up-to-date information on the political, economic, social and cultural situation in those areas;

(3) A seminar should be organized in southern Africa for the purpose of focusing attention on: (a) the economic and cultural exploitation of blacks in South Africa and Namibia; and (b) prison conditions in South African gaols, particularly the Robben Island prison;

[Recommendation reiterated in 1977 and followed up by the Lesotho Seminar in 1978;]

(4) An inquiry should be made into the student movements in South Africa and Namibia to determine the effects of the policy of discrimination and repression followed by the South African Government;

[This recommendation was followed up by the study on deaths of detainees and police brutality in South Africa since the Soweto massacre in June 1976 (A/32/226);]

(5) A study should be made of the harmful effects of the policy of apartheid on the African family;

[The Group dealt with the consequences of the policy of apartheid on the African family in subsequent reports;]

With respect to Namibia

99. The Group made the following recommendations with respect to Namibia:

(1) Since no action appeared to have been taken on the recommendations made in the Group's preceding report, the attention of the South African Government, which was continuing its illegal occupation of Namibia, should be drawn to them once again;

(2) The attention of the world press should be drawn to the fate of the Namibian political prisoners who had been illegally transferred from South Africa to the Robben Island prison and to violations inflicted upon them contrary to the standard minimum rules for the treatment of political prisoners. Emphasis should be laid on the degrading conditions prevailing in those prisons;

(3) The punishment of public flogging (an inhuman and illegal act) should receive greater attention in all the relevant United Nations bodies. Suitable resolutions should be adopted so as to bring international pressure on the South African Government, including pressure from States friendly to it;

(4) An anti-torture day should be proclaimed;

(5) A world-wide seminar exclusively devoted to the large-scale violations of human rights in Namibia should be organized;

[An International Conference on Namibia and Human Rights was held at Dakar (Senegal) from 5 to 8 January 1976. The programme of action adopted at the Conference provides an effective platform for the struggle against the oppression of the Namibian people by South Africa;]

(6) A study should be made to reveal the harmful effects of the policy of apartheid on the African family;

With respect to Southern Rhodesia

100. The Group made the following recommendations with respect to Southern Rhodesia:

(1) The United Kingdom, as the administering Power, should intercede with the Southern Rhodesian authorities and should take up the cases of persons sentenced to death, so as to stop the execution of any death sentence;

(2) The United Kingdom should institute a judicial inquiry into the deaths which had occurred in suspicious circumstances in prisons or at police stations;

- (3) The United Kingdom should institute an inquiry into the summary execution of freedom fighters captured by the security forces of the illegal minority régime;
- (4) All political prisoners should be freed and there should be no interference with the freedom of movement of those who had been released;
- (5) All peoples must enjoy freedom of movement without any restriction and must in no case be kept in so-called "protected" villages;
- (6) A general amnesty for all political prisoners and persons convicted for political reasons and also for persons living abroad should be declared;
- (7) Freedom of peaceful assembly and of speech should be restored for all;
- (8) The state of emergency should be ended immediately;
- (9) A study should be made to reveal the harmful effects of the policy of apartheid on the African family;

With respect to African territories under Portuguese domination

101. The Group made the following recommendations with respect to African territories under Portuguese domination:

- (1) Strategic centres and peace camps should be dissolved. The people should have factual means of regaining and restoring their traditional settlements;
- (2) Members of PIDE and the military forces having allegedly committed crimes against humanity should be prosecuted by competent bodies.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

102. After examining the report of the Group, the Commission on Human Rights, in its resolution 5 (XXXI) of 14 February 1975, approved the recommendations made by the Group in its report E/CN.4/1159.

(a) With respect to South Africa

- (1) The Commission on Human Rights noted that:
 - a. The slavery-like institution of private and farm gaols is one of the characteristics of the apartheid system;
 - b. The homelands policy is a means of hindering self-determination;
 - c. Transit camps have been enlarged and constitute the most inhuman method of population movement and restriction of freedom of movement in modern times;
 - d. Discrimination among students according to race is another feature of the apartheid policy;

(2) Moreover, the attention of South Africa should be drawn once again to the recommendations contained in the current and previous reports of the Working Group;

(3) The Secretary-General was requested to consider the possibility of organizing, at a suitable location in southern Africa, a symposium for the purpose of considering the questions referred to in paragraph 20 of the conclusions and recommendations of the current report of the Group (E/CN.4/1159);

(4) International trade unions were invited to concert their views in order to use their power to influence South Africa to abandon its apartheid and racist policies and, particularly, to concert their policies against those who extend to South Africa, directly or indirectly, military, economic, political and other forms of assistance;

(5) The Group was requested to study the private gaol and farm gaol systems, the development of the separate homelands policy and its effects on the right to self-determination, as well as the farm labour system in the Republic of South Africa.

(6) The Group was requested to study the consequences of apartheid as regards the African family and to inquire into the particular difficulties of the student movements in South Africa and Namibia;

(b) With respect to Namibia

(1) The Commission deplored the fact that, in Namibia, there was not the slightest sign that South Africa was giving up its illegal occupation of that Territory, which was under United Nations supervision; that public floggings had become a shocking feature of the punishment of opponents of the apartheid policy; and that fair trial for political detainees was not guaranteed;

(2) The United Nations Commissioner for Namibia was requested to take into account the recommendations of the Ad Hoc Working Group and, in particular, to denounce the public flogging of opponents of apartheid and to organize a world-wide seminar devoted exclusively to the large-scale violations of human rights that were taking place daily in Namibia;

[International Conference on Namibia and Human Rights, 5-8 January 1976;]

(3) The Economic and Social Council was requested to invite the Secretary-General to appeal to the United Nations Commissioner for Namibia to establish appropriate collaboration with the Ad Hoc Working Group of Experts;

(c) With respect to Southern Rhodesia

(1) The Commission deplored the fact that there was no real change in the policy of the racist minority régime; that the number of political prisoners and captured freedom fighters had increased; that mass population removals still went on and that the system of "protected villages" and "no-go areas" had been created;

(2) The Government of the United Kingdom, as the administering Power of Southern Rhodesia, should intercede with the authorities in Southern Rhodesia, take up cases of persons sentenced to death in order to stop their execution, and institute an inquiry into the summary execution of captured freedom fighters and into the deaths of prisoners in suspicious circumstances in prisons and at police stations.

103. In addition, the Commission on Human Rights:

- (1) Demanded the release from detention of all political prisoners in southern Africa and the implementation of the principle of the right of self-determination;
- (2) Recommended that freedom of peaceful assembly and of speech should be restored for all;
- (3) Requested the Secretary-General to transmit the conclusions and recommendations arising out of the investigations in 1973 and 1974 to the Ministers for Foreign Affairs of Member States, with the appeal of the Commission that their respective parliaments be informed of the findings of the Working Group;
- (4) Invited the Economic and Social Council to request the Secretary-General to give wide publicity to the report of the Ad Hoc Working Group of Experts (E/CN.4/1159).

2. Action taken by the Economic and Social Council

104. The following decisions were taken by the Economic and Social Council:

(1) At its fifty-eighth session, the Economic and Social Council, by its decision 78 (LVIII) of 6 May 1975: (a) decided to request the Secretary-General to appeal to the United Nations Commissioner for Namibia to establish appropriate collaboration with the Ad Hoc Working Group of Experts; (b) requested the General Assembly to make arrangements for adequate and sufficient financial resources and staff to be provided to the Ad Hoc Working Group of Experts in order to enable it to carry out its mandate; (c) requested the Secretary-General to give wide publicity to the report of the Ad Hoc Working Group of Experts;

(2) It should be recalled that, in 1974, the Economic and Social Council, on the recommendation of the Commission on Human Rights, having taken note of the report of the Ad Hoc Working Group of Experts (E/CN.4/1135), adopted resolution 1869 (LVI) of 17 May 1974, whereby it: (a) condemned the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia for their persistent and flagrant disregard of the United Nations resolutions bearing on the enjoyment of fundamental human rights and the inalienable right of all peoples in southern Africa to self-determination; (b) invited the General Assembly to bring to the notice of the Security Council the deterioration in the situation in southern Africa; (c) appealed to all States to sign and ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid.

3. Action taken by the General Assembly

105. The following decisions were taken by the General Assembly:

(1) By its resolution 3411 B (XXX) of 28 November 1975, the General Assembly condemned the ruthless repression practised by the racist régime of South Africa against the leaders of the oppressed people of South Africa and other opponents of apartheid and again called upon the racist régime of South Africa to grant an unconditional amnesty to all persons imprisoned or restricted for their opposition to apartheid and to repeal all repressive laws and regulations;

(2) By its resolution 3411 D (XXX), the General Assembly again condemned the establishment of bantustans as designed to consolidate the inhuman policies of apartheid. It reaffirmed that the establishment of bantustans was a measure essentially designed to destroy the territorial integrity of the country in violation of the principles enshrined in the Charter of the United Nations, and called upon all Governments and organizations not to deal with any institution or authorities of the bantustans, or to accord any form of recognition to them;

(3) By its resolution 3411 G (XXX), the General Assembly requested all Governments to sign and ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid.

XIII. RECOMMENDATIONS MADE IN 1975 (E/5622) CONCERNING INFRINGEMENTS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

106. In resolution 1796 (LIV) of 18 May 1973, the Economic and Social Council requested the Ad Hoc Working Group of Experts to continue to monitor the system of recruitment of African workers, as well as the disparities in wages between black and white workers in South Africa, Namibia, Southern Rhodesia and the African Territories under Portuguese domination, and to report to the Economic and Social Council not later than at its fifty-eighth session.

107. By its decision 18 (LVI) of 17 May 1974, the Council transmitted to the Ad Hoc Working Group of Experts a communication received from the Director-General of the International Labour Office concerning an allegation made by the General Workers' Union of Lesotho against the Government of the Republic of South Africa and alleging violations of trade union rights committed at the time of the murder, on 11 September 1973, of five workers from Lesotho in a South African mine situated near Carletonville. The Council also requested the Ad Hoc Working Group to include its findings in this matter in the report which it was to submit to the Council at its fifty-eighth session, in accordance with Council resolution 1796 (LIV).

108. By its decision 25 (LVII) of 31 July 1974, the Council transmitted to the Ad Hoc Working Group of Experts two communications from international trade union organizations relating to allegations of infringements of trade union rights in South Africa and requested the Ad Hoc Working Group to include its findings on the matter in its report to be presented to the Council at its fifty-eighth session, in accordance with Council resolution 1796 (LIV).

109. In accordance with the provisions of these resolutions, the Group submitted a report (E/5622) containing a number of recommendations.

B. Recommendations made by the Working Group

With respect to South Africa

110. The Group made the following recommendations with respect to South Africa:

(1) The Economic and Social Council should draw the attention of the competent United Nations bodies to the need to put an end to the support extended to South Africa by certain foreign and multinational companies which continue to sustain the South African economy and profit by the policy of low wages and discriminatory working conditions applied by the South African Government;

(2) Trade unions should be informed about the discriminatory status of African workers in South Africa and they should be asked to use trade union rights to convince the employers concerned that any support of the South African economy amounts to support of the discriminatory social system prevailing in South Africa;

(3) Trade union movements in all parts of the world should be alerted to the denial to black Africans in South Africa of trade union rights similar to those granted to whites and of the existence of a wide disparity in wages and conditions of work, so that they may play a suitable role in bringing pressure on the South African Government. A beginning in this direction can be made by some countries which are sympathetic to African aspirations, but which still have commercial relations with South Africa;

(4) States should forbid their nationals to work in South Africa as long as South Africa does not bring its social and labour system into conformity with recognized standards of social rights;

(5) The Group deplored the situation of the agricultural workers and recommended that the practice of placing blacks at the disposal of white farmers should be abolished;

(6) The Group recommended that the Commission, through the competent United Nations bodies, should call for recognition of the trade union rights of all workers;

(7) The Group once again drew attention to the degrading system of migrant labour and recommended that its abolition should be called for;

(8) Further considerations should be given to the phenomenon of strikes at the mines and in other industries, and a study should be made of prevailing conditions, with particular reference to tracing the origin of the strike movements, to the policy of repression adopted and to the dimensions of the problem of collusion by foreign companies operating in South Africa, which not only deny minimum wages to black workers but abet the denial of trade union rights. The high-handed practices of the police in dealing with strikers might also be analysed;

With respect to Namibia

111. The Group made the following recommendations with respect to Namibia:

(1) The Group recommended greater efforts to promote the training of young Namibians in various parts of the world by increasingly facilitating their enrolment in the national educational establishments of the member countries of the United Nations;

(2) The system of farm labour should be studied in all its aspects;

(3) The United Nations should urge foreign companies investing in Namibia to guarantee African workers full equality of wages, training facilities and working conditions with foreign white workers;

With respect to Southern Rhodesia

112. The Group made the following recommendations with respect to Southern Rhodesia:

(1) The problem of erosion of trade union rights in Southern Rhodesia should be kept in the forefront and form part of a comprehensive study and inquiry;

(2) Suppression of legitimate trade union activity must stop;

(3) Farm and domestic workers should be brought under the umbrella of the Industrial Conciliation Act of 1959;

(4) The "pass" system must be abandoned forthwith;

(5) Recruitment of foreign African and white workers must cease forthwith;

(6) A programme of imparting knowledge and skills on the job should be adopted and enforced in order to improve the lot of the African workers;

- (7) Discrimination in wages should be given up;
- (8) The practice of forced labour should be condemned;
- (9) The violations of trade union rights should be brought to the attention of international trade union organizations;
- (10) The United Kingdom, as the administering Power, has a special responsibility in the matter and should be requested to take appropriate action to bring all the malpractices to an end;

With respect to African territories under Portuguese domination

113. The Group took note of the independence of Guinea-Bissau and the forthcoming independence of Angola and Mozambique, and felt that it should make no special recommendation in the circumstances.

C. Action taken on the recommendations

114. By its decision 83 (LVIII) of 6 May 1975, the Economic and Social Council took note of the recommendations made by the Ad Hoc Working Group of Experts as contained in document E/5622.

XIV. RECOMMENDATIONS MADE IN 1977 (E/CN.4/1222 and Corr.1) AND
ACTION TAKEN ON THEM

A. Mandate of the Working Group

115. At its thirty-first session, the Commission on Human Rights, in resolution 5 (XXXI), adopted on 14 February 1975, requested the Group to study the private gaol and farm gaol systems and the development of the separate homelands policy and its effects on the right to self-determination, as well as the farm labour system in the Republic of South Africa (para. 13), to study the consequences of apartheid as regards the African family and to inquire into the particular difficulties of the student movements in South Africa and Namibia (para. 14). The Commission further requested the Group to submit a report on its findings to the Commission at its thirty-third session.

Furthermore, in resolution 8 (XXXIII) of 4 March 1976, the Commission on Human Rights assigned the Group an additional task, requesting it to evaluate all the aspects of the Dakar Declaration and of the Programme of Action and to submit specific proposals to the Commission at its thirty-third session.

In accordance with the provisions of these two resolutions, the Working Group prepared a report (E/CN.4/1222 and Corr.1) containing a number of recommendations.

B. Recommendations made by the Working Group

With respect to South Africa

116. The Group made the following recommendations with respect to South Africa:

(1) The Group renewed its recommendation that a symposium should be organized at a suitable location in southern Africa for the purpose of studying the economic and cultural exploitation of the blacks in South Africa and Namibia and conditions in the South African prisons, in particular, the prison on Robben Island. (It should be recalled that, in its resolution 8 (XXXII), the Commission had requested the Secretary-General, in application of the provisions of Commission resolution 5 (XXXI), paragraph 10, to continue his contacts with a view to the organization of such a symposium, which was, in fact, held in Lesotho in July 1978).

(2) A study should be undertaken of police behaviour in the course of peaceful demonstrations, in particular in regard to the respect of the right to life of Africans, to the use of firearms and to the responsibility of policemen for the events of 1976. (A special report was prepared by the Group in 1977 (A/32/226), in pursuance of Economic and Social Council resolution 2082 A (LXII) of 13 May 1977).

(3) The Group recommended that UNESCO should be requested to make a special study of the effects on African children in South Africa of being educated in more than one foreign language, and also the consequences of instruction through Afrikaans.

With respect to Namibia

117. The Group made the following recommendations with respect to Namibia:

(1) The Group recommended that the Commission on Human Rights reaffirm the imprescriptible right of the Namibian people to self-determination and independence.

(2) The Commission on Human Rights must give priority attention to the implementation of the relevant provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Efforts should be made to find out how the agents of the apartheid policy in Namibia might be prosecuted for crimes against the population of the international territory of Namibia.

(3) The Commission should recommend that the General Assembly and the Security Council adopt firm and concrete measures, including measures provided for under Chapter VII of the Charter of the United Nations, with a view to expelling South Africa from Namibia.

(4) The Commission should continue to keep a vigilant eye on the subtle methods employed by South Africa for the purpose of the "bantustanization" of Namibia.

(5) The Commission should approve the recommendations formulated in the Declaration and the Programme of Action of the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa, which was held at Havana (Cuba) from 24 to 28 May 1976.

(6) The Commission should show its support for and be represented at the World Conference for Action against Apartheid, to be held in 1977, in accordance with General Assembly resolution 31/6/G.

(7) The Commission should appeal to countries that maintain consular missions in Namibia to terminate all such relations.

(8) The Commission should continue to keep a vigilant eye on the increasing evidence of arrests and the harassment of the Namibian people, the increasing incidence of torture and other cruel, inhuman and degrading treatment meted out to political prisoners, and the introduction of draconian and discriminatory laws into Namibia.

(9) The Commission should demand the immediate release from detention of all political prisoners.

(10) The Group recommended that, following upon the Dakar Declaration and Programme of Action, the Commission on Human Rights should: (a) condemn the so-called Windhoek Constitutional Conference; (b) reiterate its appeal to the international community and to the Member States to give SWAPO the maximum support in its struggle against the illegal occupation of Namibia; (c) request the General Assembly to invite the United Nations Council for Namibia to consider, in consultation with SWAPO, the possibility of Namibia becoming a party to the international human rights Covenants and to the International Convention on the Suppression and Punishment of the Crime of Apartheid; (d) ask an investigating body to inquire into the violations of human rights in Namibia and to prepare case-histories with a view to future legal proceedings, in application, inter alia, of the provisions of the Convention on the Suppression and Punishment of the Crime of Apartheid. [Pursuant to resolution 6 (XXXIII), paragraph 4, the Group has begun to prepare lists of persons suspected of having been guilty of the crime of apartheid in Namibia]; (e) draw the attention of the Security Council to the urgent need, following upon its resolution 385 (1976), to impose sanctions against South Africa for not having respected the provisions of that resolution. [In this connection, the International Conference on Sanctions against South Africa was to be held in 1980. A conference of non-governmental organizations on sanctions against South Africa was held at Geneva from 30 June to 3 July 1980.]

With respect to Southern Rhodesia:

118. The Group made the following recommendations with respect to Southern Rhodesia:

(1) Once the Geneva Conference had resumed its work, the United Nations, the Organization of African Unity, the United Kingdom and other Powers, as well as world public opinion, should exert pressure on the rebel Government to ensure that the Conference produced tangible results and that the transition period was a calm one.

(2) The Security Council should keep a close watch on the situation and all United Nations organs should co-operate closely in order to find the most rapid solution possible to one of the most alarming problems with which they were faced.

(3) The United Nations should intensify its co-operation by supplying the neighbouring countries with humanitarian assistance, particularly in the form of medicines and foodstuffs, to help the combatants fighting for the liberation of Rhodesia and their families.

C. Action taken on the recommendations

1. Action taken by the Commission on Human Rights

119. After examining the Group's report, the Commission on Human Rights, in its resolution 6 (XXXIII) of 4 March 1977, approved the recommendations made by the Group in its report E/CN.4/1222 and Corr.1.

With respect to South Africa

120. The Commission took the following decisions with respect to South Africa:

(1) The Commission on Human Rights expressed its profound indignation regarding the situation which continued to prevail in southern Africa and which was characterized by a flagrant denial of human rights to the African population and by the brutal inhuman treatment of political prisoners in that part of the world.

(2) It condemned the massacres committed by the South African police during the demonstrations at Soweto in June 1976.

With respect to Namibia

121. The Commission took the following decisions with respect to Namibia:

(1) The Commission on Human Rights reaffirmed the inalienable right of the people of Namibia to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights and in the various international instruments on human rights;

(2) It requested the Ad Hoc Working Group of Experts to institute an inquiry in respect of any person who had been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of that inquiry to the attention of the Commission on Human Rights;

(3) It recommended that the Economic and Social Council should draw the attention of the General Assembly and the Security Council to the desirability of adopting specific measures, including those provided for in Chapter VII of the Charter of the United Nations, with a view to putting an end to the illegal occupation of Namibia by South Africa;

(4) It denounced the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

(5) It demanded the immediate release of all political prisoners held, in particular those suspected of sympathizing with the South West Africa People's Organization (SWAPO) and requested protection for them pending their release, in accordance with the applicable provisions of the Geneva Convention Relative to the Treatment of Prisoners of War.

With respect to Southern Rhodesia

122. The Commission took the following action with respect to Southern Rhodesia:

(1) The Commission on Human Rights reaffirmed the inalienable right of the people of Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights and in the various international instruments on human rights;

(2) It recommended that the United Nations should intensify its co-operation in the humanitarian field, by supplying the neighbouring countries of Zimbabwe with assistance, particularly in the form of medicines and foodstuffs;

Decisions of a general character

123. The Commission took the following decisions of a general character:

(1) The Commission on Human Rights noted with interest the recommendations set forth in the Declaration and Programme of Action of the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa (A/31/104), held at Havana from 24 to 28 May 1976, and decided that the Ad Hoc Working Group of Experts should evaluate all the aspects of that Declaration and Programme of Action and should submit specific proposals to the Commission at its thirty-fourth session;

(2) It decided to be represented by members of the Ad Hoc Working Group of Experts at the World Conference for Action against Apartheid to be held in 1977, pursuant to General Assembly resolution 31/6/G;

(3) It condemned the activities of the countries which, either directly or through their nationals, were helping to perpetuate the situation in Namibia, Zimbabwe and South Africa, and urged them to refrain from such activities;

(4) It endorsed the recommendations of the Dakar Declaration on Namibia and Human Rights and the Programme of Action annexed thereto, and in particular:

(a) Condemned the so-called Windhoek Constitutional Conference;

(b) Recommended that the competent international organizations and Member States should support the South West Africa People's Organization;

(c) Requested the General Assembly to invite the United Nations Council for Namibia to study, in consultation with SWAPO, the possibility of Namibia becoming a party to the international Covenants on human rights and, in particular, to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(5) It invited those Member States which had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(6) It requested the Secretary-General, in accordance with Commission resolutions 5 (XXXI) and 8 (XXXII), to continue his contacts with a view to the organizations in southern Africa of a symposium on the economic and cultural exploitation of the blacks in South Africa and Namibia, and on conditions in South African prisons, in particular, on Robben Island.

2. Action taken by the Economic and Social Council

124. The following decisions were taken by the Economic and Social Council:

(1) At its sixtieth session the Economic and Social Council, having taken note of the interim report of the Group (E/CN.4/1187), in resolution 1991 (LX), of 12 May 1976:

(a) Expressed its deep concern to the General Assembly regarding the situation in southern Africa, which constituted a serious threat to international peace and security;

(b) Appealed to all States to co-operate with the international organizations in measures they were taking to combat racial discrimination and apartheid;

(c) Invited Member States to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid [General Assembly resolution 3068 (XXVIII) of 30 November 1973.]

(2) At its sixty-second session, in decision 232 (LXII) of 13 May 1977, the Council decided to draw the attention of the General Assembly and the Security Council to the desirability of adopting specific measures, including those provided for in Chapter VII of the Charter of the United Nations, with a view to putting an end to the illegal occupation of Namibia by South Africa (in accordance with the Commission's recommendation in resolution 6 (XXXIII), para. 5).

(3) In addition, in resolution 2082 A (LXII) of 13 May 1977, the Council decided that the Group, in conjunction with the Special Committee against Apartheid, should examine the treatment of prisoners in South Africa, Namibia and Zimbabwe, including the deaths of a number of detainees, as well as police brutality during peaceful demonstrations against apartheid in South Africa since the Soweto massacre of 16 June 1976.

(4) In resolution 2082 B (LXII) of 13 May 1977, the Council further recommended that the General Assembly should declare 1978 International Anti-Apartheid Year.

(5) Lastly, in resolution 2082 C (LXII) of 13 May 1977, the Council suggested that the General Assembly should consider the applicability to United Nations organs of the solemn obligation of administering Powers to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses, which had been reaffirmed by the Assembly in its resolution 31/7 of 5 November 1976, and, in this connection, should consider the desirability of exercising fully its powers in its capacity - recognized by the International Court of Justice in 1971 - as Administering Authority for Namibia, either directly or through the United Nations Council for Namibia.

XV. RECOMMENDATIONS MADE IN 1976 (E/5767) CONCERNING INFRINGEMENTS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

125. In its decision 34 (LVIII) of 6 May 1975, the Economic and Social Council decided to transmit to the Working Group, for consideration and report, some allegations regarding infringements of trade union rights in South Africa contained in a communication addressed to the Secretary-General of the United Nations by the International Confederation of Free Trade Unions, concerning the arrest, by the South African Government, of Mr. Drake-Koka, Secretary-General of the Black Allied Workers Union (BAWU), and of Mr. L. Mabandla, Mr. Ibeo and Mr. S. Cooper, organizers of BAWU in Durban, who had been held incommunicado under the Terrorism Act.

In accordance with this decision, the Working Group prepared a report (E/5767) containing its recommendations on the matter.

B. Recommendation made by the Working Group

126. After studying the allegations contained in the communication submitted to it, and in the light of an analysis of relevant South African legislation, the Working Group recommended that a demand should be made for the release of the imprisoned or detained trade unionists. It should be added that the Government of South Africa took no action on either a telegram transmitted by the Chairman of the Ad Hoc Working Group of Experts, dated 31 July 1975, or a letter from the Chairman of the Commission on Human Rights, dated 20 August 1975, concerning, in particular, the case of Mr. S. Cooper.

C. Action taken on the recommendation

127. In resolution 1997 (LX) of 12 May 1976, the Economic and Social Council, having taken note of the report of the Group contained in document E/5767: (a) expressed its deep indignation at the repression of African workers and their trade unions in South Africa; and (b) called for the immediate release of all trade unionists currently under imprisonment or detention and for the immediate recognition and restitution of all trade union rights.

128. In addition, having taken note of the report of the Group in document E/CN.4/1222 containing information on trade union rights, the Council adopted resolution 2086 (LXII) of 13 May 1977, in which it: (a) condemned the continued gross infringements of trade union rights in South Africa, Namibia and Zimbabwe; (b) called for the immediate release of all trade unionists under detention and for the lifting of all banning orders imposed on persons engaged in trade union activities; (c) demanded full recognition of all trade union rights of African workers in South Africa, Namibia and Zimbabwe.

129. Lastly, at its sixty-second session the Council, after considering the report of the Group (E/CN.4/1222 and Corr.1), in decision 236 (LXII) of 13 May 1977, decided: (a) to invite ILO to make a thorough study of possible ways of improving the lot of African agricultural workers and their families; and (b) to request the Group to continue to study the question and to report thereon to the Commission on Human Rights and to the Council.

XVI. RECOMMENDATIONS MADE IN 1978 (E/1978/21) CONCERNING INFRINGEMENTS
OF TRADE UNION RIGHTS, AND ACTION TAKEN ON THEM

A. Mandate of the Working Group

130. In its decision 237 (LXII) of 13 May 1977, the Economic and Social Council also decided to transmit to the Working Group, for consideration and report to the Council, the allegations regarding infringements of trade union rights in the Republic of South Africa made by the International Textile, Garment and Leather Workers' Federation and the International Confederation of Free Trade Unions. The communications containing these allegations concerned the arrest and banning of a number of trade unionists in South Africa.

131. In accordance with the provisions of this decision, the Working Group prepared a report (E/1978/21) containing its conclusions and recommendations.

B. Recommendation made by the Working Group

132. Having reached the conclusion that South African legislation and practice were contrary not only to the International Convention on the Elimination of all Forms of Racial Discrimination but also to articles 2, 3 and 4 of ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, the Working Group recommended that the Economic and Social Council should, by the appropriate means, inform the States Members of the United Nations as quickly as possible of the conclusions contained in its report and should urge that South Africa respect the relevant international standards governing trade union rights.

C. Action taken on the recommendation

1. Action by the Economic and Social Council

133. In resolution 1978/21 of 5 May 1978, the Economic and Social Council, having considered the report of the Group concerning allegations regarding infringements of trade union rights in South Africa, transmitted by the Economic and Social Council in implementation of its decision 237 (LXII): (a) endorsed the conclusions of the Group that the repressive legislation adopted in South Africa and the practices pursued in accordance with this legislation were in flagrant contradiction with the international standards governing trade union rights and that South Africa had consistently and deliberately violated trade union freedoms; (b) called for the immediate repeal of banning orders issued against African and other trade unionists and an end to the torture and cruel and inhuman treatment of those detained for their political and trade union activities; (c) demanded the immediate and unconditional recognition of all trade union rights of African workers in South Africa and Namibia.

134. Furthermore, in decision 1978/28 of 5 May 1978, the Economic and Social Council decided to request the Ad Hoc Working Group to continue to study the question and to report thereon to the Commission on Human Rights and the Economic and Social Council.

135. Lastly, in resolution 1979/39 of 10 May 1979, the Economic and Social Council, having studied the report of the Group submitted pursuant to decision 1978/28, demanded the immediate and complete abolition of all restrictions on the trade union rights of African workers in southern Africa, including migrant workers, and the immediate and unconditional recognition of all existing African trade unions.

2. Action taken by the General Assembly

136. In resolution 33/169 of 20 December 1978, the General Assembly, recalling Economic and Social Council resolution 1978/21 regarding infringements of trade union rights in South Africa, requested Member States: (a) to release any persons detained on account of trade union activities; (b) to ensure that pending the release of such persons, their fundamental rights were respected, as well as their right to receive a fair hearing by a competent tribunal; (c) to take effective measures to safeguard and protect the human rights and fundamental freedom of trade union leaders detained or imprisoned as a result of their struggle against colonialism and for self-determination, independence and the elimination of apartheid and all forms of racial discrimination and racism.

XVII. RECOMMENDATIONS MADE IN 1979 (E/CN.4/1311) AND
ACTION TAKEN ON THEM

A. Mandate of the Working Group

137. In its resolution 6 (XXVIII) of 4 March 1977, the Commission on Human Rights, having decided that the Working Group should continue to study the policies and practices which violated human rights in South Africa, Namibia and Zimbabwe, requested the Group to submit a report on its findings to the Commission at the thirty-fifth session.

138. Two other actions taken by the Commission at its thirty-fourth session had a bearing on the activities of the Group. Firstly, in its decision 2 (XXXIV), the Commission, recalling its previous resolutions concerning the holding of a symposium on the economic and cultural exploitation of the blacks in South Africa and Namibia and on prison conditions in South African gaols including, in particular, the Robben Island maximum security prison, requested that the necessary arrangements be made for the organization of a symposium in Lesotho within the framework of the mission of investigation which the Group was to carry out in July and August of 1978. Secondly, in its resolution 8 (XXXIV), the Commission designated the Group on southern Africa to represent the Commission at the World Conference to Combat Racism and Racial Discrimination to be held in Geneva from 14 to 25 August 1978. Lastly, in its resolution 5 (XXXIV), the Commission also requested the Group to continue to maintain close co-operation with the Special Committee against Apartheid in the investigation of gross violations of human rights in South Africa, especially with a view to ensuring that any developments requiring urgent action were drawn to the attention of the General Assembly and the Security Council.

139. Furthermore, the Economic and Social Council, in its decision 1978/28 of 5 May 1978, requested the Group to continue to study allegations regarding infringements of trade union rights in the Republic of South Africa and to report thereon to the Commission on Human Rights and to the Economic and Social Council at such times as it might consider appropriate.

140. In accordance with the provisions of these resolutions, the Working Group prepared a report (E/CN.4/1311) containing a number of recommendations.

B. Recommendations made by the Working Group

With respect to South Africa

141. The Group made the following recommendations with respect to South Africa:

(1) The Group repeated its recommendation that ILO should be invited to make a thorough study of possible ways of improving the lot of African agricultural workers and their families.

(2) The Commission on Human Rights should ask the United Nations General Assembly to have a study made of the problem of the South African Government's legitimacy, in view of its policy of apartheid and, in particular, its systematic refusal to apply the principles of the Charter of the United Nations.

(3) The Commission on Human Rights should take into consideration the results of the symposium held at Maseru (Lesotho) from 17 to 22 July 1978 and should, in particular, request that: (a) special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers in force in South Africa (the Group had already made such a recommendation previously); (b) fresh efforts should be made to provide the Group with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries (on the occasion of each study mission regularly undertaken every two years by the Group, the South African Government is invited to authorize the Group to visit South Africa in order to gather information on the situation and living conditions in prisons. There has never been a positive response to such an invitation); (c) on the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), should publish an investigation into the lot of black children in South Africa; (d) UNESCO should undertake a programme of action against South Africa's policy of destroying African culture; (e) the General Assembly should draw the attention of governments of Member States to the need to implement the programmes of action adopted at the Lagos and Maputo conferences held in 1977 as part of their anti-apartheid activities; (f) the Commission on Human Rights should request States which had not yet done so to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid; (g) the conclusions and recommendations of the symposium held at Maseru, Lesotho, should be brought to the knowledge of all States Members of the Commission on Human Rights on the occasion of its thirty-fifth session in 1979.

(4) The Commission should pay particular attention to the results of the World Conference to Combat Racism and Racial Discrimination and take the necessary steps to strengthen and enlarge the scope of its activities in support of the objectives of the Programme for the Decade.

(5) At every session of the various United Nations bodies, a special meeting should be devoted to the struggle against apartheid and information concerning specific new measures which had been taken or were planned in order to combat apartheid.

(6) The bodies dealing with the problem of apartheid and racial discrimination should consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities.

(7) In accordance with General Assembly resolution 33/100, adopted in 1978, concerning the results of the World Conference to Combat Racism and Racial Discrimination, the United Nations should organize at least once a year, in some part of the world, a symposium on apartheid and the various aspects of racial discrimination.

(8) An assessment of the action taken to implement the recommendations made by the Group since its establishment should be carried out; [This document is specifically intended to respond to this recommendation;]

(9) A study should be made with a view to determining ways and means of establishing the international tribunal envisaged in the International Convention on the Suppression and Punishment of the Crime of Apartheid; [General Assembly resolution 34/24 called upon the Group to undertake such a study;]

(10) Lastly, the Commission on Human Rights should pay particular attention to the situation with regard to human rights in the so-called independent bantustans of Transkei and Bophuthatswana.

With respect to Namibia

142. The Group made the following recommendations with respect to Namibia:

- (1) The Commission on Human Rights should reaffirm the imprescriptible right of the Namibian people to self-determination and independence and, in particular, declare that that right could be legally exercised only in accordance with the guidelines laid down by the competent United Nations bodies and under United Nations supervision.
- (2) The Commission on Human Rights should consider all necessary measures to induce States to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid and to ensure the effective application of the provisions of that Convention;
- (3) The Group again recommended that the Economic and Social Council should draw the attention of the General Assembly and the Security Council to the desirability of adopting specific measures, including measures provided for under Chapter VII of the Charter of the United Nations, with a view to ending South Africa's illegal occupation of Namibia;
- (4) The Commission on Human Rights should condemn the increased South African military presence in Namibia, the consequences of which were particularly evident in mass arrests and arbitrary detentions accompanied by torture, ill-treatment of captured freedom fighters, massacres of the population of villages and refugee camps, and violations of the territorial integrity of Angola;
- (5) The Commission on Human Rights should: (a) draw the attention of Member States to the need to assist SWAPO in its struggle to ensure the exercise by the Namibian people of their right to self-determination; (b) request that all necessary measures should be taken to safeguard the cultural heritage of the Namibian people; (c) appeal to Member States to give special attention to Namibian children on the occasion of the International Year of the Child and, in particular, to accord them scholarships and training grants for study in various countries; [Recommendation already contained in E/CN.4/1311 (recommendation No. 10);]
- (6) The Commission on Human Rights should denounce and deplore the fact that, despite the vast wealth of Namibia, the Namibian blacks are still extremely poor owing to the policy of apartheid and the exploitation of the territory's resources by South Africa, in alliance, in this matter, with multinational corporations;

With respect to Zimbabwe

143. The Group made the following recommendations with respect to Zimbabwe:

- (1) The United Nations and the Organization of African Unity should continue their efforts to induce the rebel régime in Salisbury to apply the principle of self-determination;
- (2) A majority Government should be installed and a multiracial society created;
- (3) The United Nations should give consideration to providing the countries neighbouring Zimbabwe with substantial assistance to compensate them for the loss suffered in their defence efforts in the region;

(4) The Commission on Human Rights, through the Economic and Social Council and the General Assembly, should call for an accurate assessment, carried out in co-operation with the United Nations High Commissioner for Refugees, of the situation of Zimbabwean refugees in Mozambique, Zambia and Botswana, and for the urgent adoption of adequate measures to safeguard and protect them;

(5) The Commission should declare the Third Geneva Convention of 12 August 1949, relative to Treatment of Prisoners of War and its additional Protocol applicable to the Zimbabwean freedom fighters and demand that the illegal, racist régime should grant those freedom fighters the treatment to which they were legally entitled.

C. Action taken on the recommendations made by the Working Group

1. Action taken by the Commission on Human Rights

144. In resolution 12 (XXXV), of 6 March 1979, the Commission on Human Rights, having examined the report of the Group (E/CN.4/1311), approved the following recommendations formulated therein:

(a) With respect to Namibia

(1) The Commission on Human Rights strongly condemned the increased South African military presence in Namibia, the consequences of which include:

- a. Harassment of the civilian population, and particularly women and children;
- b. Mass arrests and arbitrary detentions accompanied by torture;
- c. Ill-treatment and, in particular, torture of captured freedom fighters;
- d. Massacres of the population of villages and refugee camps;
- e. Violations of the territorial integrity of Angola.

(2) It reaffirmed the imprescriptible right of the people of Namibia to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declared that, in the case of Namibia (a Territory under United Nations administration), this right could be legally exercised only in accordance with directives given by the competent organs of the United Nations.

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

(4) It denounced the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination.

(5) It demanded the immediate release of all political prisoners held in Namibia, in particular those suspected of sympathizing with the South West Africa People's Organization (SWAPO) and requested protection for them, pending their release, in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War.

(6) It appealed to Member States to assist SWAPO in its struggle to ensure the proper exercise by the Namibian people of their right to self-determination, to contribute to the measures taken by the international community to safeguard the cultural heritage and wealth of the Namibian people, to give special attention to Namibian children and, in particular, to accord them scholarships and training grants for study on the occasion of the International Year of the Child.

General recommendations

145. The Commission on Human Rights made the following general recommendations:

(1) Having noted with interest the recommendations of the Symposium on the Exploitation of Blacks in South Africa and Namibia and on Prison Conditions in South African Jails, held at Maseru (Lesotho) from 17 to 22 July 1978, it recommended, in particular, to the Economic and Social Council, that:

(a) The appropriate United Nations bodies, acting in consultation with the competent specialized agencies, and particularly the International Labour Organisation, should take the initiative of preparing an international convention on the rights of migrant workers;

(b) Special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers in force in South Africa;

(c) Fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

(d) On the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations, should publish an investigation into the lot of black children in South Africa;

(2) The Commission also recommended that:

(a) Member States should redouble their efforts and strengthen their measures to combat racism, racial discrimination and apartheid;

(b) The Economic and Social Council should request the General Assembly:

(i) To urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would ensure the policy of apartheid and provide information concerning specific new measures which their respective countries or national institutions had taken, or were planning to take, to combat apartheid;

(ii) To ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities;

(iii) To arrange for the organization, at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, in which the Ad Hoc Group of Experts of the Commission on Human Rights would be invited to participate;

(iv) To arrange for a study to be made of the South African Government's legitimacy in view of its policy of apartheid and, in particular, its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact;

(3) It condemned the activities of the countries which, either directly or through their nationals, were helping to perpetuate the existing situation in Namibia, Zimbabwe and South Africa, and urged them to refrain from such activities;

(4) It 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 improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa;

(5) The Commission further requested the Group, in co-operation with the Special Committee against Apartheid, to investigate the cases of torture and murder of detainees in South Africa, contained in the report drawn up by the Special Committee against Apartheid and communicated to the Commission, and to submit a special report on that investigation to the Commission on Human Rights at its thirty-sixth session;

(b) With respect to Zimbabwe

(1) The Commission on Human Rights denounced the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

(2) It demanded the immediate release of all political prisoners held in Zimbabwe and requested protection for them pending their release in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War;

(3) It recommended that Member States should intensify their co-operation in the humanitarian field so as to strengthen their assistance to the countries neighbouring Zimbabwe, in order to enable them to face the difficulties inherent in the refugee situation, and that the General Assembly should ensure that the Office of the United Nations High Commissioner for Refugees continued to evaluate the situation of the refugees from Zimbabwe and took adequate measures of assistance and protection on their behalf;

(4) It reaffirmed the imprescriptible right of the people of Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights;

(c) With respect to South Africa

(1) The Commission on Human Rights denounced the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

(2) It demanded the immediate release of all political prisoners held in South Africa; and requested protection for them, pending their release, in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War.

2. Action taken by the Economic and Social Council

146. The Economic and Social Council took the following decisions:

(1) In decision 1970/25, the Council approved the decision taken by the Commission on Human Rights, in its decision 2 (XXXIV) of 22 February 1978, on the recommendation of the Ad Hoc Working Group of Experts, to organize a symposium on the economic and cultural exploitation of the blacks in South Africa and Namibia and on prison conditions in South African gaols, including, in particular, the Robben Island Prison. The Symposium was held at Maseru (Lesotho) from 17 to 22 July 1978. On the basis of the outcome of the Symposium's work, the Group formulated new recommendations in its report submitted to the Commission on Human Rights in 1979 (E/CN.4/1311).

(2) In 1979, the Economic and Social Council adopted decision 1979/33, in which it recommended that: (a) the appropriate United Nations bodies, acting in consultation with the competent specialized agencies, particularly the International Labour Organisation, should take the initiative of preparing an international convention on the rights of migrant workers; (b) special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers in force in South Africa; (c) fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries; (d) on the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations, should publish an investigation into the lot of black children in South Africa;

(3) The Council also decided to request the General Assembly: (a) to urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would censure the policy of apartheid and provide information concerning specific new measures which their respective countries or national institutions had taken, or were planning to take, to combat apartheid; (b) to ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination should consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities; (c) to arrange for the organization, at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, in which the Ad Hoc Working Group of Experts would be invited to participate; (d) to arrange for a study to be made of the South African Government's legitimacy, in view of its policy of apartheid and, in particular, its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact.

3. Action taken by the General Assembly

147. The General Assembly took the following decisions:

(1) In resolution 33/103, of 16 December 1978, the General Assembly appealed to all States which had not yet become parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to ratify it or accede to it without delay. The General Assembly also called upon the competent United Nations organs to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the preparation of a list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention, as well as a list of those against which legal proceedings had been undertaken.

(2) In this regard, the General Assembly, in resolution 34/24, of 15 November 1979, invited the Ad Hoc Working Group of Experts to undertake a study on the ways and means of implementing 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.

(3) Furthermore, in resolution 33/38 A, of 13 December 1978, the General Assembly:
(a) reaffirmed the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle, as well as the principle that there should be no independence before majority rule; (b) demanded the unconditional and immediate release of all political prisoners and detainees.

XVIII. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

148. The Group, since its establishment, has drawn up a number of conclusions and made a number of recommendations to the Commission on Human Rights, to the Economic and Social Council and to the United Nations General Assembly.

149. The Group considers that the "Study of the recommendations made by the Ad Hoc Working Group of Experts since its establishment" (resolution 12 (XXXV) of the Commission on Human Rights) could serve as a precedent in the future, should the United Nations deem it necessary to establish other groups with similar responsibilities to examine situations prevailing in other parts of the world.

150. All efforts made by United Nations organs to put an end to the policy of apartheid in South Africa and to hold elections in Namibia, under United Nations supervision, have yielded no results.

Recommendations

151. The Group recommends to the Commission on Human Rights that the present study, which contains all of its recommendations, should be brought to the notice of the United Nations organs concerned with the human rights situation in southern Africa.

152. The Group recommends that the attention of the United Nations be drawn to the fact that those who support South Africa in the commission of acts of apartheid are themselves violating international obligations.

153. The Group recommends that the Commission on Human Rights should appeal to all Member States of the United Nations who have not so far done so to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid.

154. The Group recommends that the Commission on Human Rights request the General Assembly to appeal to all Governments to contribute more generously to the United Nations Trust Fund for South Africa and to voluntary organizations for providing relief and assistance to the victims of apartheid and racial discrimination in southern Africa.

155. The Group recommends that special assistance should be granted to the front line States to enable them to defend their territories against the attacks launched regularly by South Africa.

156. The Group recommends that the Commission on Human Rights draw the attention of Member States to their duty to assist the liberation movements in South Africa and in Namibia.

157. The Group recommends to the Commission on Human Rights that the attention of the international community be drawn to the duty to ensure that existing mandatory sanctions against South Africa must be effectively implemented and that Member States stop investments in South Africa and Namibia.

158. The Group recommends to the Commission on Human Rights that it appeals to the International Labour Organisation (ILO) to offer assistance to trade union organizations in South Africa and Namibia in (a) trade union education and (b) the formulation of trade union demands.

159. The Group recommends to the Commission on Human Rights that parts of its reports, or summaries of their chapters, continue to be given the widest possible circulation within and outside the United Nations.

160. In order to improve co-ordination and increase the effectiveness of its work, the Group also recommends that competent United Nations organs, dealing with questions of human rights in southern Africa, should keep it informed of the progress of their work.

161. The Group recommends to the Commission on Human Rights that the Group is represented at seminars, symposia, conferences and other international meetings convened to examine matters relevant to its mandate. If for any reason the Group cannot be represented, it would wish to be kept informed of the matters dealt with and the decisions taken at such meetings.