



COMMISSION ON HUMAN RIGHTS

REPORT ON THE THIRTY-SECOND SESSION

(2 February - 5 March 1976)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS: SIXTIETH SESSION

SUPPLEMENT No. 3

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/5768
E/CN.4/1213

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ABBREVIATIONS

- ILO International Labour Organisation
- IMF International Monetary Fund
- OAU Organization of African Unity
- UNESCO United Nations Educational, Scientific and Cultural Organization

I. ISSUES THAT REQUIRE ACTION BY OR ARE BROUGHT TO THE
ATTENTION OF THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Report of the Ad Hoc Working Group of Experts
on southern Africa ^{1/}

The Economic and Social Council,

Taking note of resolution 8 (XXXII) of the Commission on Human Rights and of the report of the Ad Hoc Working Group of Experts (E/CN.4/1187),

Recalling the provisions of the Universal Declaration of Human Rights, of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights, as well as various international instruments relating to human rights,

Convinced of the urgent need for States to respect fundamental human rights and freedoms,

Aware of the fact that racial discrimination and the policy of apartheid constitute a threat to international peace and security,

1. Expresses its complete satisfaction to the Ad Hoc Working Group of Experts for the interim report it has submitted (E/CN.4/1187) and invites it to continue its work;

2. Expresses its deep concern to the General Assembly regarding the situation in southern Africa as constituting a serious threat to international peace and security;

3. Appeals to all States to co-operate with the international organizations in the measures they are taking to combat racial discrimination and apartheid;

4. Invites Member States to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid;

5. Requests the Secretary-General to communicate the report of the Ad Hoc Working Group of Experts to all competent bodies in the United Nations system.

II. Report of the Commission on Human Rights on
its thirty-second session

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its thirty-second session.

^{1/} See chap. XX, sect. A, resolution 8 (XXXII), and chap. IX.

B. Draft decisions

1. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 2/

The Economic and Social Council approves the decision of the Commission on Human Rights in its resolution 3 (XXXII), in response to General Assembly resolution 3448 (XXX), to extend the mandate of the Ad Hoc Working Group to inquire into the situation of human rights in Chile within the terms of the Commission resolution, and requests the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

2. Long-term programme of work of the Commission 3/

The Economic and Social Council endorses the recommendations made by the Commission on Human Rights in paragraph 1, 2 and 3 of its resolution 7 (XXXII) and consequently:

(a) Authorizes the officers of the thirty-second session of the Commission to hold preparatory meetings at least three days before the beginning of the thirty-third session;

(b) Requests the General Assembly to enable the Secretary-General to continue to organize world-wide and regional seminars on human rights;

(c) Invites the Committee for Programme and Co-ordination to analyse the programme in the field of human rights as contained in the medium-term plan for 1976-1979 4/ and the programme budget for 1976-1977 5/ in order to ascertain to what degree the presentation of this programme and the resources allocated to it as described in these two documents can efficiently achieve the aims and objectives of United Nations activities in this field.

2/ See chap. XX, sect. A, resolution 3 (XXXII), and chap. VI. See also annex III.

3/ See chap. XX, sect. A, resolution 7 (XXXII), and chap. VIII.

4/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 6 A (A/10006/Add.1).

5/ Ibid., Supplement No. 6 (A/10006).

3. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 6/

The Economic and Social Council approves the decision of the Commission on Human Rights to set up a working group of five of its members to meet a week before its thirty-third session to examine such particular situations as may be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-ninth session under Council resolution 1503 (XLVIII).

4. Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination 7/

The Economic and Social Council notes the recommendation of the Commission on Human Rights in its resolution 9 (XXXII) that the Commission should be enabled to participate in the preparatory arrangements for holding the world conference to combat racism and racial discrimination.

6/ See chap. XX, sect. B, decision 6 (a) (XXXII), and chap. IX.

7/ See chap. XX, sect. A, resolution 9 (XXXII), and chap. X.

II. QUESTION OF THE REALIZATION OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES

1. The Commission considered agenda item 6 at its 1338th to 1341st meetings, held on 4 and 5 February 1976.
2. At the thirty-first session of the Commission, several representatives, noting the importance of the question of the realization of economic, social and cultural rights, requested the inclusion of this item in the Commission's agenda each year as one of the basic topics with which the Commission should be concerned. By resolution 2 (XXXI), the Commission, considering the importance for the international community of the realization of all economic, social and cultural rights, decided to keep this item on its agenda as a standing item with high priority.
3. In resolution 1867 (LVI) of 17 May 1974 the Economic and Social Council drew the attention of all States and organizations of the United Nations system and other intergovernmental organizations to the report of the Commission's Special Rapporteur, Mr. Manouchehr Ganji, presented to the Commission at its thirtieth session (E/CN.4/1108 and Add.1-10 and E/CN.4/1131 and Corr.1), and in particular to the revised observations, conclusions and recommendations of the Special Rapporteur, with a view to more intensive efforts being undertaken at the national, regional and international levels on the formulation of standards, norms and indicators, as instruments of developmental policy and planning, and on ways of measuring the realization of economic, social and cultural rights. In the same resolution the Council requested the Commission to review this matter and to keep the Council periodically informed of the implementation of the resolution.
4. At its thirty-second session the Commission had before it the printed version of the study prepared by the Special Rapporteur. ^{8/} The periodic reports on economic, social and cultural rights for the period 1 July 1969 to 30 June 1973 that were received after the thirty-first session of the Commission (E/CN.4/1155/Add.29-32) were also made available to the Commission.
5. At its 1340th meeting, on 5 February 1976, the Commission heard the representative of the International Commission of Jurists, a non-governmental organization in consultative status.
6. All the representatives who spoke stressed the fundamental importance of this question and expressed their gratification that it had been placed as a standing item with high priority on the agenda of the Commission. The realization of economic, social and cultural rights was of direct and daily concern to mankind as a whole, particularly to those millions of human beings who faced acute problems of under-development, poverty, disease and famine.

^{8/} The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. E.75.XIV.2).

7. The view was emphasized by many representatives that economic, social and cultural rights, on the one hand, and civil and political rights, on the other, were of equal importance and supplemented each other. It was noted that, under the International Covenants on Human Rights, the modalities of implementation of these two categories of rights were different. Economic, social and cultural rights required the supply of adequate resources and the organization of appropriate services by Governments.

8. The view was expressed by many speakers that the emphasis placed on the human rights aspects of economic, social and cultural problems was still insufficient and that the Commission would be well advised to continue bringing that aspect to the attention of policy-making international bodies concerned with development. The Commission's mandate to work for the realization of economic, social and cultural rights imposed on it the duty to stress the need for international co-operation. At the same time it should emphasize that all decisions should be based on the criterion of their contribution to the full realization of human rights.

9. Some members felt that the creation of a more equitable international economic order was essential for the realization of economic, social and cultural rights. In this connexion attention was drawn to the work accomplished by the sixth and seventh special sessions and the twenty-ninth and thirtieth regular sessions of the General Assembly. Reference was also made to relevant decisions recently adopted by certain international organizations, such as IMF.

10. References were made to the study prepared by the Commission's Special Rapporteur, and the view was expressed that the Commission should consider what action it might usefully take in following up the revised observations, conclusions and recommendations in part VI of the study, which outlined a long-term programme in the field of realization of economic, social and cultural rights.

11. It was agreed that the entry into force of the International Covenant on Economic, Social and Cultural Rights was a major development likely to give a new dimension and stronger impetus to international action for the realization of economic, social and cultural rights. Considering the extremely heavy workload of the Economic and Social Council and its wish to concentrate on directives of general policy, it was anticipated that the Council might wish to entrust the Commission with the task of examining the reports of States parties and specialized agencies, under article 19 of the Covenant. It was felt that the Commission would be eminently competent to carry out this task, with the assistance of and in co-ordination with the specialized agencies and other organs concerned as appropriate. It was suggested that, in order to live up to its responsibilities in this respect, the Commission should first of all take certain steps of an organizational nature. In accordance with Economic and Social Council resolution 1074 C (XXXIX), an ad hoc committee of the Commission considered reports on economic, social and cultural rights, while the Commission may be called on to study reports of a similar nature under articles 16, 17 and 18 of the Covenant. A concentration of efforts was called for. Some members felt that a possible solution might be for the Commission to appoint a working group of experts consisting of five of its members, to deal both with reports received from States parties to the Covenant under articles 16, 17 and 18, and with reports received under Economic and Social Council resolution 1074 C (XXXIX) from States not yet parties to the Covenant. In carrying out its task, the proposed working group might bear in mind as appropriate the revised observations, conclusions and recommendations in the study of the Special Rapporteur.

12. The proposal for a working group was considered by some speakers to be of considerable interest and some support was expressed for it. However, another view was that it would be useful, first of all, to consult States on how the Commission could best discharge its responsibilities for the realization of economic, social and cultural rights. Other proposals made were that the Commission should hold two sessions each year, one of which would be devoted to economic, social and cultural rights, and that, if the Commission did not establish a working group to deal with reports, it might appoint a working group to assist the Economic and Social Council in considering the implementation of the International Covenant on Economic, Social and Cultural Rights.

13. The view was expressed that in order to avoid duplication of effort the Commission should establish close co-ordination with the competent United Nations bodies.

14. References were made by some representatives to their respective national experiences in the realization of economic, social and cultural rights and to some of the problems which their Governments faced. The view was expressed that the Commission, in deciding upon its future activities, could be guided by General Assembly resolution 3273 (XXIX) on national experience in achieving far-reaching social and economic changes for the purpose of social progress.

III. THE ROLE OF YOUTH IN THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

15. The Commission considered agenda item 8 (The role of youth in the promotion and protection of human rights: (a) The question of conscientious objection to military service; (b) Channels of communication with youth and international youth organizations: report of the Ad Hoc Advisory Group on Youth) at its 1340th, 1341st, 1343rd, 1346th and 1348th meetings, held on 5, 6, 10 and 11 February 1976.

16. By its decision 9 (XXXI) of 5 March 1975 the Commission had decided to defer this item and the consideration of the draft resolution that had been submitted (E/CN.4/L.1310) to its thirty-second session.

A. The question of conscientious objection to military service

17. The Commission had before it a report of the Secretary-General (E/CN.4/1118 and Corr.1 and Add.1-3) prepared in accordance with Commission resolution 11 B (XXVII), which had been before the Commission at previous sessions.

18. At its 1341st meeting the Commission heard a statement by the representative of UNESCO.

19. At its 1340th and 1341st meetings, the Commission heard the observers of four non-governmental organizations in consultative status: International Youth and Student Movement for the United Nations, World Federation of Democratic Youth, Amnesty International and Friends World Committee for Consultation.

20. In the course of the discussion, several representatives expressed the view that the question of conscientious objection to military service was closely related to fundamental human rights, in particular those contained in articles 3 and 18 of the Universal Declaration of Human Rights, pertaining to the right to life and the right to freedom of thought, conscience and religion.

21. While some representatives confirmed that the right was legally recognized in their own countries, others drew attention to the disparity in the concepts governing the attitudes of States on the question. They emphasized that the policies of States, as expressed in national legislation, varied according to religion, cultural and ethical background, defence needs and other specific circumstances.

22. The view was expressed that the question of conscientious objection to military service was a matter that was not solely linked to the question of the involvement of youth in human rights. It was felt therefore that the Commission ought to consider the question as a separate item of its agenda. A number of delegations spoke against this proposal.

B. Channels of communication with youth and international youth organizations: report of the Ad Hoc Advisory Group on Youth

23. The Economic and Social Council in its resolution 1842 (LVI) requested the Secretary-General to communicate the report of the first meeting of the Ad Hoc Advisory Group on Youth, with his own comments and recommendations, to the Commission for Social Development, the Commission on Human Rights, the Commission on the Status of Women and the Population Commission for their consideration, taking into account

the discussions in the Council at its fifty-sixth session. The Council also recommended to the Commission on Human Rights, the Commission for Social Development and the Commission on the Status of Women that international and regional meetings on specific issues and action programmes related to youth, especially on the participation of youth in the life of society, should be organized by the United Nations, and that youth participation in such meetings should be assured.

24. In connexion with this subitem, the Commission had before it the following documentation which had been before it at its previous session: the report of the Ad Hoc Advisory Group on Youth on its first meeting (E/CN.5/508), the comments and recommendations of the Secretary-General on the report (E/5427), paragraphs 10 (c) and 12 (a), and the summary records of the discussion in the Council, contained in documents E/AC.7/SR.732-737 and 739 and E/SR.1896.

25. Many of the speakers on the question of channels of communication with youth and international youth organizations stressed the importance of the role that youth could play in promoting human progress and development.

26. Some speakers made reference to the high percentage of young people in the structure of society and to the fact that youth as a group, though transient, had its own views to express. The energy and idealism of youth were described as very valuable elements which should be harnessed for the promotion and protection of human rights, particularly in the struggle for the elimination of colonialism, racism and all forms of exploitation.

27. To foster the realization of these objectives, it was suggested that the study of human rights should be introduced in educational systems at the various levels. Mention was also made of the role that the United Nations information centres could play in the spreading of knowledge and understanding about United Nations activities and the aims and ideals of the Charter. It was suggested that under the programme of advisory services in the field of human rights, more seminars should be organized, preferably in developing countries, on the role of youth in protecting human rights.

28. Certain representatives felt that much more should be done to facilitate greater participation by youth and youth organizations in the activities of the United Nations system, particularly in its field programmes. Reference was made to the need to take note of such suggestions as might be forthcoming from young people themselves. It was suggested that, as far as possible, representatives of youth should participate in all meetings dealing with matters particularly affecting their interests.

29. At the 1340th meeting, the representative of Austria reintroduced, on behalf of his delegation, the text of the draft resolution (E/CN.4/L.1310) that had been submitted at the thirty-first session of the Commission by Austria, Costa Rica and the Netherlands.

30. At the 1343rd meeting, the Commission had before it a revised text of the draft resolution (E/CN.4/L.1314), submitted by Austria in the light of the discussion and of a number of amendments that had been proposed orally.

31. At the 1346th meeting, the representative of Austria introduced a further revision of the draft resolution divided into two parts (E/CN.4/L.1314/Rev.1).

32. At the same meeting, on a proposal made under rule 51 of the rules of procedure by the representative of the Byelorussian SSR, the Commission postponed the voting on the revised draft resolution (E/CN.4/L.1314/Rev.1) to its 1348th meeting.

33. At the 1348th meeting, the representative of Austria orally made further revisions to the text. At the same meeting, draft resolution A was adopted without a vote. At the request of the representative of the United States of America, a vote was taken on draft resolution B, which was adopted by 26 votes to none, with 3 abstentions.

34. One representative stated, in explanation of vote, that draft resolution B did not clearly reflect the problems of youth.

35. For the text of the resolution, see chapter XX, section A, resolution 1 (XXXII).

IV. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION
TO PEOPLES UNDER COLONIAL AND ALIEN DOMINATION

36. The Commission considered agenda item 9 at its 1342nd to 1345th meetings, on 6 and 9 February 1976.

37. By resolution 3 (XXXI) of 11 February 1975, the Commission, considering the particular importance for the realization of human rights of the application of the principle of the right of peoples to self-determination, decided to place this item on its agenda every year with priority.

38. At its 1342nd meeting, on 6 February 1976, the observer from the South West Africa People's Organization made a statement. At the 1343rd meeting, on the same day, the observer from the Palestine Liberation Organization made a statement.

39. The Commission's decision to keep this question as a standing item on its agenda with priority received general endorsement. The right to self-determination was said to be an essential prerequisite for the observance of human rights and fundamental freedoms. It was the cornerstone of peace and co-operation, had become a basic principle of international law, and was closely interrelated with the process of economic and social development. It was said that no people denied their right to self-determination could live in freedom and enjoy social justice. According to some representatives, it was a dynamic right which assumed various forms. At the domestic level, it included the right to participate freely in political life and to enjoy basic economic, social and cultural rights. It might call for the nationalization of certain industries or economic activities. The view expressed that the consent of the peoples concerned was the fundamental element of the right to self-determination. At the same time, however, one opinion was that the principle of self-determination should not be so interpreted as to lead to fragmentation of the national unity and territorial integrity of any nation.

40. It was said that the Commission, as a functional body, should not merely reiterate views already expressed by the General Assembly and other political bodies on the question but should endeavour to treat it in greater depth and in a concrete manner, from the viewpoint of human rights.

41. References were made to the preliminary study by Mr. A. Cristescu, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms" (E/CN.4/Sub.2/L.625), and to the preliminary study by Mr. H. Gros Espiell, Special Rapporteur of the Sub-Commission, entitled "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination" (E/CN.4/Sub.2/L.626). The opinion was expressed that since the two studies dealt essentially with the same subject, the Sub-Commission should be urged to organize the work of the two special rapporteurs so that a single study could be submitted to the Commission in 1977. Joint authorship of such a combined study was suggested. The emphasis placed by both special rapporteurs on the economic aspects of the right of peoples to self-determination received general endorsement. The special rapporteurs were invited to give particular consideration to the

following points: (a) the meaning of "free" determination of status - the element of consent; (b) self-determination after the attainment of political independence; (c) the means which could be used to attain self-determination when it was being denied. As regards the latter point, one view was that so long as the possibilities of peaceful international action had not been exhausted the international community should not approve of recourse to violence. However, it was recalled that the General Assembly had repeatedly reaffirmed the legitimacy of the use of force by liberation movements under certain conditions. The special rapporteurs were invited to go more deeply into the question of what circumstances could justify the recourse to armed struggle in order to achieve self-determination.

42. It was stated that the conscience of the world should be kept constantly on the alert and that practical measures should be sought for the eradication of colonialism from the regions where it was still entrenched. References were made to certain specific situations in which the right of peoples to full self-determination was denied and should be reaffirmed. The need was stressed for the cessation of certain activities of foreign interests which hampered the achievement of the right of self-determination. Suggestions were also made for the intensification of sanctions against the régimes of South Africa and Southern Rhodesia for denying the peoples of southern Africa their right to self-determination.

43. The specialized agencies and the United Nations High Commissioner for Refugees were urged to intensify, as a matter of urgency, their material assistance to the peoples of Namibia, Angola and Zimbabwe and to other peoples struggling for self-determination.

V. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES
OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

44. The Commission considered agenda item 4 at its 1347th to 1352nd meetings, held from 10 to 13 February 1976.
45. By its resolution 6 A (XXXI) the Commission had decided to place this item on the agenda of its thirty-second session as a matter of high priority. The Commission had before it a report by the Secretary-General (E/CN.4/1184), submitted in accordance with paragraph 12 of its resolution 6 A (XXXI), on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity. The Commission also had before it the following notes by the Secretary-General: (a) E/CN.4/1183, drawing its attention, at the request of the Permanent Mission of Jordan to the United Nations, to document A/10178-S/11799; (b) E/CN.4/1183/Add.1, drawing its attention, at the request of the Permanent Representative of Israel to the United Nations Office at Geneva, to document A/10204-S/11809 and to the summary records of the 985th, 986th and 990th meetings of the Special Political Committee and the verbatim record of the 2441st plenary meeting of the General Assembly; and (c) E/CN.4/1205, containing material circulated at the request of the Permanent Mission of Egypt to the United Nations Office at Geneva. At the request of the representatives of Egypt, Jordan, the Libyan Arab Republic, the Syrian Arab Republic, the Palestine Liberation Organization and the League of Arab States, a letter dated 5 March 1976 addressed by them to the Chairman of the Commission, with attached information, was circulated as document E/CN.4/1211.
46. The Commission heard statements by the observers for the Syrian Arab Republic and the Palestine Liberation Organization at its 1348th meeting and by the observer for Israel at its 1348th and 1349th meetings.
47. The Commission heard statements by observers for the following three non-governmental organizations in consultative status: World Peace Council and Women's International Democratic Federation (1349th meeting) and World Federation of Democratic Youth (1350th meeting).
48. The majority of the speakers who took part in the debate praised the report of the General Assembly's Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272).
49. There was general agreement that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to the occupied territories and that several allegations of violations of that Convention should be further investigated. While most speakers felt that the Special Committee was conducting its investigations with objectivity, some speakers felt that certain circumstances, particularly the terms of its mandate and the fact that the Special Committee had no access to the occupied territories, did not enable it to satisfy certain fundamental criteria for fact-finding. It was emphasized that, despite the criticism that had been levelled at the Special Committee, it had maintained objectivity and impartiality in its methods of work, and its reports reflected the objectivity with which it fulfilled its mandate. It was also stressed that Israel should co-operate with the Special Committee.

50. There was general agreement that the very fact of military occupation could itself be considered a breach of the human rights of the civilian population of the occupied territories. It was felt that the Commission had no alternative but to continue to give its attention to the subject so long as the plight of the civilians in the occupied territories remained unaltered and the occupation itself continued. On the other hand, one speaker stressed the view that the draft resolution was unbalanced and that the nature of the proposed condemnation of Israel was likely to impair efforts to secure a peaceful settlement in the area.

51. Israel's policy of colonization, annexation and expulsion of indigenous populations was condemned by the majority of speakers.

52. Several speakers referred to General Assembly resolutions affirming the right of the Palestinian people to self-determination and emphasized the need to concretize this right and thus provide the best guarantee for peace in the area.

53. The observer for Israel said that the allegations of violations of the human rights of the population of the occupied territories were unfounded. He referred to statements by representatives of Israel in the Special Political Committee at the thirtieth session of the General Assembly in rebuttal of those allegations. He questioned the validity of the contents of the report of the Special Committee and maintained that the civilian population in the occupied territories enjoyed their fundamental rights and that their standard of living had reached levels higher than ever before.

54. Referring to the statement of the observer for Israel on the economic situation in the occupied territories, several representatives, including the observers for the Syrian Arab Republic and the Palestine Liberation Organization, challenged that statement and expressed inter alia the opinion that there were no material benefits under the Israeli occupation.

55. The observer for the Syrian Arab Republic said that Israel continued with its policy of colonization of the occupied territories despite the insistence of United Nations organs that it abandon that policy. He said that policy was inherent in the doctrine of zionism upon which Israel was based. The occupied Syrian territory was an example of this, because Syrian towns and villages had been systematically destroyed and replaced by Israeli settlements.

56. At the 1350th meeting, a draft resolution (E/CN.4/L.1315) was submitted by Cuba, Cyprus, India, Pakistan, Senegal, Upper Volta and Yugoslavia.

57. The draft resolution was voted on at the 1352nd meeting, on 13 February 1976. Separate votes were requested by the representative of the United Kingdom on operative paragraphs 2 and 4 of the draft resolution, and by the representative of Pakistan on operative paragraph 11. At the request of the representative of Egypt, the votes were taken by roll-call.

58. Operative paragraph 2 was adopted by 24 votes to 2, with 6 abstentions. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Costa Rica, France, Germany (Federal Republic of), Italy, Uruguay.

59. Operative paragraph 4 was adopted by 23 votes to 3, with 6 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: Germany (Federal Republic of), United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Canada, Costa Rica, France, Italy, Uruguay.

60. Operative paragraph 11 was adopted by 24 votes to 1, with 7 abstentions. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: United States of America.

Abstaining: Canada, Costa Rica, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, Uruguay.

61. Draft resolution E/CN.4/L.1315 as a whole was voted on by roll-call at the request of the representative of Egypt. It was adopted by 23 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: United States of America.

Abstaining: Austria, Canada, Costa Rica, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, Uruguay.

62. For the text of the resolution, see chapter XX, section A, resolution 2 (XXXII).

VI. STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE,
WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

63. The Commission considered agenda item 5 at its 1353rd to 1360th meetings, from 16 to 19 February 1976.

64. In its resolution 8 (XXXI) the Commission had decided to consider at its thirty-second session, as a matter of high priority, the question of the violation of human rights in Chile. In that resolution the Commission also decided that an Ad Hoc Working Group of five members of the Commission, to be appointed in their personal capacity by the Chairman of the Commission and to operate under his chairmanship, should inquire into the present situation of human rights in Chile on the basis of various resolutions adopted by United Nations organs and by specialized agencies, a visit to Chile, and oral and written evidence gathered from all relevant sources. The Group was required to report the results of its inquiries to the Commission on Human Rights at its thirty-second session and to submit a progress report on its findings to the Secretary-General for inclusion in his report to the General Assembly at its thirtieth session under General Assembly resolution 3219 (XXIX).

65. The progress report of the Group was placed before the General Assembly in document A/10285. In its resolution 3448 (XXX), entitled "Protection of human rights in Chile", the Assembly inter alia expressed its profound distress at the constant flagrant violation of human rights in Chile, called upon the Chilean authorities to take without delay all necessary measures to restore and safeguard basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile was a party, and to that end to pursue certain objectives set forth in the resolution. The Assembly invited the Commission to extend the mandate of the Ad Hoc Working Group, as presently constituted, in order to enable it to report to the General Assembly at its thirty-first session on the situation of human rights in Chile and, in particular, on any developments that occurred to re-establish respect for human rights and fundamental freedoms.

66. The Commission had before it the following documentation:

(a) The report of the Ad Hoc Working Group on the results of its inquiries, consisting of two parts: (i) its progress report contained in document A/10285, and (ii) a supplementary report contained in document E/CN.4/1188;

(b) The report of the Secretary-General submitted to the General Assembly pursuant to its resolution 3219 (XXIX) (A/10295);

(c) The statement of the Chairman-Rapporteur of the Ad Hoc Working Group, made at the 2144th meeting of the Third Committee of the General Assembly (A/C.3/640);

(d) Documents submitted to the General Assembly by the Permanent Representative of Chile to the United Nations:

(i) Letter dated 17 October 1975 from the Permanent Representative of Chile to the United Nations (A/10303),

- (ii) Letter dated 24 October 1975 from the Permanent Representative of Chile to the United Nations, with an annex entitled "The present situation of human rights in Chile" (A/C.3/639),
 - (iii) Letter dated 5 November 1975 from the Permanent Representative of Chile to the United Nations (A/C.3/642);
- (e) Material submitted to the Commission by the Permanent Representative of Chile to the United Nations Office at Geneva:
- (i) Memorandum submitted by letter dated 3 February 1976 (E/CN.4/1197),
 - (ii) Letter dated 9 February 1976 addressed to the Chairman of the Commission (E/CN.4/1204),
 - (iii) Document entitled "Observations of the delegation of Chile on the report of the Ad Hoc Working Group", submitted by letter dated 16 February 1976 (E/CN.4/1207);
- (f) A written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status, category I (E/CN.4/NGO/190);
- (g) The summary records of meetings on the consideration of the question of human rights in Chile by the Third Committee of the General Assembly at its thirtieth session (A/C.3/SR.2143-2154).

67. The Commission heard statements by the Observers for the German Democratic Republic and Hungary at the 1354th and 1358th meetings respectively and by the Observer for Chile at the 1358th and 1359th meetings.

68. The Commission also heard a statement by the representative of the ILO (1360th meeting).

69. In the course of the general debate, the Observer for the Palestine Liberation Organization made a statement (1356th meeting). Also the Observers for the following non-governmental organizations in consultative status addressed the Commission: Inter-Parliamentary Union, Women's International Democratic Federation, International Commission of Jurists (1353rd meeting); International Confederation of Free Trade Unions, Commission of the Churches on International Affairs, Women's International League for Peace and Freedom, World Peace Council (1354th meeting); World Federation of Trade Unions (1355th meeting); World Federation of Democratic Youth and Socialist International (1356th meeting).

70. At the 1353rd meeting the Chairman-Rapporteur of the Ad Hoc Working Group introduced the Group's report contained in document E/CN.4/1188. In the course of his statement the Chairman-Rapporteur informed the Commission that in the opinion of the Group the situation of human rights in Chile had not changed substantially since the adoption of the Group's progress report (A/10285) and expressed the hope that the Government of Chile would re-establish co-operation and consultation with the Group in order to enable it to fulfil its mandate. He reiterated the Group's readiness, if requested, to assist the Chilean Government - objectively and solely in the light of United Nations principles concerning human rights - in the restoration of human rights and fundamental freedoms in Chile.

71. Most of the speakers considered that the report of the Ad Hoc Working Group (E/CN.4/1188) was an impartial, objective and impressive document containing accurate information, which revealed that violations of human rights and fundamental freedoms, including the methodical application of torture, were continuing in Chile. One representative thought that if the report was, perhaps, incomplete, the gaps might have been filled had the Group been allowed to visit Chile. Another representative said that his delegation could not endorse the report on account of its flaws and lack of objectivity, which he attributed to biased information submitted to the Group and to the fact that its inquiries were conducted outside Chile.

72. Deep regret and dissatisfaction were unanimously expressed at the sudden withdrawal by the Chilean Government of its initial invitation to the Group to visit Chile. Some speakers deplored the attitude of the Government of Chile towards the Group; such an attitude, they felt, was bound to delay the restoration of human rights and fundamental freedoms in Chile. One representative expressed the opinion that if the negative attitude of the Chilean Government continued, such attitude could be interpreted as self-incriminating.

73. It was generally agreed that the mandate of the Group should be extended as recommended in General Assembly resolution 3448 (XXX), and the Chilean authorities were urged to co-operate with the Group in a constructive dialogue which should lead to the revival of the invitation to the Group to visit Chile. One representative, however, stressed that he had no illusions concerning the possibility of co-operation between the Junta and the Group. The same representative reiterated his delegation's position, expressed at the thirty-first session of the Commission, regarding the non-application of the principle of equitable geographical distribution in the appointment of the members of the Ad Hoc Working Group; he nevertheless expressed his delegation's confidence that the Group would properly fulfil the task entrusted to it.

74. Most representatives deplored the continuation of mass violations of human rights and fundamental freedoms in Chile, particularly the denial of the right to life, freedom and personal integrity, the right to be free from arbitrary arrest, the right to freedom of thought and information and the right of assembly. The continuation of the state of siege was, in the view of many speakers, in itself an admission of the use of oppressive measures by the Government. Some representatives made special reference to the action taken by the Chilean authorities to intimidate and silence leaders of the Church who were involved in humanitarian activities. Special concern was expressed at the plight of the detainees and prisoners and their families. The extreme cruelty of the methods employed by organs of the State in torturing detained persons were, in the view of many representatives, the most abhorrent aspect of the violation of human rights in Chile. Some representatives expressed the view that the Commission should condemn the actions of the Government of Chile in the strongest terms, while others feared that categorical condemnation of the Chilean Government might impair the Commission's role in achieving the aim of restoring human rights in Chile.

75. Many representatives expressed grave concern about the fate of 13 Chilean personalities who, as reported, might be brought to trial before a military court and demanded their release as well as the release of all political detainees and prisoners. It was stressed that no one should be tried retroactively for acts that were not punishable at the time they were committed.

76. New legislative measures enacted by the Chilean Government and the release of a number of detainees, referred to in the memorandum of the Chilean Government (E/CN.4/1197), were welcomed by some representatives as steps in the right direction; others felt that it was premature to judge the effectiveness of those measures and their contribution to the restoration of human rights in Chile. Some representatives described the new legislation as designed to mislead public opinion and legitimize arbitrary arrests and detention.

77. The Observer for Chile, while stating that an emergency situation existed in Chile, stressed that his Government was doing its utmost to restore human rights and fundamental freedoms. He referred to recent legislative measures introduced by his Government, which he said represented considerable progress towards normalization. He alluded to the existence of a free press in Chile and said that, though there was separation of Church and State, the co-operation and relations between them were cordial. He asserted that a campaign of defamation against his country was being conducted on a large scale by countries unfriendly to Chile. With regard to co-operation between his Government and the Ad Hoc Working Group, he explained the reasons that had prompted the decision to cancel the visit of the Group to Chile, and indicated that his Government might be ready to co-operate with the Ad Hoc Working Group in order to establish procedures that would enable the Group to fulfil its mandate and the Government of Chile to co-operate with it.

78. At the 1359th meeting, the Commission, acting on a proposal made by the representative of Yugoslavia, decided without a vote to authorize its Chairman to address a telegram to the Government of Chile urging it to desist from holding the contemplated military trial of 13 Chilean personalities and to release them without further delay.

79. For the text of the telegram see chapter XX, section B, decision 1 (XXXII).

80. At the 1359th meeting the representative of Yugoslavia introduced a draft resolution (E/CN.4/L.1317) sponsored by Austria, Cuba, Cyprus, Senegal, the United Kingdom of Great Britain and Northern Ireland, Upper Volta and Yugoslavia, later joined by Bulgaria, the Byelorussian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

81. At the same meeting the representative of Costa Rica submitted an amendment (E/CN.4/L.1318) to the draft resolution.

82. In the course of the debate on the draft resolution and the proposed amendment, a number of representatives, while expressing support for the draft resolution, felt that the Commission should concern itself with matters pertaining to human rights not only in Chile but also in other countries where violations of human rights took place.

83. At the 1360th meeting the representative of Costa Rica withdrew his amendment (E/CN.4/L.1318).

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84. At the same meeting the Director of the Division of Human Rights made a statement concerning the administrative and financial implications of draft resolution E/CN.4/L.1317; the statement was subsequently distributed as document E/CN.4/L.1322.

85. At the 1360th meeting, on 19 February 1976, draft resolution E/CN.4/L.1317 was adopted by 26 votes to 2, with 4 abstentions.

86. For the text of the resolution see chapter XX, section A, resolution 3 (XXXII).

VII. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF
HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC
AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL
AND RACIST REGIMES IN SOUTHERN AFRICA

87. The Commission considered agenda item 10 at its 1366th to 1371st meetings, held on 24, 26 and 27 February and 1 March 1976.

88. By its resolution 3 (XXX) the Commission had decided to place this item, as a matter of priority, on the agenda of its thirty-second session. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180), containing the results of its consideration of the preliminary report submitted by Mr. Ahmed M. Khalifa, Special Rapporteur (E/CN.4/Sub.2/L.624).

89. The Commission heard a statement by the Observer for Hungary at the 1371st meeting. The Observer for the World Federation of Trade Unions made a statement at the 1367th meeting, and the Observer for the South West Africa People's Organization at the 1370th meeting.

90. In the course of the general debate several representatives expressed their serious concern that, despite all efforts by the United Nations and the world community, the racist régimes in southern Africa continued to pursue a policy of apartheid and to commit gross and mass violations of human rights affecting the majority of the population. The view was also expressed that one of the reasons for the continuance of this situation was the assistance given to those régimes by various countries which were considered supporters of apartheid. Some speakers stated that such assistance might be considered as one of the main obstacles to the realization of the right of self-determination of the peoples in these territories and condemned such assistance. Several speakers indicated that the support enjoyed by the racist régimes was increasing and drew particular attention to the potentially dangerous effects of assistance in the military and nuclear fields. The same speakers rejected the contention that economic relations with those régimes and foreign investments in southern Africa could improve the economic situation and conditions of life of the majority of the people concerned. The efforts at reinforcing sanctions aimed at the isolation of South Africa and discontinuing the assistance given to the racist régimes was strongly supported. The necessity of giving aid to the liberation movements was also urged.

91. It was stated by other speakers whose countries at present maintain trade relations with South Africa that, although their Governments condemned the policy of apartheid, they did not accept the contention that by trading with a country with whose ideology they did not agree they thereby contributed to or became accomplices to that particular country's ideology. The opinion was advanced that an attitude of ostracism and boycott would impair the ability of Governments maintaining economic relations with South Africa to influence the reversal or modification of abhorrent racial practices. The view was also expressed that trade contributed to increasing the wealth of all, including the underprivileged, and consequently improved their condition. However, many speakers did not agree with this.

92. The suggestion was advanced that the deliberations of the Commission on this subject should be taken into account by the Special Rapporteur in the preparation of his report. The members of the Commission expressed their thanks to the Special Rapporteur for his preliminary report; it was hoped that the final report would be completed in time for consideration by the General Assembly at its thirty-first session.

93. Bulgaria, Cuba, Cyprus, Egypt, India, Panama, Rwanda, Senegal, Sierra Leone, the United Republic of Tanzania and Yugoslavia submitted a draft resolution (E/CN.4/L.1316), which was introduced by the representative of India at the 1369th meeting. At the 1370th meeting, Peru and Upper Volta joined in sponsoring the draft resolution.

94. The draft resolution was voted upon at the 1371st meeting on 1 March 1976. At the request of the representative of Cuba the vote was taken by roll-call.

95. The draft resolution was adopted by 24 votes to 4, with 4 abstentions. The result of the voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: France, Germany (Federal Republic of), United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Canada, Italy, Uruguay.

96. For the text of the resolution see chapter XX, section A, resolution 6 (XXXII).

VIII. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

97. The Commission considered item 7 of its agenda at its 1361st to 1369th and 1374th meetings, held from 20 to 27 February and on 3 March 1976.

98. At its thirtieth session, in connexion with its consideration of the item "Further promotion and encouragement of respect for human rights and fundamental freedoms", the Commission adopted resolution 10 (XXX), in which it decided to consider the question of a long-term programme of work at its thirty-first session and requested the Secretary-General to invite proposals and views of Member States concerning the Commission's programme of work and to submit an analysis of such replies to the Commission at its thirty-first session. In its resolution 10 (XXXI), adopted on 5 March 1975, the Commission again requested the Secretary-General to invite Member States which had not yet done so to send their views or suggestions; it requested the Secretary-General, taking into account the need for establishing a unified long-term programme of work in the field of human rights, to submit to it at its thirty-second session a number of reports on specific matters. The Commission decided, by its decision 8 (XXXI), to postpone consideration of draft resolution E/CN.4/L.1285 on further promotion and encouragement of human rights and fundamental freedoms and the amendments thereto (E/CN.4/L.1307) to its thirty-second session and to give it high priority.

99. At its thirty-second session, the Commission had before it the analysis of replies received from Member States (E/CN.4/1168 and Add.1-3) prepared by the Secretary-General in pursuance of its resolutions 10 (XXX) and 10 (XXXI). In addition, the Secretary-General submitted to the Commission five reports (E/CN.4/1189, 1190, 1191, 1192 and Corr.1 and 1193) concerning various matters relating to human rights within the United Nations system of organizations.

100. The view was expressed by a number of representatives that the Commission should pay urgent attention to measures that would strengthen international peace and security, for only in such conditions could all problems of economic and social development be resolved and the full enjoyment of all fundamental human rights and freedoms realized. They said that policies of aggression, suppression of liberation movements, colonialism, racism and apartheid were among the most flagrant violations of human rights and that war of aggression was the worst kind of violation of all fundamental rights and freedoms, and above all of the right to life itself. Some speakers referred to the Final Act of the Conference on Security and Co-operation in Europe, in which the participants declared, inter alia, that they were conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to promote the fundamental rights, economic and social progress and well-being of all peoples. These representatives were of the view that the Final Act of that Conference was of capital importance for human rights, not only in Europe but also for the world as a whole.

101. Some other representatives, however, felt that the Commission on Human Rights would not be justified if it singled out the right to life as being of paramount importance over and above all other human rights. In the opinion of those speakers, though conditions of international peace and security were important factors in the promotion of human rights, it should be stressed, conversely, that violations of human rights, including widespread torture and oppression of individual liberties,

were among the major causes of tension, violence and wars. They recalled that many heroic people gave their lives in defence of human freedoms. They felt that the primary responsibility of the Commission was in the field of promotion and protection of human rights and fundamental freedoms and not in the field of international peace and security, which was within the competence of the Security Council and the General Assembly under the Charter of the United Nations. These representatives objected to the Commission on Human Rights interpreting the Final Act of the Conference on Security and Co-operation in Europe, considering in particular that the majority of States participating in that Conference were not represented on the Commission.

102. The Commission discussed the questions of the nature and scope of its responsibilities and the organization of its future activities. Several suggestions were put forward by the members of the Commission, ranging from such organizational matters as the grouping of items, the duration and periodicity of sessions and the possible establishment of additional subsidiary organs to questions concerning the restructuring of the Commission itself and the advisability of recommending its transformation into a body of experts sitting in an individual capacity. The view was expressed that the Commission should concentrate on its long-term programme of work and not on any possible restructuring of the Commission. Some representatives spoke against the creation of any procedures that would lead to interference in the internal affairs of States, emphasizing that the activities of all United Nations bodies in the field of human rights must be based on the principle of the sovereign equality of States and on the other principles embodied in the Charter of the United Nations.

103. The question of the status of the Commission within the structure of the United Nations and its relationship with other organs was also mentioned. Several members stressed that the Economic and Social Council, when deciding at its sixtieth session on the procedure for the implementation of the International Covenant on Economic, Social and Cultural Rights, might request the Commission on Human Rights to play an important role under article 19 of that instrument. It would be advisable for the Commission to authorize its Bureau to meet for a few days before its next session and, taking into account the decisions of the Council concerning the implementation of the Covenant, to formulate specific proposals concerning the long-term programme of work, which would be examined by the Commission at its thirty-third session.

104. At the 1365th meeting, Mrs. Rajan Nehru, who had represented the Commission on Human Rights at the World Conference of the International Women's Year at Mexico City, in accordance with Economic and Social Council resolution 1940 (LVIII), reported to the Commission on the activities of the World Conference.

105. At the 1374th meeting, several members of the Commission supported a proposal initially made by the representative of Austria that Mrs. Nehru's report be issued as a document of the Commission. The Secretary of the Commission made a statement concerning the probable financial implications of the proposal. At the same meeting, the Commission decided that Mrs. Nehru's report should be issued as a document of the Commission 2/ (see chapter XX, section B, decision 2 (XXXII)).

2/ The report was subsequently issued as document E/CN.4/1210.

Submission of draft resolutions

106. At the 1361st meeting, held on 20 February 1976, the representative of the Union of Soviet Socialist Republics introduced a draft resolution (E/CN.4/L.1319), which was also sponsored by Bulgaria and the Byelorussian SSR, replacing draft resolution E/CN.4/L.1285, which had been submitted to the Commission at its thirty-first session in 1975.
107. At the 1363rd meeting, on 23 February 1976, the representative of the United Kingdom of Great Britain and Northern Ireland, also on behalf of the Federal Republic of Germany and Italy, introduced a number of amendments (E/CN.4/L.1323) to draft resolution E/CN.4/L.1319.
108. At the 1363rd meeting, the representative of Canada introduced a draft resolution (E/CN.4/L.1324). At the 1366th meeting, the Commission decided, at the request of the representative of Canada, who was responding to suggestions made by several speakers, to consider draft resolution E/CN.4/L.1324 at its thirty-third session, taking into account the procedures which the Economic and Social Council might see fit to establish for the implementation of the International Covenant on Economic, Social and Cultural Rights (see chapter XX, section B, decision 3 (XXXII)).
109. At the 1364th meeting, on 23 February 1976, the representative of the United States of America introduced a draft resolution (E/CN.4/L.1325).
110. At the 1368th meeting, on 27 February 1976, the representative of Senegal introduced a draft resolution (E/CN.4/L.1327 and Corr.1) submitted by Cuba, Cyprus, Egypt, India, Lebanon, Peru, Senegal and Yugoslavia.
111. On 27 February 1976, a draft resolution (E/CN.4/L.1330) was submitted by Costa Rica, Egypt, Lesotho and Sierra Leone. At the 1374th meeting, on 3 March 1976, the representative of Sierra Leone introduced a revised version of the draft resolution (E/CN.4/L.1330/Rev.1), which was sponsored by Costa Rica, Egypt and Sierra Leone. The sponsors accepted an oral amendment to the revised draft resolution proposed by the representative of Jordan to insert the words "on a priority basis" before the words "at every session" at the end of operative paragraph 5. They also accepted an oral amendment proposed by the representative of Yugoslavia to insert in operative paragraph 2 the words "world-wide and" before the words "regional seminars". An Austrian amendment (E/CN.4/L.1332) to draft resolution E/CN.4/L.1330 was withdrawn by its sponsor. Under that amendment, a new operative paragraph 3 would be added to the draft resolution by which the Commission would recommend to the Economic and Social Council to consider the possibility of organizing a world-wide human rights conference as close as possible to 1978, the thirtieth anniversary of the proclamation of the Universal Declaration on Human Rights, to consider further steps for the promotion and encouragement of human rights on a world-wide basis.

Voting

112. At the 1369th meeting, on 27 February 1976, on a proposal by the representative of Peru, the Commission decided by 20 votes to 1, with 7 abstentions, to give priority in voting to draft resolution E/CN.4/L.1327 and Corr.1.

113. At the request of the representative of Senegal, a roll-call vote was taken on draft resolution E/CN.4/L.1327 and Corr.1. The draft resolution was adopted by 22 votes to 7, with 1 abstention. The result of the voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Senegal, Sierra Leone, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia.

Against: Canada, France, Germany, Federal Republic of, Italy, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstention: Austria.

114. For the text of the resolution see chapter XX, section A, resolution 5 (XXXII).

115. After the adoption of draft resolution E/CN.4/L.1327 and Corr.1, the Commission decided by 16 votes to 8, with 5 abstentions, that draft resolutions E/CN.4/L.1319 and E/CN.4/L.1325 would not be put to the vote.

116. At the 1374th meeting, on 3 March 1976, the Commission adopted draft resolution E/CN.4/L.1330/Rev.1, as orally revised, without a vote. The representative of India made a statement at that meeting.

117. For the text of the resolution see chapter XX, section A, resolution 7 (XXXII).

IX. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF
RACIAL DISCRIMINATION AND SEGREGATION AND OF
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR
REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES

118. The Commission considered agenda item 13 and its subitems at its 1367th, 1369th and 1371st to 1378th meetings, held on 26 and 27 February and from 1 to 5 March 1976.

119. In connexion with the item as a whole the following documents were submitted to the Commission: a list of decisions relevant to the subject taken by United Nations bodies during the year 1975 (E/CN.4/923/Add.9); the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180); two statements relevant to this item issued by the United Nations Council for Namibia during 1975 (E/CN.4/1181); a note by the Secretary-General containing the annual reports of the ILO and UNESCO on certain aspects of racial discrimination, submitted to the Commission in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1200 and Add.1); a report of the Secretary-General prepared in pursuance of Commission resolution 4 (XXXI) and of General Assembly resolution 3450 (XXX) (E/CN.4/1186 and Corr.1); a note verbale dated 21 October 1975 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1202); a letter of 27 January 1976 from the Permanent Representative of Portugal to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights (E/CN.4/1203); a letter dated 11 February 1976 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1206); a letter dated 27 February 1976 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights (E/CN.4/1208); and a letter dated 25 February 1976 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1209).

120. At the 1377th meeting of the Commission, observers for Israel and the Syrian Arab Republic made statements. At the same meeting a statement was made by a representative of UNESCO.

121. At the 1378th meeting observers for the African National Council of Zimbabwe and for the Pan-Africanist Congress of Azania (South Africa) made statements.

122. The Commission also heard observers for the following non-governmental organizations in consultative status: International Confederation of Free Trade Unions, Amnesty International, Anti-Slavery Society, Minority Rights Group, World Peace Council.

123. The general debate on the item as a whole is reflected in the summary records for the 1367th, 1369th, 1371st, 1372nd, 1377th and 1378th meetings. The debate dealt with questions concerning the existing United Nations machinery for dealing with allegations of violations of human rights, possible modifications in the present system and the effects thereon of the entry into force of the International

Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. During the discussion of the item as a whole, allegations of violations of human rights were made with regard to certain situations prevailing in certain countries. Those allegations as well as the replies made thereto by representatives of the Governments concerned, are summarized in the records of the above-mentioned meetings.

124. At the 1369th meeting the representative of India introduced a draft resolution concerning human rights in Cyprus sponsored by Cuba, Egypt, India, Panama, Senegal and Yugoslavia (E/CN.4/L.1328). Following a statement by the representative of Turkey this draft resolution was adopted without a vote. The representatives of Cyprus, the Federal Republic of Germany, Iran, Italy and Pakistan and the observer for Greece spoke following the adoption of the resolution. At the request of the representatives of Cyprus, Pakistan and Turkey, their respective statements appear in the summary record of the meeting.

125. For the text of the resolution see chapter XX, section A, resolution 4 (XXXII).

126. At the 1377th meeting the representative of the United States of America introduced a draft resolution concerning the procedure established under Economic and Social Council resolution 1503 (XLVIII) (E/CN.4/L.1333/Rev.1).

127. At the same meeting the representative of the United States introduced a draft resolution (E/CN.4/L.1336), subsequently sponsored also by Austria, the Federal Republic of Germany, Italy and the United Kingdom of Great Britain and Northern Ireland, concerning political prisoners.

128. The Commission decided at the same meeting to postpone consideration of draft resolution E/CN.4/L.1336 until its thirty-third session and to give it priority at that session (see chap. XX, sect. B, decision 4 (XXXII)).

129. A motion by the representative of India not to take a decision on draft resolution E/CN.4/L.1333/Rev.1 was adopted at the 1377th meeting by 17 votes to 8, with 5 abstentions. The Commission then decided without a vote to defer consideration of draft resolution E/CN.4/L.1333/Rev.1 to its thirty-third session (see chap. XX, sect. B, decision 5 (XXXII)).

A. Report of the Ad Hoc Working Group of Experts

130. The Commission considered item 13 (a) at its 1371st, 1372nd, 1374th and 1376th meetings, held from 1 to 4 March 1976.

131. The Commission had decided, in resolution 5 (XXXI) of 14 February 1975, that the Ad Hoc Working Group of Experts should continue carefully to observe and survey further developments concerning the policy of apartheid and racial discrimination present in the situation prevailing in Namibia and Southern Rhodesia. By the same resolution, the Commission requested the Group 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 and 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. The Group was requested to present an interim report to the Commission at its thirty-second session.

132. The Commission accordingly had before it the interim report (E/CN.4/1187) of the Ad Hoc Working Group of Experts, prepared in accordance with Commission resolution 5 (XXXI).

133. The Commission also had before it the report of the Ad Hoc Working Group of Experts prepared in accordance with resolution 1796 (LIV) and decisions 18 (LVI) and 25 (LVII) of the Economic and Social Council and submitted to the Council at its fifty-eighth session (E/5622). At that session, by its decision 83 (LVIII) of 6 May 1975, the Council decided to invite the Commission on Human Rights to consider this report appropriately at its thirty-second session and to submit its observations to the Council at its sixtieth session.

134. At its 1376th meeting the Commission heard a statement by the observer for OAU.

135. At the 1371st meeting of the Commission, the Chairman of the Ad Hoc Working Group of Experts, Mr. Kéba M'Baye, introduced the report of the Working Group (E/CN.4/1187) and drew particular attention to the specific conclusions and recommendations contained in the report. He also drew the Commission's attention to Economic and Social Council decision 83 (LVIII).

136. The representatives of Austria, the Byelorussian SSR, the United Kingdom, the USSR, Canada, the United States of America and the United Republic of Tanzania and the observer for the German Democratic Republic took part in the discussion on the item. The Commission expressed its gratitude to the Ad Hoc Working Group of Experts for its report. The statements made are summarized in the records of the 1372nd to 1376th meetings.

137. At the 1372nd meeting, on 2 March 1976, Egypt, Jordan, the Libyan Arab Republic, Sierra Leone and the United Republic of Tanzania submitted a draft resolution (E/CN.4/L.1326).

138. At the 1376th meeting separate votes were requested on the following paragraphs of the draft resolution recommended by the Commission in paragraph 7 of the draft resolution for adoption by the Economic and Social Council: (a) on the fourth preambular paragraph and operative paragraph 2, by the representative of the United States of America; (b) on operative paragraph 4, by the representative of Austria.

139. The fourth preambular paragraph of the draft resolution recommended to the Economic and Social Council was adopted by 23 votes to 7, with 1 abstention. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: Austria, Canada, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Uruguay.

140. Operative paragraph 2 was adopted by 23 votes to 7, with 1 abstention. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: Austria, Canada, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Uruguay.

141. Operative paragraph 4 was adopted by 22 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Against: Canada, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Iran, Uruguay.

142. At the same meeting, draft resolution E/CN.4/L.1326, as a whole, was adopted by 24 votes to none, with 7 abstentions. The vote was taken by roll-call at the request of the representative of Senegal. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lebanon, Lesotho, Libyan Arab Republic, Pakistan, Panama, Peru, Rwanda, Senegal, Sierra Leone, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yugoslavia.

Abstaining: Canada, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

143. For the text of the resolution, see chapter XX, section A, resolution 8 (XXXII).

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

144. The Commission considered item 13 (b) at its 1373rd, 1375th and 1376th meetings, on 2, 3 and 4 March 1976, in closed session, and certain procedural matters relating thereto at the 1377th (open) meeting on 4 March 1976.

145. The Commission had before it confidential documents containing material referred to it under Economic and Social Council resolution 1503 (XLVIII) and observations thereon received from Governments, as well as a confidential report submitted to the Commission by its working group established by Commission decision 7 (XXXI) to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII). The Commission also had before it the relevant chapters of the report of the twenty-eighth session of the Sub-Commission relating to the item (E/CN.4/1180, chaps. IX and XI).

146. The views expressed and the actions taken by the Commission during consideration of the item in closed session are confidential, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), and are reflected in its confidential summary records. Certain decisions taken by the Commission in closed session may require the approval of the Economic and Social Council and will be transmitted to the Council, in an appropriate manner.

147. At its 1377th (open) meeting the Commission adopted general decisions concerning: (a) the establishment of a working group of five of its members to examine situations referred to the Commission under Council resolution 1503 (XLVIII); and (b) the furnishing of the Commission's confidential records and other related documents to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Sub-Commission's Working Group on Communications (see chap. XX, sect. B, decisions 6 (a) and (b) (XXXII)).

148. At the 1379th meeting it was announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Yvon Beaulne (Canada), Mr. Aleksandar Bozović (Yugoslavia) and Mr. Fulgence Seminega (Rwanda) were designated as members of the five-member working group established by Commission decision 6 (a) (XXXII). It was agreed that the Chairman would designate the fourth and fifth members after appropriate consultations with the Asian and Latin American members of the Commission, respectively; in the event of any member of the working group not being able to attend the meetings of the group, the Chairman would be empowered to designate in his place another member from the same regional group, after holding appropriate consultations.

X. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

149. The Commission considered agenda item 14 at its 1377th and 1378th meetings, on 4 and 5 March 1976.

150. At the 1377th meeting the representative of Pakistan introduced a draft resolution (E/CN.4/L.1339) sponsored by Cuba, Egypt, India, Jordan, Pakistan, Senegal, the United Republic of Tanzania and Yugoslavia.

151. At the 1378th meeting, explanations of vote were made by the representatives of Austria, Canada, Ecuador, India, Panama and Sierra Leone, and the representative of the United States of America explained why he would not participate in the vote.

152. At the same meeting the draft resolution (E/CN.4/L.1339) was adopted by 19 votes to 8, with 1 abstention. Explanations of vote after the vote were made by Egypt, Jordan, Lebanon, Lesotho, the Libyan Arab Republic, Peru, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, who spoke on behalf of France, the Federal Republic of Germany and Italy.

153. For the text of the resolution, see chapter XX, section A, resolution 9 (XXXII).

XI. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

154. The Commission considered item 11 of its agenda at its 1379th meeting, on 5 March 1976.

155. The Commission had before it: a report by the Secretary-General on protection of the human personality and its physical and intellectual integrity in the light of advances in biology, medicine and biochemistry, prepared in accordance with paragraph 1 (d) of General Assembly resolution 2450 (XXIII) (E/CN.4/1172 and Corr.1 and Add.1-3); an analysis of views and observations of Governments and specialized agencies prepared by the Secretary-General in accordance with Commission resolution 2 (XXX) (E/CN.4/1194); a note by the Secretary-General on information received from Governments pursuant to paragraph 2 of General Assembly resolution 3268 (XXIX) (E/CN.4/1195); a note by the Secretary-General on the impact of scientific and technological developments on economic, social and cultural rights (E/CN.4/1198); a report of the Secretary-General on the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity (E/CN.4/1199 and Add.1); and a note by the Secretary-General on the programme of work, prepared in accordance with Commission resolution 11 (XXXI) (E/CN.4/L.1313). The Commission also had before it a report by UNESCO on the impact of scientific and technological developments on economic, social and cultural rights (E/CN.4/1196).

156. The Commission heard a statement by the representative of UNESCO.

157. A draft resolution was submitted by France (E/CN.4/L.1340). The draft resolution was adopted by the Commission without a vote.

158. For the text of the resolution, see chapter XX, section A, resolution 11 (XXXII).

XII. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT IN RELATION TO DETENTION AND IMPRISONMENT

159. Agenda item 16, "Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment" had the following sub-items: (a) Necessary steps for ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3453 (XXX)); (b) Reports of the Committee on Crime Prevention and Control (Economic and Social Council resolution 1584 (L) and Commission decision 12 (XXXI)); (c) Study of the right of everyone to be free from arbitrary arrest, detention and exile, study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and draft principles on freedom from arbitrary arrest and detention (Commission resolution 23 (XXV) and Commission decision 12 (XXXI)); (d) Formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile and the draft principles contained therein (General Assembly resolution 3453 (XXX)).

160. The Commission on Human Rights considered the item at its 1378th meeting, on 5 March 1976.

161. The Commission had before it the text of General Assembly resolution 3452 (XXX), containing the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission was informed that by resolution 3453 (XXX), the General Assembly had requested the Commission at its thirty-second session to study the question of torture and any necessary steps for: (a) ensuring the effective observance of the above-mentioned Declaration; and (b) the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile 10/ and the draft principles on freedom from arbitrary arrest and detention contained therein. The Commission also had before it, inter alia: an analytical summary of information and comments by Member States, prepared by the Secretary-General in accordance with paragraph 2 of General Assembly resolution 3218 (XXIX) (A/10158 and Corr.1 and Add.1); the text of resolution 4 (XXVIII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; a report prepared by the Secretary-General on the discussions and recommendations of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the decisions of the General Assembly on the matter (E/CN.4/1190); the Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile and the draft principles on freedom from arbitrary arrest and detention contained therein.

162. On 26 February 1976 a draft resolution (E/CN.4/L.1329) was submitted by Austria, Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Turkey and the United States of America.

10/ United Nations publication, Sales No. 65.XIV.2.

163. The following oral amendments proposed by the representative of Yugoslavia were accepted by the sponsors: operative paragraphs 3, 5 and 6 of draft resolution A were deleted; the word "material" in operative paragraph 1 (iv) of draft resolution B was replaced by the words "documents and reports"; operative paragraph 5 of draft resolution B was replaced by the following text:

"5. Decides to consider with priority at its thirty-third session the item entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment'".

164. The draft resolution, as orally revised, was adopted by the Commission at its 1378th meeting, on 5 March 1976, without a vote. The representatives of Canada, India and the Union of Soviet Socialist Republics made statements in explanation of vote.

165. For the text of the resolution, see chapter XX, section A, resolution 10 (XXXII).

XIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

166. The Commission considered agenda item 15 at its 1379th meeting, on 5 March 1976.

167. At its 1337th meeting, on 3 February 1976, the Commission, having regard to the entry into force on 3 January 1976 of the International Covenant on Economic, Social and Cultural Rights and the forthcoming entry into force on 23 March 1976, of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, decided to place on its agenda an item entitled "Status of the International Covenants on Human Rights". Questions concerning the implementation of the International Covenant on Economic, Social and Cultural Rights were discussed by the Commission under item 6 (see chap.II above).

168. At the 1379th meeting, the Commission had before it a draft resolution (E/CN.4/1335/Rev.1) submitted by the Byelorussian Soviet Socialist Republic. The representative of Uruguay orally proposed the insertion, in operative paragraph 1, after the words "Political Rights", of the words "and the Optional Protocol thereto". The sponsor accepted the Uruguayan amendment and made a further oral revision of operative paragraph 1.

169. At the same meeting the draft resolution, as orally amended and revised, was adopted without a vote.

170. For the text of the resolution, see chapter XX, section A, resolution 12 (XXXII).

XIV. DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION
OR BELIEF

171. The Commission considered agenda item 12 at its 1379th meeting, on 5 March 1976.

172. The General Assembly, by resolution 3267 (XXIX), had requested the Commission to submit, through the Economic and Social Council, to the Assembly at its thirtieth session a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. By decision 11 (XXXI), the Commission informed the Assembly that, although it had made some progress in the implementation of General Assembly resolution 3267 (XXIX), it had not completed its work on the draft declaration.

173. At its 1338th meeting, the Commission decided to establish an informal working group, open to all its members, to continue the consideration of a draft declaration on the elimination of all forms of intolerance and discrimination based on religion or belief.

174. At the 1379th meeting of the Commission, the Chairman/Rapporteur of the informal working group introduced the report of the group (E/CN.4/L.1338), which is reproduced below (para. 177).

175. At the 1379th meeting, the representative of Austria introduced oral revisions to the draft resolution (E/CN.4/L.1331) which had been submitted by Austria on 27 February 1976.

176. After some discussion, the representative of Austria stated that he would not press his draft resolution to a vote; instead he proposed that the Commission should decide to establish an open-ended working group, which would meet three times a week beginning in the first week of the thirty-third session of the Commission, making a total of 15 meetings, and to ask the Secretary-General to provide the necessary facilities for the work of the group. After hearing a statement of the probable administrative and financial implications of the additional services needed, the Commission adopted the Austrian proposal without a vote (see chap. XX, sect. B, decision 7 (XXXII)).

177. The report of the working group (E/CN.4/L.1338) read as follows:

"...

"2. The informal working group held seven meetings, on 10, 13, 17, 20, 24 and 27 February and 2 March 1976. At its meeting on 10 February 1976, the informal working group unanimously elected M. Pierre Juvigny (France) as its Chairman/Rapporteur.

"3. It should be recalled that the informal working group established by the Commission on Human Rights at its thirtieth and thirty-first sessions had adopted provisionally the title of a draft declaration and seven paragraphs of the preamble.

"Consideration of the fifth paragraph of the preamble

"4. It is noted that at the thirty-first session of the Commission on Human Rights, two texts were submitted, respectively by the representative of the Byelorussian SSR and the representative of the Netherlands. a/ The text submitted by the Byelorussian SSR, as revised, read as follows:

'Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that their abuse for political or other ends inconsistent with the purposes and principles of the present Declaration is inadmissible'.

The text submitted by the Netherlands read as follows:

'Considering it essential that Governments, organizations and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief, and that they should not engage in any activities or perform any acts aimed at the destruction of any of the purposes and principles set forth in the present Declaration'.

"5. After some discussion, concerning in particular the term 'abuse', had taken place the representative of the Byelorussian SSR submitted a revised text that took into account several proposals and suggestions. This text, which was adopted by the group, reads as follows:

'Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible'.

"6. The representative of Bulgaria did not press a proposal to state in the fifth paragraph of the preamble that religion or belief should not be used for ends inconsistent with 'national legislation'. However, he reserved his right to request that due consideration should be given to 'national legislation' in the operative part of the declaration.

"Consideration of the ninth paragraph of the preamble

"7. At the thirty-first session of the Commission on Human Rights, two texts had been submitted respectively by the representative of the Byelorussian SSR and the representative of the Netherlands. b/ The text submitted by the Byelorussian SSR read as follows:

"a/ E/CN.4/L.1311, paras. 6 and 15.

"b/ E/CN.4/L.1311, paras. 5 and 6.

'Convinced that the right to freedom of religion or belief should not be abused so as to impede any measures aimed at the elimination of colonialism and racialism'.

The text submitted by the Netherlands read as follows:

'Convinced that the right to freedom of religion or belief should not be abused as a means to pursue or to continue any ideologies or practices of colonialism and racism'.

"8. The representative of the Soviet Union suggested the addition of the following phrase at the end of the text submitted by the Byelorussian SSR: 'or to endanger international peace, friendship and co-operation among States and peoples'.

"9. The representative of the Byelorussian SSR submitted the following revised text:

'Convinced that the right to religious freedom or freedom of convictions should not be abused in order to set back or raise obstacles to any measures directed towards the elimination of colonialism and racism, or to use it as a means to carry out and continue any ideology and practice of colonialism and racism, or to set back or minimize the interests or destroy the interests of the strengthening of general peace and security, friendship and co-operation between peoples and States'.

"10. The representative of the United States of America made the following proposal:

'Convinced that the prevailing sentiment of adherents of religion and of religious organizations is to support efforts to achieve the goals of world peace, social equity and the elimination of all forms and practices of racial and ethnic intolerance, and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals'.

"11. A suggestion was made by the representative of the Federal Republic of Germany to replace the words 'prevailing sentiment' in the first part of the text submitted by the United States by the word 'efforts'.

"12. The representative of Austria suggested that the first part of the proposal of the United States up to the word 'efforts' should be replaced by the following text: 'Convinced that religious organizations contribute to the efforts ...' and that the words 'any ideology or practice' in the United States proposal should be replaced by 'any ideology or ideological practice'.

"13. The representative of Canada proposed that the first part of the text submitted by the United States, from the words 'the prevailing' to the words 'religious organizations is', should be replaced by the words: 'it is essential'. Hence the proposal as amended would read: 'Convinced that it is essential to support efforts to achieve the goals...'

"14. The representative of the Byelorussian SSR proposed the addition of the following words at the end of the United States proposal as amended by the representative of Canada: 'in particular the ideology and practice of colonialism and racism'.

"15. It was pointed out that organized religion and beliefs had played a role in the fight against colonialism and racism. It was also stated, however, that they had also been used as instruments of colonialism and racism. It was considered that the practice of religion should not, in any case, justify the ideology and practice of colonialism and racism.

"16. It was suggested by various representatives that efforts to include the paragraph under discussion in the preamble be discontinued, on the grounds, inter alia, that its substance was already embodied in the fifth paragraph of the preamble. It was suggested, as an alternative, that the working group should consider the possibility of including in the operative part the concepts embodied in the original proposals for a ninth preambular paragraph. However, other representatives maintained that it was essential to include those concepts in a distinct paragraph of the preamble.

"17. The representative of the United Kingdom made the following proposal:

'Convinced of the important contribution motivated by religion and belief that has been and is being made towards the struggle against colonialism and racial discrimination and convinced that the right to freedom of religion or belief should not be abused so as to impede measures aimed at the elimination of colonialism and racial discrimination'.

"18. The representative of the Byelorussian SSR presented the following revised proposal:

'Convinced that it is essential to support efforts to achieve the goals of world peace, social justice and friendship between peoples and States and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals, in particular the ideology and practice of colonialism and racism'.

"19. Owing to lack of time, the informal working group was unable to adopt a text for the ninth paragraph of the preamble.

"Text of title and preambular paragraphs as adopted"

"20. The text of the title and the paragraphs of the preamble of the draft declaration that were adopted by the informal working group at the thirtieth, thirty-first and thirty-second sessions of the Commission are as follows:

'Draft Declaration on the Elimination of All Forms of
Intolerance and Discrimination Based on Religion
or Belief

'(1) Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

'(2) Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

'(3) Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

'(4) Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

'(5) Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

'(6) Noting with satisfaction the adoption of several and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

'(7) Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

'(8) Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief'."

XV. REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS TWENTY-EIGHTH SESSION

178. At its 1379th meeting, on 5 March 1976, the Commission considered agenda item 17.

179. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180).

180. Statements were made by the representatives of Yugoslavia, Bulgaria and Austria.

181. The Commission decided to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (see chap. XX, sect. B, decision 8 (XXXII)).

XVI. COMMUNICATIONS CONCERNING HUMAN RIGHTS

182. The Secretary-General distributed to the members of the Commission confidential lists of communications (E/CN.4/CCR.78-88), replies of Governments (E/CN.4/GR.75/2/Add.1-3, 75/3, 75/4, 75/5 and Add.1, 75/6, 75/7, 75/8, 75/9, 75/10, 75/11 and Add.1 and 75/12) and a confidential document of a statistical nature (E/CN.4/CCR/Stat. 17). A non-confidential list of communications containing a brief indication of the substance of each communication that dealt with principles involved in the promotion of universal respect for and observance of human rights (E/CN.4/CR.46) was also distributed.

XVII. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA FOR THE
THIRTY-THIRD SESSION OF THE COMMISSION

183. The Commission considered agenda item 23 at its 1379th meeting, on 5 March 1976. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/L.1337) containing a draft provisional agenda for the thirty-third session of the Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Commission.

184. The Director of the Division of Human Rights, in introducing the item, pointed out that the provisional agenda, which would be prepared in accordance with the rules of procedure, and the documentation relating thereto might be affected by decisions of the General Assembly and the Economic and Social Council.

185. Several representatives made comments and proposals concerning the items on the draft provisional agenda. The Commission agreed, by a vote of 14 to 8, with 5 abstentions, to include as item 12 (a) "Question of human rights in Cyprus", pursuant to its resolution 4 (XXXII).

186. The Commission took note of the draft provisional agenda for its thirty-third session, as revised in the light of the above-mentioned decision and comments (see chap. XX, sect. B, decision 10 (XXXII)). It reads as follows: 11/

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session

Relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission will be brought to the attention of the Commission.

4. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East

By resolution 2 (XXXII), the Commission decided to place this item on the provisional agenda of its thirty-third session as a matter of high priority.

In accordance with paragraph 13 of resolution 2 (XXXII), the Secretary-General will report to the Commission on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity.

11/ An asterisk indicates that the document is likely to exceed the 32-page limit referred to in Economic and Social Council resolution 1894 (LVII).

5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

By resolution 3 (XXXII), the Commission decided to place this item on the provisional agenda of its thirty-third session as a matter of high priority.

Report of the Working Group.*

Legislative authority: General Assembly resolution 3448 (XXX); Commission resolution 3 (XXXII), subject to the concurrence of the Economic and Social Council.

6. Situation of human rights in southern Africa

(a) Report of the Ad Hoc Working Group of Experts

Report of the Ad Hoc Working Group of Experts established under Commission resolution 2 (XXIII).*

Legislative authority: Commission resolution 5 (XXXI).

(b) The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,* together with the recommendations of the Sub-Commission.

Legislative authority: Commission resolutions 3 (XXX) and 6 (XXXII).

7. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries

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

8. Human rights and scientific and technological developments

By resolution 10 (XXVII), the Commission decided to retain this item as a standing item on its agenda. By resolution 11 (XXXII) the item was given priority.

Further reports of the Secretary-General on human rights and scientific and technological developments.*

Legislative authority: General Assembly resolution 2450 (XXIII) and Commission resolution 11 (XXXII).

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission

The Commission at its 1366th meeting decided to defer consideration of draft resolution E/CN.4/L.1324 to its thirty-third session (decision 3 (XXXII)). By its resolution 7 (XXXII) the Commission decided to examine at its thirty-third session, as a matter of priority, its programme and methods of work.

10. The right of peoples to self-determination and its application to peoples under colonial and alien domination

By resolution 3 (XXXI) the Commission decided to place this item on its agenda at each session as a priority item.

11. The role of youth in the promotion and protection of human rights, including:

(a) Channels of communication with youth and international youth organizations

(b) The question of conscientious objection to military service

Report by the Secretary-General summarizing information submitted under paragraph 2 of Commission resolution 14 B (XXXII) and reports of the Ad Hoc Advisory Group on Youth on its second and third meetings.

Legislative authority: Commission resolution 1 (XXXII).

12. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

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

Annual supplement to document E/4226 (E/CN.4/923/Add.10), listing decisions taken by United Nations bodies during 1976 relevant to the questions of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.

Legislative authority: Economic and Social Council resolution 1102 (XL).

Information which may be submitted by ILO and UNESCO.

Legislative authority: General Assembly resolution 2785 (XXVI).

Report of the Secretary-General requested in paragraph 4 of Commission resolution 4 (XXXII).

Confidential documents, including those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group and the report of the Working Group established by the Commission at its thirty-second session.

Legislative authority: Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII).

13. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (General Assembly resolutions 3069 (XXVIII) and 3267 (XXIX))

14. Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment

Relevant chapters of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session.

Legislative authority: Commission resolution 10 (XXXII).

15. Periodic reports on freedom of information

Reports on freedom of information for the period 1 July 1970 to 30 June 1975.*

An analytical summary of the reports on freedom of information.

A subject and country index to the reports on freedom of information.

An up-to-date memorandum on the status of multilateral international agreements in the field of human rights concluded under the auspices of the United Nations.

Report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1977 session.

Legislative authority: Economic and Social Council resolutions 1074 C (XXXIX) and 1596 (L); Commission resolution 16 B (XXIII).

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

(b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3377 (XXX))

Relevant chapters of the report of the Sub-Commission on its twenty-ninth session.

Legislative authority: Commission resolution 9 (XXXII).

17. Status of the International Covenants on Human Rights

Report of the Secretary-General concerning ratification and implementation of the Covenants.

Legislative authority: Commission resolution 12 (XXXII).

18. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session

Report of the Sub-Commission on the work of its twenty-ninth session.*

19. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

Relevant chapters of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session.

Legislative authority: Economic and Social Council resolution 1871 (LVI); Commission decisions 4 (XXXI) and 9 (XXXII).

20. Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons

Further comments and observations on the draft general principles which may be received by the Secretary-General and relevant parts of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session.

Legislative authority: Economic and Social Council resolution 1787 (LIV); Commission resolution 1 (XXXI) and Commission decision 9 (XXXII).

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

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

Legislative authority: Commission decision 9 (XXXII).

22. Advisory services in the field of human rights

Reports of the Secretary-General on the programme of advisory services in the field of human rights.

Legislative authority: General Assembly resolution 926 (X); Economic and Social Council resolutions 684 (XXVI) and 1008 (XXVIII); Commission decision 9 (XXXII).

23. Communications concerning human rights

Confidential and non-confidential lists of communications and documents containing the replies of Governments to communications furnished to them, and a confidential document of a statistical nature.

Legislative authority: Economic and Social Council resolution 728 F (XXVIII) Commission resolutions 14 (XV) and 15 (XV).

24. Draft provisional agenda for the thirty-fourth session of the Commission

Note by the Secretary-General containing draft provisional agenda for the thirty-fourth session of the Commission, together with information concerning documentation relating thereto.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

25. Report to the Economic and Social Council on the thirty-third session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions.

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XVIII. POSTPONEMENT OF ITEMS ON THE AGENDA

187. At its 1379th meeting, on 5 March 1976, the Commission decided, without a vote, to postpone to its thirty-third session consideration of items 18, 19, 20 and 21 (see chap. XX, sect. B, decision 9 (XXXII)).

XIX. ADOPTION OF THE REPORT

188. At its 1379th meeting, on 5 March 1976, the Commission considered its draft report on the work of the thirty-second session. The draft report, as amended in the course of the discussion, was adopted unanimously.

XX. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION
AT ITS THIRTY-SECOND SESSION

A. Resolutions

1 (XXXII). The role of youth in the promotion and
protection of human rights

A 12/

The Commission on Human Rights,

Noting the report on the question of conscientious objection to military service prepared by the Secretary-General pursuant to its resolution 11 B (XXVII) (E/CN.4/1118 and Corr.1 and Add.1-3),

Aware of the increasing interest of members of the younger generation in the fundamental objectives of the United Nations, in particular the furtherance of peace and the promotion of respect for human rights and fundamental freedoms,

Considering the deliberations in the Commission on the question of conscientious objection during its thirty-second session,

Decides to give adequate consideration at its thirty-third session to the problem of recognition of objection to military service.

B 13/

The Commission on Human Rights,

Noting the report of the Ad Hoc Advisory Group on Youth on its first meeting (E/CN.5/508) and the related comments and recommendations of the Secretary-General (E/5427) and the comments made thereon in different United Nations bodies, in particular regarding human rights questions,

Aware of the increasing interest of many members of the younger generation in the fundamental objectives of the United Nations, in particular the furtherance of peace and economic and social justice and the promotion and encouragement of respect for human rights and fundamental freedoms,

Taking note of the principles and motivating goals set out by the Advisory Group on Youth, which include the desire of young people to participate constructively in the establishment of social justice, to implement human rights on the national, regional and international levels, to overcome discrimination and exploitation wherever they exist, to attain the right to self-determination, national independence and social progress, and to struggle against colonial and foreign occupation,

12/ Adopted at the 1348th meeting, on 11 February 1976, without a vote.
See chap. III.

13/ Adopted at the 1348th meeting, on 11 February 1976, by 26 votes to none, with 3 abstentions. See chap. III.

1. Requests, on the basis of the report of the Advisory Group on Youth and the Secretary-General's comments and recommendations thereon, that the appropriate United Nations organs, specialized agencies and non-governmental organizations, as well as Governments, promote within their respective spheres of competence the following measures for the involvement of youth in human rights:

(a) Active participation of young people in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, including the organization of youth meetings on the national and regional levels and youth workshops in order to examine racial prejudice and to identify and evaluate manifestations or symptoms of racial prejudice, in particular as contained in textbooks and other publications and the mass communications media;

(b) Active promotion of the participation of young people, in particular young women and girls, in the development of society, in particular by ensuring to them equal rights and opportunities in education, in employment and in the other areas of economic, social and cultural life;

(c) Development of a special curriculum on human rights for use in the various educational systems, whether at the primary, secondary or technical level, and through the United Nations University, and study of the possibility of the introduction of a special curriculum on human rights in universities, in accordance with Commission resolution 17 (XXIX);

(d) The use of mass media, particularly television, to propagate among youth respect for human rights in accordance with the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples and other relevant United Nations instruments;

(e) Development of youth projects with the purpose of identifying and examining situations where the human rights of young people are being seriously restricted or violated;

(f) Study of the possibility of the appointment by youth organizations in each country of a youth correspondent with the United Nations for issues related to human rights;

2. Requests the Secretary-General to bring the present resolution to the notice of all Member States, the appropriate United Nations organs, the specialized agencies and the non-governmental organizations in consultative status concerned, asking them to submit information on steps taken in pursuance of paragraph 1 above;

3. Requests the Secretary-General to transmit the reports of the Ad Hoc Advisory Group on Youth on its second and third meetings and all other relevant documents to the Commission for its further consideration;

4. Decides to consider at its thirty-third session the question of the role of youth in the promotion and protection of human rights on the basis of a report by the Secretary-General summarizing the information submitted under paragraph 2 above, as well as of the documents submitted by the Secretary-General under paragraph 3 above.

2 (XXXII). Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East 14/

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling the pertinent United Nations resolutions on the situation in the occupied territories and the protection of the human rights and fundamental freedoms of the inhabitants of the occupied Arab territories,

Taking into account that the General Assembly has, in resolution 3376 (XXX), reaffirmed its resolution 3236 (XXIX), which confirmed the inalienable rights of the Palestinian people in Palestine, and has expressed grave concern that no progress has been achieved towards:

(a) The exercise by the Palestinian people of their inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty,

(b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX), which defines as an act of aggression the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,

Recalling also resolution IX adopted by the International Labour Conference at its fifty-ninth session, in 1974, which declares that any military occupation of territory constitutes in itself a permanent violation of basic human rights and fundamental freedoms and, in particular, of trade union and social rights,

Taking note of the reports of the United Nations and other international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants, in particular the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272),

Greatly alarmed by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupation of these territories and the measures aiming at annexation, as well as the continuing destruction of homes, expropriation of Arab properties and ill-treatment of prisoners,

^{14/} Adopted at the 1352nd meeting, on 13 February 1976, by a roll-call vote of 23 in favour, 1 against and 8 abstentions. See chap. V.

Deploring Israel's continued persistence in establishing settlements in the occupied Arab territories, implementing massive programmes of immigration, continuing the deportation and transfer of the indigenous population and refusing their return,

Recalling the conclusion of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that the Israeli occupying forces were responsible for the deliberate and total destruction of Quneitra and that this constituted a violation of article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and fell within the scope of article 147 of that Convention,

Seriously concerned that the population of the occupied Arab territories are hindered in the exercise of their inalienable rights to national education and cultural life,

1. Deplores once again Israel's continued grave violations, in the occupied Arab territories, of the basic norms of international law and of the relevant international conventions, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which are considered by the Commission on Human Rights as war crimes and an affront to humanity, as well as its persistent defiance of the relevant resolutions of the United Nations and its continued policy of violating the basic human rights of the inhabitants of the occupied Arab territories;

2. Reaffirms that military occupation of territory constitutes a grave threat to international peace and security and is, in itself, a continuous violation of the Charter of the United Nations and of the Universal Declaration of Human Rights;

3. Reaffirms further the condemnation of Israel for the deliberate destruction and devastation of the town of Quneitra and considers these acts as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. Calls upon Israel to take immediate steps for the return of the Palestinians and the other displaced inhabitants of the occupied Arab territories to their homes;

5. Calls upon Israel to desist forthwith from establishing new settlements in the occupied Arab territories and to commence immediately with the removal of the existing settlements;

6. Deplores the measures taken by Israel to exploit the human, natural and all other resources and wealth of the occupied Arab territories and calls upon Israel immediately to rescind all such measures and to compensate and make full restitution for the exploitation and depletion of their human and natural resources;

7. Declares that all measures taken by Israel to change the physical character, the demographic structure and the status of occupied Arab territories are null and void, and considers these changes as an impediment to the achievement of a just and lasting peace;

8. Reaffirms its call upon Israel to ensure freedom of worship and accord the esteem, regard and protection due to the religious shrines and personalities in

accordance with the established traditions in the region, particularly in Jerusalem, which have been fully respected by all authorities throughout the centuries;

9. Declares all measures taken by Israel with a view to changing the institutional structure and established religious practices in the sanctuary of Al-Ibrahimi mosque in the city of Al-Khalil null and void;

10. Calls upon all States not to recognize any such changes and measures carried out by Israel in the occupied Arab territories and invites them to do their utmost to ensure that Israel respects the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

11. Censures in the strongest terms all measures taken by Israel to change the status of Jerusalem;

12. Condemns in particular the following Israeli policies and practices:

(a) Measures aiming at annexation of parts of the occupied territories;

(b) The intensification of action aiming at the establishment of Israeli settlements therein and the transfer of an alien population thereto;

(c) The destruction and demolition of Arab houses;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals, on the one hand, and the inhabitants and institutions of the occupied territories, on the other;

(e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and the denial of their right to return;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) The pillaging of archaeological and cultural property;

(h) The interference with religious freedoms and practices, as well as family rights and customs;

(i) The hindrance of the exercise by the population of the occupied territories of their rights to national education and cultural life;

13. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity and to report to the Commission on Human Rights at its next session;

14. Decides to place on the provisional agenda of its thirty-third session, as a matter of high priority, the item entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East".

3 (XXXII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 15/

The Commission on Human Rights,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling that the Universal Declaration of Human Rights solemnly declares that everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or cruel, inhuman or degrading treatment or punishment,

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

Recalling further General Assembly resolution 3219 (XXIX) of 6 November 1974, in which the Assembly expressed its deepest concern about reported constant and flagrant violations of basic human rights and fundamental freedoms in Chile and urged the authorities in that country to take all necessary steps to restore and safeguard them,

Recalling in this connexion its resolution 8 (XXXI) of 27 February 1975, in which it expressed its serious concern about the continuing reports of violations of human rights in Chile, and in which it decided to establish an Ad Hoc Working Group to inquire into the present situation of human rights in the said country on the basis of all available evidence, including a visit to Chile, and appealed to the authorities of Chile to extend its full co-operation to the Group,

Noting General Assembly resolution 3448 (XXX) of 9 December 1975, entitled "Protection of human rights in Chile", by which the Assembly inter alia deplored the refusal of the Chilean authorities to allow the Ad Hoc Working Group of the Commission on Human Rights to visit the country, notwithstanding previous solemn assurances given by them in this regard, and urged them to honour those assurances,

Noting also, inter alia, recent Supreme Decree No. 187 of 20 January 1976, relating to the need for the protection of persons detained as a result of the state of siege, the effects of which have yet to be ascertained,

Having considered the report of the Ad Hoc Working Group (A/10285 and E/CN.4/1188) established under Commission resolution 8 (XXXI),

1. Expresses its appreciation to the Chairman and members of the Ad Hoc Working Group for the report, which has been prepared in a painstaking and objective manner, notwithstanding the refusal of the Chilean authorities to permit the Group to visit the country;

15/ Adopted at the 1360th meeting, on 19 February 1976, by 26 votes to 2, with 4 abstentions. See chap. VI.

2. Expresses its profound distress at the constant, flagrant violations of human rights, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention and exile, of which the present report brings further evidence, which have taken place and, according to existing evidence, continue to take place in Chile, soon after the adoption of General Assembly resolution 3448 (XXX);

3. Reaffirms its condemnation of all forms of torture and cruel, inhuman or degrading treatment or punishment;

4. Appeals to the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile is a party, and to this end to ensure that:

(a) The state of siege or emergency is not used for the purpose of violating human rights and fundamental freedoms, contrary to article 4 of the International Covenant on Civil and Political Rights;

(b) Adequate measures are taken to end the institutionalized practice of torture and other forms of cruel, inhuman or degrading treatment or punishment in full respect of article 7 of the International Covenant on Civil and Political Rights;

(c) The rights of all persons to liberty and security of person, in particular those who have been detained without charge or are in prison solely for political reasons, are fully guaranteed, as provided for in article 9 of the International Covenant on Civil and Political Rights, and steps are taken to clarify the status of those individuals who are not accounted for;

(d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed, contrary to article 15 of the International Covenant on Civil and Political Rights;

(e) No one, in accordance with article 15 (2) of the Universal Declaration of Human Rights, shall be arbitrarily deprived of Chilean nationality;

(f) The right to freedom of association, including the right to form and join trade unions, shall be respected in accordance with article 22 of the International Covenant on Civil and Political Rights;

(g) The right to intellectual freedoms as provided for in article 19 of the International Covenant on Civil and Political Rights shall be guaranteed;

(h) The request of the Commission communicated by its Chairman in 1974 to the Government of Chile is implemented, that persons still in detention are released and that no steps are taken and no trials held against them on a retroactive basis;

5. Concludes that the practice of torture has been systematically employed by some State agencies, particularly by the Dirección de Inteligencia Nacional (DINA), and calls upon the Chilean authorities to undertake effective measures to investigate and put an end to such activities of these agencies and of individuals in relation to acts of torture;

6. Extends the mandate of the present Ad Hoc Working Group, made up of the following members, to work as experts in their personal capacity: Mr. Ghulam Ali Allana (Pakistan, Chairman/Rapporteur), Mr. Leopoldo Benites (Ecuador), Mr. Felix Ermacora (Austria), Mr. Abdoulaye Diéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone), and requests it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular any developments, legislative or otherwise, which may occur to re-establish respect for human rights and fundamental freedoms in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of United Nations bodies; thereafter the Group shall cease to exist;

7. Requests the Secretary-General to render to the Ad Hoc Working Group all the assistance which it might require in its work;

8. Recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

9. Decides to consider at its thirty-third session as a matter of high priority the question of the violation of human rights in Chile.

4 (XXXII). Human rights in Cyprus 16/

The Commission on Human Rights,

Guided by the purposes and principles of the United Nations,

Mindful of the Universal Declaration of Human Rights and the relevant international instruments, in particular the provisions of the Geneva Conventions of 12 August 1949,

Noting General Assembly resolutions 3395 (XXX) and 3450 (XXX),

Reaffirming its resolution 4 (XXXI) and deeply concerned by the lack of progress in its implementation,

Recalling resolution 1 (XXVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned by the continuation of the Cyprus crisis and the continuing plight of the displaced persons in Cyprus,

Mindful of the need to solve the humanitarian problems and restore human rights in Cyprus without further delay,

16/ Adopted at the 1369th meeting, on 27 February 1976, without a vote.
See chap. IX.

Recommending to the two communities to do their utmost to find a just and lasting peaceful solution to the Cyprus problem based on respect of the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus, which solution will also guarantee the full enjoyment in mutual confidence by the whole population of Cyprus of all human rights and fundamental freedoms,

Noting the report of the Secretary-General under General Assembly resolution 3450 (XXX) and its own resolution 4 (XXXI) and expressing appreciation therefor,

Appreciating the fact that the time factor has not enabled the Secretary-General to complete his task under General Assembly resolution 3450 (XXX),

1. Renews its call upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees and displaced persons to their homes in safety and to settle all other aspects of the refugee problem;
2. Urges all parties to refrain from unilateral actions in contravention of the relevant United Nations resolutions, including changes in the demographic structure of Cyprus;
3. Requests the Secretary-General to continue and intensify his efforts under General Assembly resolution 3450 (XXX) in respect of missing persons in Cyprus and calls upon the parties concerned to co-operate with the Secretary-General in the fulfilment of his task;
4. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-third session with information relevant to the implementation of the present resolution;
5. Decides to consider the question of human rights in Cyprus at its thirty-third session.

5 (XXXII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission 17/

The Commission on Human Rights,

Recalling the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to maintain international peace and security, to develop friendly relations among nations and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

17/ Adopted at the 1369th meeting, on 27 February 1976, by a roll-call vote of 22 in favour, 7 against and 1 abstention. See chap. VIII.

Recalling further the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, article 6 of which states that "Every human being has the inherent right to life",

Believing that gross and massive violations of human rights, particularly those resulting from wars of aggression, military occupation, colonialism, neo-colonialism and any other form of the denial of the right of peoples to self-determination, or from policies of apartheid and racial discrimination, cause unbearable human suffering and may engulf the world in military conflicts,

Convinced that the application of the Charter of Economic Rights and Duties of States and of the Declaration and Programme of Action on the Establishment of a New International Economic Order would help considerably to promote economic, social and cultural rights and civil and political rights and contribute to the strengthening of international peace and security,

Taking note of the Final Act of the Conference on Security and Co-operation in Europe, in which the participants in the Conference, in accordance with the purposes and principles of the United Nations and with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, reaffirm, inter alia, their commitment to peace, security and justice and their determination to respect the equal rights of peoples and their right to self-determination, to promote human rights and fundamental freedoms, and to recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among States,

Recalling the General Assembly's appeals for new initiatives intended to contribute to the peace, security and economic and social progress of all mankind and to respect for human rights and fundamental freedoms,

1. Recalls that everyone has the right to live in conditions of international peace and security and fully to enjoy economic, social and cultural rights and civil and political rights;

2. Expresses its firm conviction that unqualified respect for and the promotion of human rights and fundamental freedoms require the existence of international peace and security;

3. Welcomes every effort made by States to strengthen world peace and to reduce international tension;

4. Affirms that flagrant and massive violations of human rights, including economic, social and cultural rights, may lead the world into armed conflicts;

5. Emphasizes:

(a) The legitimacy of the struggle against all forms of aggression, colonialism and neo-colonialism, against any form of foreign domination and against the practice of genocide and the mass extermination of persons, apartheid and racial discrimination and all other forms of flagrant and massive violations of human rights;

(b) The need for all States to create, both by their own efforts and with international assistance and co-operation, the most favourable conditions for the maintenance of international peace and security through the establishment of a new international economic order based on justice and through respect for and the promotion of human rights and fundamental freedoms, including the right to life, liberty and security of person.

6 (XXXII). The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa 18/

The Commission on Human Rights,

Bearing in mind its resolution 3 (XXX),

Having noted the progress made in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study "to evaluate the importance and the sources of political, military, economic and other assistance given by certain States to the racist and colonial régimes in southern Africa, as well as the direct or indirect effects of such assistance on the perpetuation of colonialism, racial discrimination and apartheid" (E/CN.4/1180),

Aware that the policies of racial discrimination and apartheid constitute flagrant violations of the Purposes and Principles of the United Nations Charter, and that their adoption is incompatible with the enjoyment of fundamental human rights,

Convinced that the political, military, economic and other forms of assistance given by certain States to the régimes of South Africa and Southern Rhodesia are one of the main causes of the perpetuation of the pernicious activities of those régimes,

Convinced also that such assistance is the main cause of the continuing illegal occupation of Namibia by the racist régime of South Africa, and of the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States,

1. Denounces with indignation the political, military, economic and other forms of assistance given by certain States to South Africa and to the illegal minority régime of Southern Rhodesia, directly or through national and multinational corporations which they control;

2. Considers that the sales of arms, the nuclear co-operation agreements and the economic activities of national and multinational corporations in South Africa, Namibia or Southern Rhodesia constitute blatant acts of complicity in the policy of apartheid - a crime against humanity - and in the policy of racial discrimination

18/ Adopted at the 1371st meeting, on 1 March 1976, by a roll-call vote of 24 in favour, 4 against and 4 abstentions. See chap. VII.

and are an encouragement for the illegal occupation of Namibia by the racist régime of South Africa and for the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States and for intervening in their internal affairs;

3. Strongly condemns the attitude of any country which, by its political, military, economic and other forms of assistance, becomes an accomplice in apartheid and racial discrimination and thus contributes to the perpetuation of those policies;

4. Calls upon States to:

(a) Scrupulously observe the sanctions decreed against the illegal minority régime of Southern Rhodesia;

(b) Prohibit the recruitment of mercenaries in their territories;

(c) Assist the liberation movements of southern Africa that are recognized by the Organization of African Unity and the United Nations;

(d) Take steps to bring about a total embargo by the Security Council on sales, gifts and transfers of arms and all other kinds of military supplies to South Africa;

(e) Give full effect to Decree No.1 of the United Nations Council for Namibia on the protection of the natural resources of Namibia;

5. Encourages the Special Rapporteur appointed to "evaluate the importance and the sources of political, military, economic and other assistance given by certain States to the racist and colonial régimes in southern Africa, as well as the direct or indirect effects of such assistance on the perpetuation of colonialism, racial discrimination and apartheid" to continue his work so that the final report, accompanied by the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, can be considered by the Commission at its thirty-third session;

6. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable him to complete his work within the time specified.

7 (XXXII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission 19/

The Commission on Human Rights,

Recalling its resolutions 10 (XXX) and 10 (XXXI),

19/ Adopted at the 1374th meeting, on 3 March 1976, without a vote. See chap. VIII.

Mindful of its increasing responsibilities with regard to the wish of the international community to promote co-operation among States and co-ordination of activities undertaken under the auspices of the United Nations in order to encourage and further develop respect for human rights and fundamental freedoms,

Welcoming the entry into force of the International Covenants on Human Rights,

Mindful of the role which the Commission should play in ensuring the effective enjoyment of all the rights set out in these two Covenants,

Recognizing that it is essential to pay particular regard to the human rights aspects in all the programmes and activities of the United Nations system, and especially in activities bearing on economic and social development,

Recognizing moreover that the Commission has a special responsibility in this regard,

Noting that the present number, length and dates of the sessions of the Commission do not seem to allow for the adequate discharge of all its functions,

Convinced, in the light of its experience, that the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X) constitutes an effective method of ensuring the exchange of expert opinion and the dissemination, implementation and improvement of the standards contained in international instruments adopted under the auspices of the United Nations,

Recognizing the need for an efficient programme and adequate resources in this field,

Having taken note with appreciation of the reports submitted by the Secretary-General in accordance with its resolutions 10 (XXX) and 10 (XXXI),

1. Recommends to the Economic and Social Council that it authorize the officers of the thirty-second session of the Commission to hold preparatory meetings at least three days before the beginning of the thirty-third session;
2. Requests the Economic and Social Council to enable the Secretary-General to continue to organize world-wide and regional seminars on human rights;
3. Recommends to the Economic and Social Council to invite the Committee for Programme and Co-ordination to analyse the programme in the field of human rights as contained in the medium-term plan for 1976-1979 20/ and the programme budget for 1976-1977 21/ in order to ascertain to what degree the presentation of this programme and the resources allocated to it as described in these two documents can efficiently achieve the aims and objectives of United Nations activities in this field;

20/ Official Records of the General Assembly, Thirtieth Session, Supplement No.6 A (A/10006/Add.1).

21/ Ibid., Supplement No.6 (A/10006).

4. Requests the Secretary-General, acting in particular through the information centres, to give more publicity to United Nations activities in the field of human rights;

5. Decides to examine at its thirty-third session the possibility of grouping the appropriate agenda items into two groups - one consisting of items related to civil and political rights, and the other consisting of items related to economic, social and cultural rights - to be considered in turn at alternate sessions, while items of an urgent nature, such as those relating to specific situations of alleged gross violations of human rights, would be considered on a priority basis at every session;

6. Requests its Chairman, Vice-Chairmen and Rapporteur, at the preparatory meetings proposed in paragraph 1 above, to give preliminary consideration in particular to the question stated in paragraph 5 above with a view to formulating specific proposals for discussion at the immediately following session;

7. Requests the Secretary-General to provide all assistance in preparing the preparatory meetings;

8. Decides to examine further at its thirty-third session, as a matter of priority, its programme and methods of work.

8 (XXXII). Report of the Ad Hoc Working Group of Experts
on southern Africa 22/

The Commission on Human Rights:

Recalling its resolution 5 (XXXI), and particularly paragraphs 8 and 10 thereof,

Having examined the report of the Ad Hoc Working Group of Experts established by its resolution 2 (XXIII) (E/CN.4/1187),

Having taken note of the Declaration of Dakar on Namibia and Human Rights and of the Programme of Action annexed thereto,

1. Expresses its satisfaction to the Ad Hoc Working Group of Experts for the interim report it has submitted;

2. Deplores that policies of apartheid and racial discrimination persist in southern Africa and that, in particular, South Africa is continuing its illegal occupation of the territory of Namibia;

3. Notes that the illegal, inhuman and degrading practice of public floggings in Namibia is nevertheless continuing;

22/ Adopted at the 1376th meeting, on 4 March 1976, by a roll-call vote of 24 in favour, none against and 7 abstentions. See chap. IX, sect. A.

4. Draws the attention of States, international organizations, non-governmental organizations and socio-professional and information groups to the Declaration of Dakar on Namibia and Human Rights and to the Programme of Action annexed thereto;

5. Decides that the Ad Hoc Working Group of Experts should evaluate all the aspects of the Declaration of Dakar and of the Programme of Action and should submit specific proposals to the Commission at its thirty-third session;

6. Requests the Secretary-General, in application of the provisions of paragraph 10 of Commission resolution 5 (XXXI), to continue his contacts with a view to the organization, in southern Africa, of a symposium on the matters referred to in paragraph 20 of the conclusions and recommendations of the report of the Ad Hoc Working Group of Experts (E/CN.4/1159);

7. Recommends that the Economic and Social Council adopt the following draft resolution:

[For the text see chap. I, sect. A, draft resolution I.]

- 9 (XXXII). Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination; implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 23/

The Commission on Human Rights,

Recalling its resolution 1 (XXIX) by which it submitted the draft programme for a decade for action to combat racism and racial discrimination to the Economic and Social Council for submission to the General Assembly,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that they militate against human progress, peace and justice,

Believing in the urgent need for continuous and vigorous national action and collective international measures against racism and racial discrimination, which affect millions of people all over the world, in order to ensure them the dignity and equality inherent in all human beings,

Mindful of General Assembly resolution 3377 (XXX), calling upon the Commission on Human Rights, in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to study ways and means of ensuring

^{23/} Adopted at the 1378th meeting, on 5 March 1976, by 19 votes to 8, with 1 abstention. See chap. X.

the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination with a view to facilitating the examination of this question by the General Assembly in accordance with paragraph 18 (i) of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Taking into consideration all the proceedings and resolutions of the General Assembly and the Economic and Social Council on the question of the Decade for Action to Combat Racism and Racial Discrimination since the adoption by the General Assembly of resolution 3057 (XXVIII) proclaiming the Decade,

Welcoming the decision of the Sub-Commission to include in its agenda for the twenty-ninth session an item entitled "The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination",

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session to study and prepare suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters and to submit its suggestions and proposals to the Commission at its thirty-third session;

2. Draws the attention of the Sub-Commission to the deliberations and decisions of the General Assembly at its thirtieth session and of the Commission at its thirty-second session on this question;

3. Recommends to the Economic and Social Council to take into account the participation of the Commission in the preparatory arrangements for holding the world conference to combat racism and racial discrimination.

10 (XXXII). Question of the human rights of all persons subjected to any form of detention or imprisonment 24/

A

The Commission on Human Rights,

Mindful of article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of them providing that no one shall be subjected to torture or to cruel, inhuman or degrading treatment,

Welcoming the unanimous adoption by the General Assembly at its thirtieth session, in resolution 3452 (XXX), of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

24/ Adopted at the 1378th meeting, on 5 March 1976, without a vote. See chap. XII.

Noting also General Assembly resolution 3453 (XXX), which in its paragraph 2 (a) requested the Commission on Human Rights at its thirty-second session to study the question of torture and any necessary steps for ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling that under resolution 7 (XXVII) the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to review annually developments relating to the human rights of persons subjected to any form of detention or imprisonment,

Noting resolution 4 (XXVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Invites the Sub-Commission, in considering under its resolutions 7 (XXVII) and 4 (XXVIII) the question of the human rights of persons subjected to any form of detention or imprisonment, to draw also upon the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly at its thirtieth session (resolution 3452 (XXX)) as a guideline for its work;
2. Recommends that the Sub-Commission examine the relevant information submitted under its resolutions 7 (XXVII) and 4 (XXVIII) also in the light of the principles contained in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
3. Requests the Sub-Commission to report annually to the Commission on the implementation of the present resolution.

B

The Commission on Human Rights,

Noting General Assembly resolution 3453 (XXX), which in its paragraph 2 (b) requested the Commission on Human Rights to study the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment, on the basis of the Study of the Right of Everyone To Be Free from Arbitrary Arrest, Detention and Exile 25/ and the draft principles on freedom from arbitrary arrest and detention contained therein,

Recalling resolution 4 (XXVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inviting the Commission on Human Rights to give urgent consideration to the Study of the Right of Everyone To Be Free from Arbitrary Arrest, Detention and Exile and the draft principles contained therein,

Noting that by its resolution 23 (XXV) the Commission requested the Secretary-General to submit to Governments of States Members of the United Nations

25/ United Nations publication, Sales No. E.65.XIV.2.

and specialized agencies for their comments the study on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests (E/CN.4/996) and the suggested modifications/revisions of some of the draft principles on freedom from arbitrary arrest and detention,

1. Draws the attention of Governments, specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council to:

(a) The Study of the Right of Everyone To Be Free from Arbitrary Arrest, Detention and Exile;

(b) The draft principles on freedom from arbitrary arrest and detention;

(c) The study on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests;

(d) Other relevant documents and reports submitted to the General Assembly, to the Economic and Social Council and to the Commission at its thirty-second session;

2. Invites Governments, specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council to submit their comments, or their further comments, on any or all of the above documents before the twenty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

3. Requests the Secretary-General, taking into account the comments received under paragraph 2 above, to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-ninth session an updated report on:

(a) The draft principles on freedom from arbitrary arrest and detention;

(b) The study on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to draw up at its twenty-ninth session, on the basis of the Study of the Right of Everyone To Be Free from Arbitrary Arrest, Detention and Exile, the draft principles on freedom from arbitrary arrest and detention and the other material referred to in paragraph 1 above, a body of principles for the protection of all persons under any form of detention or imprisonment and to transmit this body of principles to the Commission on Human Rights for its consideration at its thirty-third session;

5. Decides to consider with priority at its thirty-third session the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment".

11 (XXXII). Human rights and scientific and technological developments 26/

The Commission on Human Rights,

Recalling General Assembly resolutions 2450 (XXIII), 3026 (XXVII), 3150 (XXVIII), 3268 (XXIX) and 3384 (XXX) and Commission resolutions 10 (XXVII) and 2 (XXX),

Taking note of General Assembly resolution 3268 (XXIX) which draws attention to the desirability of collecting relevant information and the opinions of qualified persons with regard to science and technology and their relationship to human rights, particularly with a view to the possible formulation of codes of ethics,

Regretting that the circumstances in which the Commission's thirty-second session was held did not allow it to make a thorough examination of the question of human rights and scientific and technological developments,

1. Requests the Secretary-General to continue collecting documentation on the development of new technology as it pertains to human rights, where necessary with the assistance of qualified experts;
2. Requests the Secretary-General to continue and, if necessary, strengthen co-operation and adequate co-ordination between United Nations organs and the specialized agencies with regard to the impact of science and technology on human rights, in particular with a view to the proposed conference on science, technology and development;
3. Decides to give priority at its thirty-third session to the item "Human rights and scientific and technological developments".

12 (XXXII). Status of the International Covenants on Human Rights 27/

The Commission on Human Rights,

Having regard to the entry into force of the International Covenant on Economic, Social and Cultural Rights and the forthcoming entry into force of the International Covenant on Civil and Political Rights,

Referring to General Assembly resolution 2200 A (XXI) of 16 December 1966 and to General Assembly resolutions 3142 (XXVIII) of 14 December 1973 and 3270 (XXIX) of 10 December 1974 containing inter alia recommendations to Member States to accelerate as far as possible the procedures that will lead to the ratification of the International Covenants on Human Rights,

26/ Adopted at the 1379th meeting, on 5 March 1976, without a vote. See chap. XI.

27/ Adopted at the 1379th meeting, on 5 March 1976, without a vote. See chap. XIII.

Being also guided by the desire to make its contribution to international co-operation in the implementation of the principles set forth in the International Covenants on Human Rights,

1. Takes note of the fact that the International Covenant on Economic, Social and Cultural Rights entered into force in January 1976 and that the International Covenant on Civil and Political Rights and the Optional Protocol thereto have already been ratified by the required number of States and will enter into force in March 1976;

2. Invites all Member States to consider the question of the ratification of the International Covenants on Human Rights in the near future;

3. Requests the Secretary-General to inform the Commission on Human Rights at each session of any new developments with regard to ratification and implementation of the International Covenants on Human Rights.

B. Decisions

1 (XXXII). Telegram to the Government of Chile 28/

The Commission decided to authorize its Chairman to address the following telegram to the Government of Chile:

"On behalf of the members of the United Nations Commission on Human Rights and as Chairman of the Commission at its thirty-second session, I have been authorized to send the following telegram to your Government:

'The Commission on Human Rights recalls the telegram that was sent on its behalf by its Chairman on 1 March 1974 to the Government of Chile in which, inter alia, the release of some notable Chilean personalities was requested. The Commission, noting that while others mentioned in that telegram are no longer in detention, Luis Corvalán and Pedro Felipe Ramírez continue to be held in detention, expresses its profound concern on being informed that José Cademartori, Luis Corvalán, Fernando Flores, Alfredo Joignant, Leopoldo Luna, Jorge Montes, Tito Palestro, Aníbal Palma, Pedro Felipe Ramírez, Eric Schnake, Andrés Sepúlveda, Daniel Vergara and Sergio Vuskovic, who have been in detention for over two years, are likely to be brought to trial before a military tribunal. The Commission urges the Government of Chile to desist from holding the contemplated military trials and to release the above-mentioned persons without further delay.'"

- 2 (XXXII). Report by Mrs. Rajan Nehru concerning the World Conference of the International Women's Year 29/

The Commission decided that the report submitted by Mrs. Rajan Nehru, who had attended the World Conference of the International Women's Year on behalf of the Commission on Human Rights, in accordance with Economic and Social Council resolution 1940 (LVIII), should be reproduced as an official document of the Commission.

- 3 (XXXII). Further promotion and encouragement of respect for human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission 30/

The Commission decided to defer consideration of draft resolution E/CN.4/L.1324 to its thirty-third session.

- 4 (XXXII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories 31/

The Commission decided to defer consideration of draft resolution E/CN.4/L.1336 to its thirty-third session and to give it priority.

- 5 (XXXII). Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 32/

The Commission decided to defer consideration of draft resolution E/CN.4/L.1333/Rev.1 to its thirty-third session.

29/ Adopted at the 1374th meeting, on 3 March 1976. See chap. VIII.

30/ Adopted at the 1366th meeting, on 24 February 1976. See chap. VIII.

31/ Adopted at the 1377th meeting, on 4 March 1976. See chap. IX.

32/ Adopted at the 1377th meeting, on 4 March 1976. See chap. IX.

6 (XXXII). Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 33/

(a) The Commission decided to set up a working group composed of five of its members to meet a week before its thirty-third session, to examine such particular situations as may be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-ninth session under Economic and Social Council resolution 1503 (XLVIII); 34/

(b) The Commission decided that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Communications should have access to the records of the closed meetings of the Commission in which it examines situations referred to it under Economic and Social Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that have been before the Commission.

7 (XXXII). Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief 35/

The Commission decided to establish an open-ended working group which would meet three times a week during its thirty-third session beginning in the first week of the session, and to request the Secretary-General to provide the necessary facilities for the work of the group.

8 (XXXII). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session 36/

The Commission took note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session (E/CN.4/1180).

33/ Adopted at the 1377th meeting, on 4 March 1976. See chap. IX, sect. B.

34/ For the composition of the Working Group, see para. 148 above.

35/ Adopted at the 1379th meeting, on 5 March 1976. See chap. XIV.

36/ Adopted at the 1379th meeting, on 5 March 1976. See chap. XV.

9 (XXXII). Postponement of items on the agenda to the
thirty-third session of the Commission 37/

The Commission decided to postpone to its thirty-third session consideration of the following items of its agenda:

Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live [item 18]

Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons [item 19]

Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred [item 20]

Advisory services in the field of human rights [item 21]

10 (XXXII). Draft provisional agenda for the thirty-third
session of the Commission 38/

The Commission took note of the draft provisional agenda for its thirty-third session.

37/ Adopted at the 1379th meeting, on 5 March 1976. See chap. XVIII.

38/ Adopted at the 1379th meeting, on 5 March 1976. For the draft provisional agenda, see chap. XVII.

XXI. ORGANIZATION OF THE THIRTY-SECOND SESSION

A. Opening and duration of the session

189. The Commission on Human Rights held its thirty-second session at the United Nations Office at Geneva from 2 February to 5 March 1976.

190. The session was opened (1336th meeting) by Mr. Ghulam Ali Allana (Pakistan), Chairman of the Commission at its thirty-first session, who made a statement. The Director of the Division of Human Rights addressed the Commission and welcomed the participants in the session on behalf of the Secretary-General and the Director-General of the United Nations Office at Geneva.

B. Attendance

191. The session was attended by representatives of all States members of the Commission, by observers from other States Members of the United Nations, by the observer from one non-member State and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

192. At its 1336th meeting, on 2 February 1976, the Commission elected unanimously the following officers:

Chairman:	Mr. Leopoldo Benites (Ecuador)
Vice-Chairmen:	Mr. Luben Pentchev (Bulgaria) Mr. Pierre Juvigny (France) Mrs. Rajan Nehru (India)
Rapporteur:	Mrs. Marian J.T. Kamara (Sierra Leone)

D. Agenda

193. The Commission had before it the provisional agenda for the thirty-second session (E/CN.4/1182) drawn up by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council on the basis of the draft provisional agenda considered by the Commission at its thirty-first session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

194. At its 1337th meeting, on 3 February 1976, the Commission adopted the provisional agenda, with one additional item, proposed by the Byelorussian SSR, which was included after item 14 of the provisional agenda as item 15, and with a modification of item 14 proposed by Senegal. The agenda as adopted is given in annex II below.

E. Meetings, resolutions and documentation

195. The Commission held 44 meetings. In view of the fact that the Commission was unable to meet at the Palais des Nations from 26 February to 3 March 1976, the 1367th to 1375th meetings were held at the Centre International de Conférences de Genève. In response to the request of the Economic and Social Council concerning the meeting records of its subsidiary bodies, the Commission agreed to dispense with summary records for all procedural matters and decided to retain summary records for discussions on questions of substance, as required. Summary records were issued for the 1336th, 1338th to 1350th, 1352nd to 1366th and 1368th to 1379th meetings.

196. The resolutions and decisions adopted by the Commission at its thirty-second session are contained in chapter XX of the present report. Draft resolutions and decisions for action by the Economic and Social Council and other matters of concern to the Council are set out in chapter I.

197. Annex III to this report contains statements of the administrative and financial implications of certain decisions. Annex IV contains a list of documents submitted for the Commission's consideration. The working documents of the thirty-second session are contained in document E/CN.4/1212.

F. Organization of work

198. With regard to the order of consideration of the items on its agenda, the Commission at its 1337th meeting, on 3 February 1976, agreed to adhere in principle to the order of priority as set forth in the agenda as adopted, on the understanding that, in the event that relevant documentation was not available at the time an item was scheduled for discussion, the Commission would take up the item immediately following, and return to the deferred item when the relevant documentation became available and the item under discussion was concluded.

G. Other matters

199. At its 1342nd meeting, on 6 February 1976, the Commission authorized the Chairman to send on its behalf a message to the Permanent Representative of Guatemala to the United Nations Office at Geneva expressing the Commission's deep sympathy over the sufferings caused by the recent earthquake in Guatemala.

200. At its 1363rd meeting, on 23 February 1976, the Commission paid tribute to the memory of René Cassin. The Chairman, the Director of the Division of Human Rights on behalf of the Secretary-General, speakers representing members from all regional groups, a spokesman for the non-governmental organizations and the representative of France evoked René Cassin's invaluable contributions in the field of human rights, including in particular his role in the drafting of the Universal Declaration of Human Rights. The Commission requested the Chairman to send on its behalf a telegram of condolence to the President of the French Republic.

ANNEXES

Annex I

ATTENDANCE

Members

Austria: Mr. Felix Ermacora, Mr. R. Torovsky*

Bulgaria: Mr. Luben Pentchev, Mr. Nedeltcho Datzkov,* Mr. Christo Khalatchev*

Byelorussian Soviet Socialist Republic: Mr. I. I. Antonovich, Mr. S. S. Ogurtsov,*
Mr. Vadim I. Lukyanovich*

Canada: Mr. Y. Beaulne, Mr. L. Sirois,** Mr. F. E. K. Chandler,** Mr. P. Thibault,**
Mr. P. E. McRae**

Costa Rica: Mr. Gerardo Trejos, Mr. Miguel Mena*

Cuba: Mr. Carlos Lechuga Hevia, Mr. Miguel Alfonso Martinez,*
Mr. Humberto Rivero Rosario,* Mr. Julio Heredia Perea*

Cyprus: Mr. Justice Triantafyllides, Mr. Andreas Mavrommatis,* Mr. Nicos Macris**

Ecuador: Mr. Leopoldo Benites, Mr. Eduardo Tobar Fierro*

Egypt: Mr. Ahmed Khalifa, Mr. N. Elaraby,* Mrs. M. Tallawy,* Miss L. Emara*

France: Mr. Pierre Juvigny, Mr. René Gros,* Mrs. Suzanne Balous,** Mr. Ricardo Duque**

Germany, Federal Republic of: Mr. Gerhard Jahn, Mr. Dietrich von Kyaw,*
Mr. Hermann Hillger,** Mr. Karl Heinz Kuhna,** Mr. Hartmut Hillgenberg,**
Mr. Peter Rauschenberger**

India: Mrs. Rajan Nehru, Mr. Ranjit Sethi*

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Manoutchehr Fartash,*
Mr. Djamal Shemirani,** Miss Soheila Shahkar,** Miss Zohreh Tabatabai**

Italy: Mr. Giuseppe Sperduti, Mr. S. D'Andrea,* Mr. F. Margiotta Broglio,*
Mr. M. Alessi,** Mr. D. Occhipinti**

Jordan: Mr. Abdul Hamid Sharaf,^{a/} Mr. Waleed Sadi, Mr. Talal Hassan*

Lebanon: Mr. Mahmoud Banna, Miss Aminé Fleyfel*

Lesotho: Mr. L. E. Mathaba

* Alternate.

** Adviser.

a/ Did not attend the session.

Libyan Arab Republic: Mr. Kamel El-Mağhour, Mr. Youssef Arebi*

Pakistan: Mr. Ghulam Ali Allana, Mr. Afzal Mahmood,* Mr. Ijaz Bukhari*

Panama: Mr. Dídimo Ríos, Mr. José M. Espino González*

Peru: Mr. Luis Chávez-Godoy, Mr. Cord Dammert,* Miss Gloria Cebreros*

Rwanda: Mr. Fulgence Seminega, Mr. Antoine Ntashmaje*

Senegal: Mr. Kéba M'Baye, Mr. Abdoulaye Dièye*

Sierra Leone: Mrs. M. J. T. Kamara

Turkey: Mr. A. Coskun Kirca, Mr. Resat Arim,* Mr. Turan Firat,** Mr. Unal Marasli,**
Mr. Nuri Yildirim,** Mr. Hasim Utkan,** Mr. Osman Koruturk,** Mrs. Gönül
Dalyanoglu**

Union of Soviet Socialist Republics: Mr. V. A. Zorin, Mr. D. V. Bykov,*
Mr. K. F. Gouzenko,** Mr. A. I. Petrukhin,** Mr. S. V. Chernichenko,**
Mr. M. N. Fomin,** Mr. E. Peryshkin**

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,
Mr. David Broad,* Mr. E. W. Callway**

United Republic of Tanzania: Miss Tatu F. Nuru, Mrs. Dorah N. J. Danieli*

United States of America: Mr. Leonard Garment, Mr. Warren Hewitt,* Mr. Cameron
Hume,** Ms. Gloria Gaston,** Mrs. Lois Matteson,** Mr. John Paul Salzberg**

Upper Volta: Mr. Charles Sériba Traore, Mr. Athanase Nanema*

Uruguay: Mr. Carlos Giambruno, Miss Graziella Dubra,* Mr. Octavio González**

Yugoslavia: Mr. Aleksandar Božović, Mr. Todor Bojadzievski*

States Members of the United Nations represented by observers

Australia, Belgium, Brazil, Chile, Colombia, Czechoslovakia, German Democratic Republic, Denmark, Finland, Greece, Hungary, Iraq, Ireland, Israel, Japan, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Sweden, Syrian Arab Republic, Tunisia, Uganda, Venezuela.

Non-member States represented by observers

Holy See

United Nations bodies

Office of the United Nations High Commissioner for Refugees

* Alternate.

** Adviser.

Specialized agencies

International Labour Organisation
United Nations Educational, Scientific and Cultural Organization

Regional intergovernmental organizations

Council of Europe
League of Arab States
Organization of African Unity

National liberation movements

African National Council of Zimbabwe
Palestine Liberation Organization
Pan-Africanist Congress of Azania
South West Africa People's Organisation

Non-governmental organizations in consultative status

Category I

International Alliance of Women-Equal Rights, Equal Responsibilities,
International Confederation of Free Trade Unions, International Council of Women,
International Council on Social Welfare, International Youth and Student Movement
for the United Nations, Inter-Parliamentary Union, League of Red Cross Societies,
Women's International Democratic Federation, World Federation of Democratic Youth,
World Federation of Trade Unions

Category II

All-India Women's Conference, Amnesty International, Anti-Slavery Society,
Arab Lawyers Union, Association for the Study of the World Refugee Problem,
Bahá'i International Community, Caritas Internationalis (International Confederation
of Catholic Charities), Commission of the Churches on International Affairs,
Consultative Council of Jewish Organizations, Friends World Committee for
Consultation, International Catholic Union of the Press, International Commission of
Jurists, International Council of Jewish Women, International Committee of the Red
Cross, International Federation for Human Rights, International Federation of Business
and Professional Women, International Federation of University Women, International
Federation of Women in Legal Careers, International Federation of Women Lawyers,
International Law Association, International Union for Child Welfare, International
University Exchange Fund, Pan-Pacific and South-East Asia Women's Association,
Socialist International, Women's International League for Peace and Freedom, Women's
International Zionist Organization, World Alliance of Young Men's Christian
Associations, World Jewish Congress, World Union of Catholic Women's Organizations,
World Young Women's Christian Association

Roster

International Humanist and Ethical Union, Minority Rights Group, Movement
against Racism, Antisemitism and for Peace, World Peace Council.

Annex II

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East (Commission resolution 6 A (XXXI))
5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment (Commission resolution 8 (XXXI))
6. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries (Commission resolution 2 (XXXI))
7. Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission (Commission resolution 10 (XXXI) and Commission decision 8 (XXXI))
8. The role of youth in the promotion and protection of human rights (Commission resolution 11 A (XXVII) and Commission decision 9 (XXXI)), including:
 - (a) The question of conscientious objection to military service (Commission resolution 11 B (XXVII))
 - (b) Channels of communication with youth and international youth organizations: report of the Ad Hoc Advisory Group on Youth (Economic and Social Council resolution 1842 (LVI))
9. The right of peoples to self-determination and its application to peoples under colonial and alien domination (Commission resolution 3 (XXXI))
10. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (Commission resolution 3 (XXX))
11. Human rights and scientific and technological developments (General Assembly resolutions 2450 (XXIII), 2721 (XXV), 3026 B (XXVII), 3149 (XXVIII) and 3268 (XXIX); Commission resolutions 10 (XXVII), 2 (XXX) and 11 (XXXI))
12. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (General Assembly resolutions 3069 (XXVIII) and 3267 (XXIX); Commission decision 11 (XXXI))

13. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories, including:
 - (a) Report of the Ad Hoc Working Group of Experts (Commission resolution 5 (XXXI))
 - (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLIII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-first session (Commission decision 7 (XXXI) and Economic and Social Council decision 79 (LVIII))
14.
 - (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
 - (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3377 (XXX))
15. Status of the International Covenants on Human Rights
16. Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment:
 - (a) Necessary steps for ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3453 (XXX))
 - (b) Reports of the Committee on Crime Prevention and Control (Economic and Social Council resolution 1584 (L) and Commission decision 12 (XXXI))
 - (c) Study of the right of everyone to be free from arbitrary arrest, detention and exile, study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and draft principles on freedom from arbitrary arrest and detention (Commission resolution 23 (XXV) and Commission decision 12 (XXXI))
 - (d) Formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile and the draft principles contained therein (General Assembly resolution 3453 (XXX))
17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session

18. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live (Economic and Social Council resolutions 1790 (LIV) and 1871 (LVI); Commission decision 4 (XXXI))
19. Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons (Economic and Social Council resolution 1787 (LIV) and Commission resolution 1 (XXXI))
20. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred (General Assembly resolution 2839 (XXVI) and Commission decision 12 (XXXI))
21. Advisory services in the field of human rights (General Assembly resolution 926 (X) and Economic and Social Council resolution 1008 (XXXVII))
22. Communications concerning human rights
23. Draft provisional agenda and information concerning documentation for the thirty-third session of the Commission (Economic and Social Council resolution 1894 (LVII))
24. Report to the Economic and Social Council on the thirty-second session of the Commission.

Annex III

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

1. In the course of its thirty-second session, the Commission adopted two resolutions that have financial implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.
2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its thirty-first session any additional resources needed to implement the proposals in 1976 and 1977.
3. The financial implications arising from proposals emanating from the thirty-second session of the Commission are summarized as follows:

Summary table of financial implications of resolutions adopted
 by the Commission on Human Rights at its thirty-second session

	<u>Biennium 1976-1977</u>		
	<u>1976</u>	<u>1977</u> (US dollars)	<u>Total</u>
<u>Resolution number and subject</u>			
3 (XXXI). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment	216,300	87,500	303,800
7 (XXXII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission	216,300	6,000	309,800
<u>Requirements</u>			
Travel and subsistence of the five members of the Ad Hoc Working Group, of witnesses and of substantive administrative and conference servicing staff; conference servicing costs and general expenses			6,000
Possible travel of three officers of the Commission; conference servicing costs			93,500

Resolution 3 (XXXII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment

4. In paragraph 6 of the resolution, the Commission on Human Rights extends the mandate of the present Ad Hoc Working Group of five members of the Commission, acting in their personal capacity as experts, and requests the Group to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular any developments, legislative or otherwise, which may occur to re-establish respect for human rights and fundamental freedoms in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of United Nations bodies; thereafter, the Group shall cease to exist. Under paragraph 7 of the resolution, the Secretary-General is requested to render to the Ad Hoc Working Group all the assistance which it might require in its work. In paragraph 8, the Commission recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution.

5. For the purpose of determining the financial implications of the resolution, the following assumptions have been made:

(a) The Working Group would visit Chile during the summer of 1976 for a period of three weeks, accompanied by one principal secretary, three substantive officers, two secretaries experienced in the work of the Division of Human Rights, and information, administrative and technical staff. The visit to Chile would be preceded by one week of meetings in Geneva, at the end of May, in order to organize the Group's work and the field mission to Chile and consult as appropriate with the Government of Chile on modalities of the visit to Chile. A further week for hearing testimony and gathering oral and written information in a suitable country in South America is also envisaged.

(b) Should the mission to Chile not materialize in the available time, the Group would require one or two weeks of meetings in Geneva, and its meetings on the American continent would be held over a period of two weeks.

(c) The Working Group would meet for a further period of three weeks in Geneva in late summer 1976 for the purpose of gathering information and preparing and adopting its report to the General Assembly at its thirty-first session under General Assembly resolution 3448 (XXX). The Chairman/Rapporteur would be present in Geneva one week before the meeting of the Working Group in connexion with the preparation of the report.

(d) The Chairman/Rapporteur of the Working Group would spend three weeks at Headquarters, New York, at the time of the submission of the report of the Working Group to the General Assembly at its thirty-first session.

(e) The Working Group would meet for a period of three weeks in Geneva in January 1977 for the purpose of gathering information and preparing and adopting its report to the thirty-third session of the Commission on Human Rights, scheduled to begin on 7 February 1977.

(f) In case the Chairman/Rapporteur is not a member of the Commission on Human Rights in 1977, provision has been made for his presence in Geneva for two weeks in February 1977 to present the report of the Working Group to the Commission.

6. On the above assumptions, the relevant costs are estimated as follows:

	<u>1976</u>	<u>1977</u>
	(US dollars)	
I. Meeting in Geneva, May 1976 (one week)		
Travel and subsistence of five members		
(a) Travel (first class)	6,900	
(b) Subsistence	2,200	
Conference servicing costs		
(a) Interpretation and sound technicians	(6,600) ^{a/}	
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 150 pages, restricted distribution)	(7,000) ^{a/}	
(c) Travel and subsistence of witnesses	3,000	
(d) Temporary assistance for transcription of taped evidence	300	
(e) Press clippings and other related services	200	
II. Field mission to Chile (three weeks) plus one week in another Latin American country, summer 1976 (total four weeks)		
Travel and subsistence of five members		
(a) Travel (first class)	12,100	
(b) Subsistence	7,700	

1976 1977
(US dollars)

Travel and subsistence of substantive,
administrative and conference servicing staff
(composition of staff listed below)

(a)	Travel	13,200
(b)	Subsistence	6,000
(c)	Staff from Division of Human Rights	
	Principal secretary	1
	Substantive officers	3
	Secretaries	2
(d)	Administrative and conference servicing staff which other United Nations offices in Latin America may provide without charge	
	Administrative officer	1
	Information officer	1
	Bilingual secretaries	2
	Typists	2
(e)	Travel, subsistence and salaries of staff loaned by United Nations offices in Latin America and Headquarters, and servicing staff recruited by ECIA in Latin America	40,000
	Interpreters	7
	Translators	3
	Verbatim reporters	3
	Sound engineer	1
	Secretary	1
(f)	Travel and subsistence of witnesses (and experts from outside Chile)	9,000
(g)	Additional travel expenses and subsistence for team of interpreters, plus supporting conference servicing staff required for meetings in another Latin American country for one week	5,000

1976 1977
 (US dollars)

(h) General expenses	9,000
Rental of conference facilities and office space	
Local transportation and communications	
Air freight for equipment and documentation	
Rental of equipment	
Miscellaneous expenses	

III. In the event that the mission to Chile does not materialize, meeting in Geneva, summer 1976 (one to two weeks) plus field mission to a Latin American country (two weeks) (total three to four weeks)

Meeting in Geneva, summer 1976

Travel and subsistence of five members

(a) Travel (first class)	6,900
(b) Subsistence	2,200

Conference servicing costs

(a) Interpretation and sound technicians	(6,600) ^{a/}
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 400 pages, restricted distribution)	(20,000) ^{a/}
(c) Travel and subsistence of witnesses	4,000
(d) Temporary assistance for transcription of taped evidence	300
(e) Press clippings and other related services	200

1976 1977
(US dollars)

Field mission

Travel and subsistence of five members

- | | |
|--------------------------|--------|
| (a) Travel (first class) | 11,000 |
| (b) Subsistence | 3,500 |

Travel and subsistence of substantive, administrative and conference servicing staff (composition of staff listed below)

- | | |
|-----------------|-------|
| (a) Travel | 9,000 |
| (b) Subsistence | 3,000 |

(c) Staff from Division of Human Rights

Principal secretary	1
Substantive officers	2
Secretaries	2

(d) Administrative and conference servicing staff which other United Nations offices in Latin America may provide without charge

Administrative officer	1
Information officer	1
Bilingual secretaries	2
Typists	2

(e) Travel, subsistence and salaries of staff loaned by United Nations offices in Latin America and Headquarters and servicing staff recruited by ECLA in Latin America	20,000
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Interpreters	7
Translators	3
Verbatim reporters	3
Sound engineer	1
Secretary	1

(f) Travel and subsistence of witnesses (and experts from outside Chile)	5,000
--	-------

	<u>1976</u>	<u>1977</u>
	(US dollars)	
(g) General expenses	8,000	
Rental of conference facilities and office space		
Local transportation and communications		
Air freight for equipment and documentation		
Rental of equipment		
Miscellaneous expenses		
IV. Meeting in Geneva, late summer 1976 (three weeks)		
Travel and subsistence of five members		
(a) Travel (first class)	6,900	
(b) Subsistence	7,100	
Conference servicing costs		
(a) Interpretation and sound technicians	(19,800) ^{a/}	
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution)	(35,000) ^{a/}	
(c) Travel and subsistence of witnesses	12,000	
(d) Temporary assistance for transcription of taped evidence	2,600	
(e) Press clippings and other related services	700	
V. Travel and subsistence of Chairman/Rapporteur of Working Group for mission to Headquarters, New York, at thirty-first session of General Assembly (three weeks)		
(a) Travel	2,600	
(b) Subsistence	1,400	

1976 1977
 (US dollars)

VI. Meeting in Geneva, January 1977 (three weeks)

Travel and subsistence of five members (travel costs will be reduced by appropriate amounts for those members of the Group who will travel to Geneva under their normal entitlements as members of the Commission)

- | | |
|--------------------------|-------|
| (a) Travel (first class) | 6,900 |
| (b) Subsistence | 7,100 |

Conference servicing costs

- | | |
|--|------------------------|
| (a) Interpretation and sound technicians | (19,800) ^{a/} |
| (b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution) | (35,000) ^{a/} |
| (c) Travel and subsistence of witnesses | 12,000 |
| (d) Temporary assistance for transcription of taped evidence | 2,600 |
| (e) Press clippings and other related services | 700 |

VII. Travel of Chairman/Rapporteur to Geneva at thirty-third session of the Commission on Human Rights (two weeks) (provisional)

- | | |
|-----------------|-------|
| (a) Travel | 2,300 |
| (b) Subsistence | 1,100 |

Summary

1976 1977
 (US dollars)

- | | |
|---|------------------------|
| I. Meeting in Geneva, May 1976 (one week) | 26,200 |
| II. Field mission to Chile (three weeks) plus one week in another Latin American country (total four weeks) | 102,000 |
| III. In the event that the mission to Chile does not materialize, meeting in Geneva, summer 1976 (one to two weeks), plus field mission to a Latin American country (two weeks) (total three to four weeks) | (99,700) ^{b/} |

	<u>1976</u> (US dollars)	<u>1977</u>
IV. Meeting in Geneva, late summer 1976 (three weeks)	84,100	
V. Travel of Chairman/Rapporteur to Headquarters, thirty-first session of the General Assembly (three weeks)	4,000	
VI. Meeting in Geneva, January 1977 (three weeks)		84,100
VII. Travel of Chairman/Rapporteur to thirty-third session of the Commission on Human Rights (two weeks)		<u>3,400</u>
	<u>216,300</u>	<u>87,500</u>
TOTAL		<u>303,800</u>

a/ These costs may be met from existing resources, permanent and temporary, at the disposal of the United Nations Office at Geneva for its 1976-1977 Conference Programme, provided these meetings are included in that programme.

b/ Not included in over-all total of costs.

Resolution 7 (XXXII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of a long-term programme of work of the Commission

7. In paragraph 1 of the resolution, the Commission on Human Rights recommends to the Economic and Social Council that it authorize the officers of the thirty-second session of the Commission to hold preparatory meetings at least three days before the beginning of the thirty-third session.

8. For the purpose of determining the financial implications of the resolution, it has been noted that the terms of office of three out of the five officers of the thirty-second session of the Commission, extend through 1976 only (France, India, Sierra Leone). Should these three officers not be members of the Commission on Human Rights at its thirty-third session, provision is made for their presence in Geneva for at least three days in February 1977 in order to hold their preparatory meetings. The travel of the other two officers will be covered under normal provisions for the attendance of members of the Commission.

9. On the above assumptions, the relevant costs are estimated as follows:

	<u>1977</u> (US dollars)
Travel of three officers of the thirty-second session of the Commission to Geneva and return (February 1977)	2,500
Conference costs (interpretation and sound engineer)	3,500
TOTAL	<u>6,000</u>

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-SECOND SESSION OF THE COMMISSION

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/923/Add.9	Decisions taken by United Nations bodies containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries (tenth supplement to document E/4226)	13
E/CN.4/1108/Rev.1 - E/CN.4/1131/Rev.1	<u>The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress</u> by Manouchehr Ganji, Special Rapporteur of the Commission on Human Rights (United Nations publication, Sales No. E.75.XIV.2)	6
E/CN.4/1155/Add.29-32	Reports on economic, social and cultural rights for the period 1 July 1969-30 June 1973 received from Governments under Economic and Social Council resolution 1074 C (XXXIX) since the thirty-first session of the Commission	6
E/CN.4/1168/Add.2 and Add.3	Analysis of further replies of Member States prepared by the Secretary-General in accordance with Commission resolution 10 (XXXI)	7
E/CN.4/1172/Add.1-3	Protection of the human personality and its physical and intellectual integrity in the light of advances in biology, medicine and biochemistry: report of the Secretary-General	11
E/CN.4/1180	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-eighth session	17
E/CN.4/1181	Note by the Secretary-General	13
E/CN.4/1182 and Add.1-2	Provisional agenda of the thirty-second session of the Commission on Human Rights: note by the Secretary-General	2
E/CN.4/1183 and Add.1	Note by the Secretary-General	4
E/CN.4/1184	Report of the Secretary-General	4

<u>Documents issued in the general series (continued)</u>		<u>Agenda item</u>
E/CN.4/1185	Note verbale dated 10 December 1975 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General	
E/CN.4/1186 and Corr.1	Report of the Secretary-General, prepared in pursuance of Commission on Human Rights resolution 4 (XXXI) and of General Assembly resolution 3450 (XXX)	13
E/CN.4/1187	Report of the <u>Ad Hoc</u> Working Group of Experts prepared in accordance with Commission resolution 5 (XXXI)	13 (a)
E/CN.4/1188	Report of the <u>Ad Hoc</u> Working Group established under resolution 8 (XXXI) of the Commission on Human Rights to inquire into the present situation of human rights in Chile	5
E/CN.4/1189	Deliberations and decisions of the General Assembly concerning alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms pursuant to General Assembly resolutions 3136 (XXVIII) and 3221 (XXIX): report prepared by the Secretary-General under paragraph 3 (a) of resolution 10 (XXXI) of the Commission on Human Rights	7
E/CN.4/1190	Discussions and recommendations of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relating to the various aspects of human rights, with particular reference to General Assembly resolution 3218 (XXIX), as well as the decisions of the General Assembly on the matter: report prepared by the Secretary-General under paragraph 3 (b) of Commission resolution 10 (XXXI)	7
E/CN.4/1191	Discussions and recommendations of the World Food Conference, the World Population Conference and the United Nations Conference on the Human Environment relating to the various aspects of implementation of human rights: report prepared by the Secretary-General under paragraph 3 (c) of Commission resolution 10 (XXXI)	7

<u>Documents issued in the general series (continued)</u>		<u>Agenda item</u>
E/CN.4/1192 and Corr.1	Description of the use made of the United Nations advisory services programme in the field of human rights since the adoption of General Assembly resolution 926 (X): report prepared by the Secretary-General under paragraph 3 (d) of resolution 10 (XXXI) of the Commission on Human Rights	7
E/CN.4/1193	Ways and means of achieving, within the framework of the Committee for Programme and Co-ordination, intensified co-operation and co-ordination between various organs and secretariat units of the United Nations and of the specialized agencies whose work bears on the enjoyment of various aspects of human rights: report submitted by the Secretary-General under resolution 10 (XXXI), paragraph 3 (e), of the Commission on Human Rights	7
E/CN.4/1194	Analysis of views and observations of Governments and specialized agencies prepared by the Secretary-General in accordance with resolution 2 (XXX) of the Commission on Human Rights	11
E/CN.4/1195	Information received from Governments pursuant to paragraph 2 of General Assembly resolution 3268 (XXIX) of 10 December 1974: note by the Secretary-General	11
E/CN.4/1196	The impact of scientific and technological developments on economic, social and cultural rights: report by the United Nations Educational, Scientific and Cultural Organization	11
E/CN.4/1197	Note by the Secretariat	5
E/CN.4/1198	The impact of scientific and technological developments on economic, social and cultural rights: report of the Secretary-General	11
E/CN.4/1199 and Add.1	The balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity: report of the Secretary-General	11
E/CN.4/1200 and Add.1	Annual reports on racial discrimination submitted by the ILO and UNESCO in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI): note by the Secretary-General	13

<u>Documents issued in the general series (continued)</u>		<u>Agenda item</u>
E/CN.4/1201 and Add.1	Information submitted in accordance with Economic and Social Council resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights: note by the Secretary-General	
E/CN.4/1202	Note verbale dated 21 October 1975 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	13
E/CN.4/1203	Letter dated 27 January 1976 from the Permanent Representative of Portugal to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	13
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b/ Document E/CN.4/1212 contains the text of the working documents of the thirty-second session, which were originally distributed to participants only.

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