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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention  
of Discrimination and  
Protection of Minorities

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

Geneva, 10 August-4 September 1987

Rapporteur: Mr. Louis Joinet

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NOTES

1. The summary records of the meetings are issued in final form by meeting, subject to correction. Any corrections to the records of the meetings of the current session will be issued in a single corrigendum -  
E/CN.4/Sub.2/SR.1-SR.37 Corrigendum.

2. The number in parenthesis following the name of a country or organization indicates the meeting at which a statement was made by that country or organization and corresponds to the relevant summary record.

3. At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.

Chapter I has been prepared in accordance with that resolution. Draft resolutions recommended to the Commission for adoption are contained in section A. Resolutions and/or decisions referring to matters which require action or consideration by the Commission are indicated in section B.

I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS  
FOR ITS ATTENTION, ACTION OR CONSIDERATION

A. Draft resolutions recommended for adoption by the Commission on Human Rights

I. Enhancing universal respect for human rights

The Commission on Human Rights,

Having considered Sub-Commission resolution 1987/1 of 31 August 1987,

Mindful of the importance of universal respect for human rights and consequently of the implementation of the relevant international instruments,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1988/... of ... 1988,

Mindful of the importance of universal respect for human rights and consequently of the implementation of the relevant international instruments,

Recommends the following draft resolution to the General Assembly for adoption:

The General Assembly,

Taking into consideration Economic and Social Council resolution 1988/... of ... 1988,

Aware, as of 15 June 1987:

(a) That only 90 States have ratified or adhered to the International Covenant on Economic, Social and Cultural Rights;

(b) That only 86 States have ratified or adhered to the International Covenant on Civil and Political Rights;

(c) That only 38 States have ratified or adhered to the Optional Protocol to the International Covenant on Civil and Political Rights,

Noting that nearly half the States Members of the United Nations still have not seen fit to ratify or adhere to the two International Covenants on Human Rights and three quarters have not acceded to the Optional Protocol to the International Covenant on Civil and Political Rights,

Considering that more than 20 years have elapsed since those instruments were adopted by the General Assembly,

Deeply concerned furthermore by the difficulties in implementing those instruments as well as the related treaties and conventions on human rights for which bodies to supervise their implementation have been provided,

Bearing in mind that a substantial number of States parties to the International Covenants on Human Rights, the Optional Protocol to the International Covenant on Civil and Political Rights and related treaties and conventions have not produced, at one time or another, the regular reports required by those instruments,

Recalling General Assembly resolution 41/121 of 4 December 1986 dealing with "Reporting obligations under United Nations instruments on human rights",

Recalling also Commission on Human Rights resolution 1987/26 of 10 March 1987 dealing with the "Status of the International Covenants on Human Rights",

Recognizing that repeated exhortations have not brought the expected results and that more specific measures ought to be taken with a view to improving the current situation concerning universal respect for human rights and the relevant international instruments,

Considering that the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, in 1988, will offer a unique opportunity to enhance interest in, and improve respect for, human rights, be they civil and political or economic, social and cultural,

Convinced that the United Nations could well seize this opportunity to launch a world-wide campaign aimed at the universal ratification of the relevant international instruments,

1. Calls solemnly upon all States which have not yet ratified or adhered to the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, to consider doing so;

2. Again calls solemnly upon all States parties to the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights and to the related treaties and conventions on human rights to file regularly and without delay the reports which they have undertaken to produce for examination by the relevant bodies set up to supervise their implementation;

3. Requests the Secretary-General to communicate to the Sub-Commission, on the occasion of the discussion of item 4 of its agenda entitled "Review of further developments in fields with which the Sub-Commission has been concerned":

(a) The countries which have ratified the Covenants and the Optional Protocol, and the other international instruments relating to the protection and promotion of human rights, and, at the same time, a list of countries which have not yet been able to undertake such ratifications;

(b) The States parties to these instruments which have not promptly submitted the reports to be considered by the bodies set up to supervise implementation of the relevant instruments;

4. Suggests that, to the extent that they are willing to co-operate, the States concerned should inform the Secretary-General of the nature of the legal difficulties which have prevented them from undertaking such ratifications;

5. Reaffirms the necessity for all States parties to the International Covenants on Human Rights, the Optional Protocol to the International Covenant on Civil and Political Rights and related treaties and conventions to comply with their reporting obligations;

6. Assures the various bodies set up to supervise implementation of its support;

7. Urges the bodies set up to supervise implementation to keep on monitoring faithfully the observance by the States parties of their obligations under the relevant human rights instruments;

8. Suggests to the Secretary-General that a world-wide campaign should be launched in 1988 by the United Nations aiming at the universal ratification of the relevant international instruments dealing with human rights.

[See chap. II, sect. A, resolution 1987/1 and chap. IV.]

## II. War crimes files - access and guidelines

### The Commission on Human Rights,

Mindful of Sub-Commission resolution 1987/2 of 31 August 1987,

1. Acknowledges the significance of gathering information on violations of human rights and fundamental freedoms from all sources, and further, that files assembled by the War Crimes Commission might contain important sources of information concerning violations of human rights and fundamental freedoms during the Nazi régime;

2. Recognizes the importance of broader access to the files of the War Crimes Commission;

3. Encourages the Secretary-General to pursue his efforts at setting new guidelines for such access, in consultation with the 17 Member States which formerly composed the War Crimes Commission;

4. Suggests to the Secretary-General that the Sub-Commission might usefully contribute its expertise in standard setting by advising the Secretary-General on draft guidelines concerning who, if anyone, other than Member States should have access to the files of the War Crimes Commission and under what circumstances.

[See chap. II, sect. A, resolution 1987/2 and chap. V.]

III. Implementation of the International Convention on the  
Elimination of All Forms of Racial Discrimination

The Commission on Human Rights,

Noting Sub-Commission resolution 1987/3 of 31 August 1987,

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination which is the most widely accepted human rights instrument adopted under the auspices of the United Nations as well as of the contribution of the Committee on the Elimination of Racial Discrimination to the United Nations efforts to combat racism and racial discrimination on a global scale,

Considering the relatively low cost of enabling the Committee to continue its important work of monitoring the implementation of the Convention,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Noting resolution 1987/3 of 31 August 1987 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1988/... of ... 1988,

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination which is the most widely accepted human rights instrument adopted under the auspices of the United Nations as well as of the contribution of the Committee on the Elimination of Racial Discrimination to the United Nations efforts to combat racism and racial discrimination on a global scale,

Considering the relatively low cost of enabling the Committee to continue its important work of monitoring the implementation of the Convention,

Recommends the following draft resolution to the General Assembly for adoption:

The General Assembly,

Taking note of Economic and Social Council resolution 1988/... of ... 1988,

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination which is the most widely accepted human rights instrument adopted under the auspices of the United Nations as well as of the contribution of the Committee on the Elimination of Racial Discrimination to United Nations efforts to combat racism and racial discrimination on a global scale,

Considering the relatively low cost of enabling the Committee to continue its important work of monitoring the implementation of the Convention,

Authorizes the Secretary-General on a temporary basis, to ensure the financing of the expenses of the members of the Committee on the Elimination of Racial Discrimination from the United Nations regular budget, until such time as a more permanent solution of the financial difficulties impeding the functioning of that Committee is found.

[See chap. II, sect. A, resolution 1987/3 and chap. V.]

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

The Commission on Human Rights,

Having considered Sub-Commission resolution 1987/6 of 31 August 1987,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Mindful of its resolution 1984/24 of 24 May 1984 which authorized the Sub-Commission to entrust Mr. Asbjørn Eide with carrying out a study on the achievements of, and obstacles encountered during, the first Decade for Action to Combat Racism and Racial Discrimination,

Having considered Sub-Commission resolution 1987/6 of 31 August 1987 and Commission on Human Rights resolution 1988/... of ... 1988,

1. Authorizes Mr. Eide to proceed with the collection of the information he needs for the completion of the study, as listed in his progress report;
2. Requests the Secretary-General to provide all the necessary assistance to the Special Rapporteur in his efforts to collect the necessary information.

[See chap. II, sect. A, resolution 1987/6 and chap. VI.]

V. Report on banks, transnational corporations and other organizations assisting the racist régime of South Africa

The Commission on Human Rights,

Noting Sub-Commission resolution 1987/7 of 31 August 1987,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

Recommends to the Economic and Social Council the adoption of the following resolution,

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1987/Rev.1 and Add.1 - Parts I and II);
2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;
3. Welcomes with satisfaction resolution 1988/ ... of ... 1988 of the Commission on Human Rights, in which the Commission;
4. Invites the Special Rapporteur:
  - (a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;
  - (b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;
  - (c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;
5. Calls upon all Governments:
  - (a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;
  - (b) To disseminate the updated report and give its contents the widest possible publicity;
6. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, to consider the revised report at their fortieth and forty-fourth sessions respectively;
7. Requests the Secretary-General, in accordance with General Assembly resolution 41/95 of 4 December 1986 to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;
8. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid;



9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1987/7 and chap. VI.]

VI. Study of the problem of discrimination against indigenous populations

The Commission on Human Rights,

Noting Sub-Commission resolution 1987/8 of 31 August 1987,

Having examined the report of the Working Group on Indigenous Populations on its fifth session held from 3 to 7 August 1987,

Having examined also the final progress report of the Special Rapporteur of the Sub-Commission, Mr. Eide, on the achievements of, and obstacles encountered during, the first Decade to Combat Racism and Racial Discrimination,

Convinced of the need for the widest possible exchange of views in this field among Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Noting Commission on Human Rights resolution 1988/... of ... 1988,

Recalling the final report of the Special Rapporteur, Mr. Martínez Cobo, on the problem of discrimination against indigenous populations, in which he recommended the organization of international seminars within the programme of advisory services,

Recalling also the recommendations of the Second World Conference to Combat Racism and Racial Discrimination, in particular those relating to the protection of indigenous rights, and to the use of education and the mass media to combat racial discrimination,

1. Requests the Secretary-General to ensure that the recognition and promotion of the rights of indigenous peoples are included in future United Nations activities under the Programme of Action to Combat Racism and Racial Discrimination, and to invite representatives of indigenous nations, peoples and communities, including non-governmental organizations, to participate in the planning and implementation of these activities;

2. Requests the Secretary-General to organize in 1988, within the programme of advisory services, a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States;

3. Encourages all States to ensure that educational and informational activities, including national celebrations, reflect an accurate interpretation of history, and do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples.

[See chap. II, sect. A, resolution 1987/8 and chap. VI.]

VII. Proposal to proclaim an International Year of the World's Indigenous Populations

The Commission on Human Rights,

Recalling the recommendation of the Special Rapporteur, José R. Martínez Cobo, in his study of the problem of discrimination against indigenous populations that 1992 should be proclaimed an International Year of the World's Indigenous Populations,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1982/34 of 7 May 1982, authorizing the establishment annually of a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the rights of indigenous populations, giving special attention to the evolution of standards,

Recalling also its resolution 1986/34 of 23 May 1986, endorsing the Working Group's efforts to prepare a draft declaration of rights for possible consideration by the General Assembly,

Noting that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1987/15 of 2 September 1987, has endorsed the recommendation that the Working Group make every effort to complete the draft declaration as soon as possible,

Conscious of the continuing struggle by the indigenous peoples around the world to enjoy their inalienable human rights and fundamental freedoms,

Recommends that the General Assembly proclaim 1992 the International Year of the World's Indigenous Populations.

[See chap. II, sect. A, resolution 1987/15 and chap. XI.]

VIII. Draft Declaration of Principles on the Rights of Indigenous Populations

The Commission on Human Rights,

Recommends the adoption by the Economic and Social Council of the following draft resolution:

The Economic and Social Council,

1. Requests the Chairman/Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, to prepare a working paper containing a set of principles and preambular paragraphs for insertion in a draft declaration, for consideration at the Working Group's sixth session in 1988;

2. Requests the Secretary-General to give all necessary assistance to Mrs. Daes in the completion of this task.

[See chap. II, sect. A, resolution 1987/16 and chap. XI.]

IX. Study on treaties concluded between indigenous peoples and States

The Commission on Human Rights,

Recalling that in the Study of the Problem of Discrimination Against Indigenous Populations, Mr. Martínez Cobo, the Special Rapporteur, pointed out that a thorough and careful additional study should be made on various areas covered by the treaties concluded between indigenous peoples and present nation-States, in the light of prevailing principles and norms in this field,

Further recalling that the Special Rapporteur recommended that in undertaking such study, account must necessarily be taken of the points of view of all parties directly involved in such treaties, as well as of the opinions and data from the various sources concerned, primarily the Governments and indigenous peoples which have signed such treaties,

Bearing in mind that in resolution 1987/17 of 2 September 1987 the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorsed the recommendation made by its Working Group on Indigenous Populations on the advisability of undertaking such a study, and decided to request Mr. Miguel Alfonso Martínez to prepare a document in which, in the light of Mr. Martínez Cobo's report and the opinions expressed on this issue in the Working Group and in the Sub-Commission, the general outline of such a study and the various sources upon which such a study should be based are to be analysed, and to submit it to the Sub-Commission for consideration at its fortieth session,

1. Recommends to the Economic and Social Council to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mr. Miguel Alfonso Martínez, Special Rapporteur, with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all the parties concerned;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in the exercise of his mandate;

3. Requests the Special Rapporteur to present to the Sub-Commission at its forty-first session a preliminary report on the basis of the document requested by the Sub-Commission in its resolution 1987/17 and the views expressed by the Sub-Commission during the discussion to be held on the said document at its fortieth session.

[See chap. II, sect. A, resolution 1987/17 and chap. XI.]

X. Draft body of guidelines, principles and guarantees of the rights of persons detained on grounds of mental ill-health or suffering from mental disorder

The Commission on Human Rights,

Taking note of Sub-Commission resolution 1987/22 of 3 September 1987,

Expressing its appreciation and thanks to the Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder,

Taking into consideration General Assembly resolution 41/114, which urges the Commission and, through it, the Sub-Commission, to expedite their consideration of the draft body of guidelines, principles and guarantees,

1. Requests the Sub-Commission:

(a) To attach much greater emphasis to the Working Group and its drafting assignments at the fortieth session;

(b) As a matter of urgency to complete the work on the draft body of guidelines, principles and guarantees at its fortieth session;

(c) To take account of the paper presented by the World Health Organization and to submit it to the Working Group for consideration;

2. Requests the Secretary-General to give to the Working Group any assistance necessary to complete its important work.

[See chap. II, sect. A, resolution 1987/22 and chap. X.]

XI. The right to food

The Commission on Human Rights,

Recalling its resolutions 1986/15 and 1987/19, in which it urged the Sub-Commission to pursue the study on the right to food as a matter of priority and to submit it to the Commission as soon as possible,

Having received the final report on the right to adequate food as a human right prepared by Mr. Asbjørn Eide, and the relevant records of the Sub-Commission,

Expressing its appreciation and thanks to the Special Rapporteur for his thorough and comprehensive study,

1. Recommends to Governments which have not already done so, to draw up plans for national food security along the lines suggested in the study and their own development plans;
2. Urges Governments to recognize and to comply with their obligations, particularly those related to international co-operation, in regard to the peoples of other States, arising from the right to food and from principles enshrined in the Charter of the United Nations and other instruments;
3. Calls on national and international non-governmental organizations to support the efforts to realize the right to food world-wide, and to base their efforts on the right to food rather than on policy statements;
4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its decision 1983/140, in which it authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Asbjørn Eide with the task of preparing a study on the right to adequate food as a human right, giving special attention to the normative content of the right to food and its significance for the establishment of a new international economic order,

Noting with satisfaction that a comprehensive final study on this subject was presented by the Special Rapporteur, Mr. Asbjørn Eide, to the Sub-Commission at its thirty-ninth session,

Recalling Sub-Commission resolution 1987/27 of 3 September 1987 and resolution 1988/... of ... 1988 of the Commission on Human Rights,

1. Decides that the study should be published by the United Nations and given the widest possible circulation;
2. Decides to take steps to ensure better co-ordination between specialized agencies, other organs dealing with food-related matters, and the human rights bodies of the United Nations, if possible through inter-agency co-ordination;
3. Calls on the Committee on Economic, Social and Cultural Rights to examine, as a matter of priority, the recommendations concerning its methods of work contained in the study prepared by Mr. Asbjørn Eide, and to submit to the Economic and Social Council its observations on these recommendations at the earliest possible opportunity.

[See chap. II, sect. A, resolution 1987/27 and chap. XII.]

B. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

Resolutions

Situation in Namibia	1987/9, para. 5
Situation of human rights in the Islamic Republic of Iran	1987/12, paras. 2 and 3
Situation in East Timor	1987/13, para. 4
Recovery of nations' assets illegally removed by violators of human rights	1987/14, para. 14
Situation in El Salvador	1987/18, para. 7
Situation of human rights in Chile	1987/20, paras. 1-4
Staff members of the United Nations and specialized agencies in detention	1987/21, para. 2
Question of human rights and states of emergency	1987/25, para. 4
Study on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights	1987/29 A. para. 1 B. paras. 1 and 2
Report of the Working Group on Slavery and Slavery-like Practices	1987/32, paras. 3-7
Elimination of all forms of intolerance and of discrimination based on religion or belief	1987/33, para. 5

Decisions

Question of human rights of persons subjected to any form of detention or imprisonment	1987/108, para. 3
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II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION  
AT ITS THIRTY-NINTH SESSION

A. Resolutions

1987/1. Enhancing universal respect for human rights

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

Mindful of the importance of universal respect for human rights and consequently of the implementation of the relevant international instruments;

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

30th meeting  
31 August 1987

[Adopted by 13 votes to none, with 4 abstentions. See chap. IV.]

1987/2. War Crimes Files - Access and Guidelines

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

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967 which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII),

Noting that files assembled by the War Crimes Commission might contain important sources of information concerning violations of human rights and fundamental freedoms during the Nazi régime,

Understanding that the War Crimes Commission files of which the United Nations is custodian are at present accessible only to Member States by virtue of rules established by the United Nations Secretariat, which has custody thereof,

Being informed that the Secretary-General has recently determined that at least a majority of the 17 States which were members of the Commission are now willing for access to be available more broadly, under conditions to be determined jointly,

Taking note of recent efforts at bringing suspected war criminals to justice, more particularly in Canada, France, Federal Republic of Germany, Israel, the United States of America, the Union of Soviet Socialist Republics, and Yugoslavia,

Welcoming the prospect of a decision to broaden access to War Crimes Commission files,

Being informed that the Secretary-General has convened for September 1987 a meeting of representatives of the 17 Member States which were members of the War Crimes Commission,

Believing that the views of a body of human rights experts could be helpful in advising on the content of new rules to govern such broader access,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

30th meeting  
31 August 1987

[Adopted by 15 votes to none, with 4 abstentions. See chap. V.]

1987/3. Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination

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

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination which is the most widely accepted human rights instrument adopted under the auspices of the United Nations as well as of the contribution of the Committee on the Elimination of Racial Discrimination to the United Nations efforts to combat racism and racial discrimination on a global scale,

Considering the relatively low cost of enabling the Committee to continue its important work of monitoring the implementation of the Convention,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

30th meeting  
31 August 1987

[Adopted without a vote. See chap. V.]



1987/4. Detention and punishment of war criminals and persons who have committed crimes against mankind, and the struggle against the resurgence of Nazi ideas

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

Recalling General Assembly resolution 3 (I) of 13 February 1946 concerning the development of international co-operation to secure the punishment, in the countries where their deeds were committed, of war criminals and persons having committed crimes against mankind,

Appreciating the co-operation between the Bolivian and French authorities that, after investigations by private parties and in full respect for the right to a fair trial, made possible the exemplary punishment of Klaus Barbie because of his crimes against mankind,

Noting with satisfaction the spirit of co-operation shown by the Government of the United States of America in facilitating the extradition of certain war criminals who, in the aftermath of the Second World War, attempted to elude their responsibility by taking refuge in United States territory,

Further noting with satisfaction the initiatives undertaken on this subject by the Government of Canada, with the establishment in May 1985, of a Commission of Inquiry on war criminals, and the bill proposed to Parliament in June 1987 to implement the recommendations of the said Commission,

Considering that according to consistent evidence, a large number of war criminals and persons guilty of crimes against mankind live in the territories of States Members of the United Nations,

Concerned with the resurgence of Nazi ideas and their diffusion, as well as the attempt made even to deny the acts of genocide committed under the inspiration of Nazi ideology,

1. Urges all States to take the necessary steps, including those in their domestic jurisdiction, to give full implementation to international co-operation to secure, preferably in the place where they committed their deeds, the just punishment of war criminals and persons who have committed crimes against mankind;

2. Calls upon all Governments to take all possible initiatives in conformity with internal and international law to put an end to neo-Nazi propaganda and other activities, and invites civil and religious authorities to join efforts to that effect and to co-operate closely to that end with youth organizations.

30th Meeting  
31 August 1987

[Adopted without a vote. See chap. V.]

1987/5. Adverse consequences for the enjoyment of Human Rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

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

Noting the proposal contained in the report of the Secretary-General on transnational corporations (E/1987/13, para. 44) that further study is needed on the impact of disinvestment and the replacement of investment by non-equity links in South Africa and Namibia,

1. Declares that disinvestment in South Africa and Namibia should be done in such a way as to hasten the complete elimination of apartheid, not to strengthen it;

2. Requests the Chairman of the Sub-Commission to invite Mr. Khalifa to examine without financial implications the feasibility of the Sub-Commission's making such a study, which would include the practice of racially discriminatory or fictitious disinvestment, particularly through the misuse of procedures and recourse to franchises, and to report thereon in writing to the Sub-Commission at or before its fortieth session.

30th meeting  
31 August 1987

[Adopted by 11 votes to 3, with 6 abstentions. See chap. VI.]

1987/6. Measures to combat racism and racial discrimination and the role of the Sub-Commission

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

X Recalling Economic and Social Council resolution 1984/24 of 24 May 1984 which authorized the Sub-Commission to entrust Mr. Asbjørn Eide with carrying out a study on the achievements made and obstacles encountered during the First Decade for Action to Combat Racism and Racial Discrimination,

Recalling with appreciation the preliminary report submitted by the Special Rapporteur to the Sub-Commission at its thirty-eighth session,

Having studied with care and discussed at length the final progress report submitted by him to the Sub-Commission at its thirty-ninth session,

Expressing its appreciation and thanks to Mr. Eide for his reports and for his constructive participation in the debates thereon and for the suggestions he has made with regard to issues to be examined and further information needed,

1. Congratulates and thanks Mr. Eide for the substantive progress he has made on the study;

2. Approves the outline of the study as proposed in the final progress report;
3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. 7, draft resolution IV.]

30th meeting  
31 August 1987

[Adopted without a vote. See chap. VI.]

1987/7. Report on banks, transnational corporations and other organizations assisting the racist régime of South Africa

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

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report; (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1 - Parts I and II)
2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;
3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

30th meeting  
31 August 1987

[Adopted without a vote. See chap. VI.]

1987/8. Study of the problem of discrimination against indigenous populations

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

Mindful that the Second World Conference to Combat Racism and Racial Discrimination declared that all forms of discrimination are violations of fundamental human rights, in particular Government policies which are based on theories of racial superiority,

Recalling that the Second World Conference to Combat Racism and Racial Discrimination also called for special measures at the national and international levels for the protection of the rights of indigenous peoples,

Conscious that indigenous nations, peoples and communities have been persistent victims of the scourge of racism, racial discrimination and colonialism,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

31st meeting  
31 August 1987

[Adopted by 15 votes to none, with 3 abstentions. See chap. VI.]

1987/9. Situation in Namibia

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

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, and other international human rights instruments,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, and 35/118 of 11 December 1980, the annex to which contains the Plan of Action for the Full Implementation of the Declaration,

Recalling further the relevant provisions of the Declaration adopted by the World Conference on Sanctions Against Racist South Africa and the Programme of Action on Namibia adopted by the International Conference for the Immediate Independence of Namibia,

Deeply conscious that 27 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples and 21 years after the termination by the General Assembly of South Africa's mandate over Namibia, Namibia continues under the illegal colonial and racist occupation by the Government of South Africa,

Gravely concerned about the continuing obstacles to the efforts of the United Nations and the international community to bring about the independence of Namibia,

Condemning the gross violations of human rights of the people of Namibia and particularly the abuse, torture and killing of the captured freedom fighters,

Condemning also continuing atrocities against civilians and ruthless attacks against trade unions and workers,

Noting with regret the activities of foreign interests in Namibia, especially those of the transnational corporations which illegally exploit the resources of the territory leading to the plunder of resources from Namibia in defiance of United Nations Council for Namibia Decree No. 1 and the further accentuation of racist oppression of its population,

Recognizing that the struggle for the independence of Namibia forms part of the struggle against all forms of foreign domination and racist oppression and for the liberation of the African peoples from colonialism, neo-colonialism, hegemonism, imperialism, racism and apartheid,

1. Reaffirms the inalienable rights of the Namibian people to self-determination and independence in a united Namibia with complete territorial integrity, including Walvis Bay, the Penguin Islands and other islands of the Namibian shore and the importance of the urgent implementation of Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978 for the realization of these inalienable rights;
2. Calls for the full implementation of the provisions of the Declaration adopted by the World Conference on Sanctions against Racist South Africa and the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia;
3. Demands the immediate and unconditional release of all the Namibian political prisoners from detention and concentration camps in Namibia and South Africa as well as the according of prisoner-of-war status to all captured freedom fighters;
4. Calls upon the Government of the Member States of the United Nations to take appropriate legislative, administrative and other measures, both unilaterally and collectively, particularly under Chapter VII of the Charter of the United Nations, against South Africa in order to isolate it effectively in the political, economic, military and cultural fields, in accordance with relevant United Nations resolutions;
5. Requests the Chairman of the Commission on Human Rights to convey to the Secretary-General of the United Nations, the President of the General Assembly and the President of the Economic and Social Council the deep concern of the members of the Sub-Commission at the continuing failure to bring about the independence of Namibia and the efforts of the Pretoria régime to impose an "internal settlement" and legalize it through a bogus constitution;
6. Requests the Secretary-General to give the widest possible dissemination to the present resolution.

31st meeting  
31 August 1987

[Adopted by a roll-call vote of 19 votes to none  
with 1 abstention. See chap. VI.]

1987/10. Situation in southern Africa

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

Recalling Commission on Human Rights resolutions 1987/7 and 1987/8 of 19 February and 26 February 1987, respectively,

Conscious of the worsening situation in South Africa and Namibia as a result of the policies of repression and occupation pursued by the Government of South Africa,

Condemning the arrest, torture and killings of peaceful and defenceless demonstrators and workers on strike as well as the arbitrary arrest of leaders and activists of mass organization,

Deeply concerned by the wanton acts of aggression and destabilization perpetrated by the South African régime against the front-line and other neighbouring States,

Convinced that comprehensive and mandatory sanctions against South Africa are the only peaceful way to end apartheid,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression, occupation and oppression by the Pretoria régime,

Welcoming the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;
2. Demands the immediate lifting of the state of emergency, immediate cessation of all acts of brutality by South African security forces and the immediate release of all political prisoners;
3. Calls upon the international community to assist the front-line States to safeguard their independence and territorial integrity against the aggression and destabilization carried out by the Government of South Africa;
4. Urges all States to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa and Namibia;
5. Appeals to the international community to put pressure upon the South African Government not to proceed with the execution of the 32 opponents of apartheid;
6. Declares its solidarity and support to a quarter million striking black miners and other oppressed sections of the South African population in their efforts to achieve equal pay for equal work and calls for material support to sustain the strike action;

7. Calls upon the international community to continue its efforts towards total economic, cultural and political isolation of South Africa until that country abandons its policy of apartheid, colonialism and its illegal occupation of Namibia;

8. Calls for immediate and complete disinvestment by foreign companies in a manner that all their links with the South African apartheid economy are cut off, including, inter alia, licensing and management contracts;

9. Urges foreign companies engaged in disinvestment from South Africa to ensure that financial and other benefits that have accrued to the black labour force are fully respected;

10. Strongly condemns South Africa for:

(a) The recent imposition of capital punishment on 32 opponents of apartheid;

(b) The continuing acts of international terrorism and destabilization carried out against the front-line and other neighbouring States;

(c) The refusal to implement the United Nations plan for the independence of Namibia in accordance with the Security Council resolution 435 (1978);

11. Vigorously condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa;

12. Calls upon all countries that have not yet done so, and in particular Israel and Equatorial Guinea, to cut all military links with South Africa.

31st meeting  
31 August 1987

[Adopted without a vote. See chap. VI.]

1987/11. The situation in the Palestinian and Arab territories occupied by Israel

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

Guided by the purposes and principles of the United Nations and, in particular, respect for the principles of equal rights and self-determination of all peoples,

Mindful of the humanitarian principles and provisions of the Geneva Conventions of 1949 and the Additional Protocols thereto, and of the obligations arising from the regulations annexed to the Hague Convention IV of 1907,

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 37/88 A to G of 10 December 1982, 37/123 A to F of 16 and 20 December 1982, 38/79 D of 15 December 1983, 39/49 A to D of 11 December 1984, 39/95 A to H of 14 December 1984, 40/96 A to D of 12 December 1985, 40/161 A to G of 16 December 1985, 41/43 A to D of 2 December 1986 and 41/63 A to G of 3 December 1986,

Recalling the Commission on Human Rights resolutions 1983/1, 1983/2, 1983/3, of 15 February 1983, 1983/27 of 7 March 1983, 1984/1 A and B and 1984/2 of 20 February 1984 and 1985/1 A and B of 19 February 1985, 1985/4 of 26 February 1985, 1986/1 A and B of 20 February 1986, 1986/22 of 10 March 1986, 1987/2 A and B of 19 February 1987 and 1987/4 of 19 February 1987 on the Situation in Occupied Palestine,

Recalling its resolutions 1982/18 of 8 September 1982, 1983/9 of 31 August 1983 and 1985/16 of 29 August 1985,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories submitted to the General Assembly at its successive sessions (A/41/680),

1. Reaffirms that the Israeli occupation itself constitutes a gross violation of the human rights of the population of the Palestinian and other occupied Arab territories;

2. Strongly condemns:

(a) The systematic and established practices of the Israeli occupation authorities which violate human rights and fundamental freedoms in the occupied Palestinian and Arab territories;

(b) The application of an "iron-fist" policy against the population of the occupied territories;

(c) The Israeli policy aiming at subjecting the occupied Palestinian territories to Israeli laws, and in particular the annexation of Jerusalem, the confiscation of land and the establishment of Israeli settlements;

(d) The Israeli disregard of the United Nations resolutions calling for the withdrawal of Israeli troops from the occupied Palestinian and Arab territories;

(e) The continued Israeli occupation of the Syrian Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights and its effective annexation of this territory, and reaffirms that the Israeli decision of 14 December 1981 is null and void and has no legal validity on the occupied territory in conformity with Security Council resolution 497 (1981) of 17 December 1981;



(f) The inhuman treatment and the terrorist practices in violation of human rights which the Israeli occupation authorities continue to apply against Syrian citizens in the occupied Syrian Golan Heights for their refusal of Israeli citizenship and in order to force them to carry Israeli identity cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws or jurisdiction in respect of the occupied Syrian territory;

3. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to all Palestinian and other Arab territories occupied by Israel;

4. Condemns Israel for its refusal to implement this Convention to the occupied Palestinian and Arab territories;

5. Strongly condemns Israel for its policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons;

6. Expresses deep alarm that, until a just and equitable solution of the Palestinian issue is implemented, the Palestinian people shall continue to face severe dangers similar to the massacres in the Sabra and Chatila camps, which were described as acts of genocide and for which the responsibility of the Israeli Government has been established;

7. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in Palestine, and their right to self-determination without foreign interference and the establishment of their independent and sovereign State on their national soil in accordance with the Charter of the United Nations and General Assembly resolutions;

8. Reaffirms the right of the Palestine Liberation Organization to participate fully, as the sole legitimate representative of the Palestinian people, in all international efforts and conferences in respect of the Palestinian issue and the future of the Palestinian people;

9. Supports the call to convene an international peace conference on the Middle East in accordance with the General Assembly resolution 38/58 C of 13 December 1983;

10. Requests the Secretary-General to provide the Sub-Commission at its fortieth session with an updated list of reports, studies, statistics and other documents relating to Palestine and other Arab territories as well as the texts of the relevant United Nations decisions and resolutions.

33rd meeting  
1 September 1987

[Adopted by 13 votes to 1, with 3 abstentions. See chap. VII.]

1987/12. Situation of human rights in the Islamic Republic of Iran

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

Noting Sub-Commission resolutions 10 (XXXIII) of 10 September 1980, 8 (XXXIV) of 9 September 1981, 1982/25 of 8 September 1982, 1983/14 of 5 September 1983, 1984/14 of 29 August 1984 and 1985/17 of 29 August 1985,

Considering General Assembly resolution 41/159 of 4 December 1986 and Commission on Human Rights resolution 1987/55 of 11 March 1987,

Referring also to the various resolutions and documents published by other international bodies and organizations including resolutions ratified by the European Parliament and Council of Europe and the newly published report by Amnesty International, all of which have expressed great concern over the violations of human rights and violation of the most basic rights of the ethnic and religious minorities in the Islamic Republic of Iran,

Noting with approval Mr. Galindo Pohl's renewed mission to investigate the state of human rights in the Islamic Republic of Iran on behalf of the Economic and Social Council,

Recalling the grave violation of human rights in the Islamic Republic of Iran noted by the Special Representative in his report last year and relying on documents listing, for example, the names of more than 12,000 individuals executed by the said Government, as well as the application of more than 73 methods of torture on prisoners arrested on various charges such as non-conformity in beliefs or religion or difference in ethnic backgrounds,

Learning with renewed concern that the number of those allegedly executed by the ruling Government in the Islamic Republic of Iran including Baha'is and others now exceeds 70,000 and of those incarcerated in deplorable conditions in jails has reached at least 150,000,

1. Expresses strong concern over the grave violations of human rights and basic freedoms such as the right to life, the right to freedom from torture or inhuman treatment and punishment, the right to individual freedom and security and freedom from arbitrary detention, the right to a just trial, the right to freedom of belief and religion and the right to free expression; and urges determined protest by the Commission to the Islamic Republic of Iran concerning continuing disrespect for the Charter of the United Nations in relation to human rights;

2. Requests, while underlining the report (A/41/787, annex) by the Special Representative on human rights violations in the Islamic Republic of Iran, the Secretary-General to inform the General Assembly, the Commission on Human Rights and its Special Representative of the information obtained from the Sub-Commission on the grave violation of human rights and the most basic freedoms in the Islamic Republic of Iran;

3. Requests and urges the Secretary-General to present the report of the Special Representative to the Commission at its forty-fourth and to the Sub-Commission at its fortieth sessions respectively and also to notify these

bodies of the measures adopted by the General Assembly, the Economic and Social Council and the Commission on Human Rights in response to the grave violation of human rights in the Islamic Republic of Iran, and what co-operation the Government of the Islamic Republic of Iran has given to end these violations.

33rd meeting  
1 September 1987

[Adopted by a roll-call vote of 6 votes to 1,  
with 9 abstentions. See chap. VII.]

1987/13. The situation in East Timor

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

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983 and 1984/24 of 29 August 1984 concerning the situation in East Timor,

Preoccupied by new allegations put forward regarding the violations of human rights to which the people of East Timor continue to be subjected because of the situation which persists in the territory,

Taking note with satisfaction of the continuous spirit of co-operation of which the authorities have given proof in order to facilitate the reunification of families,

1. Welcomes the action taken by the Secretary-General regarding the question of East Timor;

2. Requests the Secretary-General to continue his efforts to encourage all parties concerned, that is the administering Power, the Indonesian Government and the East Timor representatives, to co-operate in order to achieve a durable solution taking into full consideration the rights and wishes of the people of East Timor;

3. Requests the Indonesian authorities to facilitate without restrictions the activities of humanitarian organizations in East Timor;

4. Recommends therefore to the Commission on Human Rights to study carefully at its forty-fourth session the evolution of the situation of human rights and fundamental freedoms in East Timor.

34th meeting  
2 September 1987

[Adopted by 6 votes to 4, with 9 abstentions. See chap. VII.]

1987/14. Recovery of nations' assets illegally removed by violators of human rights

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

Mindful of the need for universal respect of human rights, and of the importance that violators should not be allowed to benefit from their crimes, but should be brought to justice,

Recommends that the Commission on Human Rights should request all Governments and in particular the Governments of Switzerland and the United States of America to give every help to ensure the speedy recovery of the assets belonging to the people of the Philippines which were illegally removed by Mr. and Mrs. Marcos, and those belonging to the people of Haiti which have been illegally removed by the Duvalier family.

34th meeting  
2 September 1987

[Adopted without a vote. See chap. VII.]

1987/15. Proposal to proclaim an International Year of the World's Indigenous Populations

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

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

35th meeting  
2 September 1987

[Adopted without a vote. See chap. XI.]

1987/16. Draft Declaration of Principles on the Rights of Indigenous Populations

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

Recalling resolution 1982/34 of 7 May 1982 of the Economic and Social Council, authorizing the establishment annually of a pre-sessional Working Group on Indigenous Populations,

Recalling, further, that in its resolution 1985/22 of 29 August 1985, the Sub-Commission endorsed the Working Group's decision to emphasize standard-setting activities, with the aim of producing a draft declaration of indigenous rights which may be proclaimed by the General Assembly,

Bearing in mind that the Commission on Human Rights, in resolution 1987/34 of 10 March 1987, urged the Working Group to intensify its efforts to continue the elaboration of international standards in this field,

Conscious that by its resolution 40/131 of 13 December 1985, the General Assembly established a United Nations Voluntary Fund for Indigenous Populations with the purpose of facilitating indigenous participation in the activities of the Working Group,

Concerned that, despite the generous contributions of some Governments, the Voluntary Fund has not yet assisted any indigenous representatives,

Convinced of the urgent need to promote and protect indigenous rights by means of a continued and comprehensive review of developments in this field, as well as through the evolution of standards, particularly by means of the preparation of a draft declaration of principles on indigenous rights,

Having examined the report of the Working Group on its fifth session, (E/CN.4/Sub.2/1987/22 and Add.1)

1. Expresses its appreciation to the Working Group and especially to its Chairman/Rapporteur, Mrs. Erica-Irene Daes, for the progress made at its fifth session in carrying out its mandate, particularly in its standard-setting activities, as reflected in annex II to its report;
2. Expresses its deep satisfaction with the continued constructive participation of government observers, specialized agencies, non-governmental organizations, and in particular of representatives of the indigenous peoples themselves, and welcomes the initiative taken by indigenous non-governmental organizations in planning preparatory meetings of indigenous representatives in advance of its fifth and future sessions;
3. Endorses the recommendation that the Working Group make every effort to complete a draft declaration on indigenous rights as soon as possible;
4. Requests the Secretary-General:
  - (a) To transmit the Working Group's report and its annexes to Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for comments and suggestions, calling their attention in particular to annex II to the report;
  - (b) To give all necessary assistance to the Working Group in discharging its tasks, including the adequate dissemination of information about its activities to indigenous organizations to encourage their wider participation;
5. Requests the Secretary-General to take every necessary step to ensure that applications for support from the United Nations Voluntary Fund for Indigenous Populations are acted upon well in advance of the Working Group's sixth session in 1988;

6. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

7. Decides to include in the agenda of its fortieth session, as a matter of high priority, an item entitled "Discrimination against indigenous populations";

8. Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

35th meeting  
2 September 1987

[Adopted without a vote. See chap. XI.]

1987/17. Study on treaties concluded between  
indigenous peoples and States

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

Recalling that in Volume V (Conclusions, proposals and recommendations) of his Study of the Problem of Discrimination Against Indigenous Populations (E/CN.4/Sub.2/1983/21/Add.8, para. 388) Mr. Martínez Cobo, the Special Rapporteur, stressed the paramount importance of the treaties concluded between indigenous peoples and nations and present nation-States,

Further recalling, that in said Study the Special Rapporteur concluded that a thorough and careful study should be made on various areas covered by the provisions contained in such treaties, and that in undertaking such a study account must necessarily be taken of the points of view of all parties directly involved in such treaties, and recommended that such a thorough study, devoted exclusively to this subject, should be undertaken in the light of prevailing principles and norms in this field, and the opinions and data to be provided by the various sources concerned; primarily the Governments and indigenous nations and peoples which have signed and ratified such treaties (E/CN.4/Sub.2/1983/21/Add.8, paras. 389-392),

Bearing in mind that in resolution 1984/35 A of 30 August 1984, the Sub-Commission decided to consider Mr. Martínez Cobo's conclusions, proposals and recommendations as an appropriate source for its future work on this question and for the work of its Working Group on Indigenous Populations,

Having examined the report of the Working Group on Indigenous Populations on its fifth session (E/CN.4/Sub.2/1987/22), particularly the recommendations contained in annex I to the said report,

1. Endorses recommendation 3 included in annex I to the said report, on the advisability of undertaking a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of these treaties for all parties concerned;

2. Requests Mr. Miguel Alfonso Martínez to prepare, on the basis of the opinions and data in Mr. Martínez Cobo's report and the views expressed on this issue in the Working Group on Indigenous Populations and in the Sub-Commission, a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session;

3. Requests the Secretary-General to give Mr. Miguel Alfonso Martínez all the assistance he may require for the preparation of such a document;

4. Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

35th meeting  
2 September 1987

[Adopted by 15 votes to none, with 2 abstentions. See chap. XI.]

#### 1987/18. Situation in El Salvador

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

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II, thereto, of 1977,

Bearing in mind that in their recent sessions the General Assembly and the Commission on Human Rights regretted that in El Salvador serious and numerous violations of political, economic and social rights as well as fundamental norms of humanitarian law continue to be committed in spite of the fact that the Special Representative has noted that the matter of human rights continues to be an important element of the policy of the Government of El Salvador,

Deeply concerned by the alarming reports on the number of human rights violations committed in recent months in El Salvador, notably by intensified activities of death squads,

Observing that since 1983 the General Assembly as well as the Commission on Human Rights have considered that the dialogue between the Government of El Salvador and the Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) is the best road to achieve a comprehensive negotiated political solution that has the support of vast sectors of the country,

Welcoming that as a result of the recent Peace Agreement signed by the Central American Presidents in Guatemala, the Government of El Salvador and the Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) have expressed their readiness to renew their conversations on 15 September 1987,

Believing that the efforts to establish a climate for the protection of human rights and a process leading to a political solution could be frustrated unless States abstain from intervening in the internal situation in El Salvador and suspend all supplies of arms and any type of military assistance,

1. Expresses its deep concern at the fact that, although last year the number of human rights violations decreased, serious and massive violations of human rights are still occurring in El Salvador, notably by the non-observance of fundamental norms of humanitarian law as contained in the Geneva Conventions of 1949 and the Additional Protocols thereto;

2. Recommends that the Special Representative includes in his next report the information presented by humanitarian organizations concerning the alarming magnitude of serious and brutal violations of human rights;

3. Confirms that in accordance with basic principles of humanitarian law the "masses", who do not participate directly in combat, although they may sympathize, accompany, supply food and live in zones under the control of the insurgents, preserve their civilian character, and therefore must not be subjected to military attacks and forced displacement by government forces;

4. Welcomes the implementation of the agreement reached by both contending parties to allow the International Committee of the Red Cross to evacuate the war wounded and disabled of the Farabundo Marti National Liberation Front without the need for exchanges or prior negotiations in order for them to receive the necessary medical care;

5. Stresses the importance of the recognition of conscientious objection to military service as contained in resolution 1987/46 of the Commission on Human Rights, in view of the massive recruitment policies of the Government of El Salvador;

6. Expresses the hope that as a result of the Peace Agreement signed in Guatemala the dialogue between the Government of El Salvador and the Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) will be fruitfully renewed on 15 September 1987;

7. Requests the Secretary-General to report to the Sub-Commission at its fortieth session on the results of the investigation of the Commission on Human Rights Special Representative and on the deliberations of the General Assembly and the Commission on Human Rights relating thereto.

35th meeting  
2 September 1987

[Adopted by 11 votes to 2, with 6 abstentions. See chap. VII.]



1987/19. Violations of human rights in Cyprus

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

Gravely concerned about the continuation of gross and systematic violations of human rights in Cyprus,

Recalling its resolutions 1 (XXVIII) and 8 (XXXI) relating to the return of the refugees and displaced persons to their homes in safety and the full restoration of human rights in Cyprus, respectively, and regretting the delay in the implementation of these resolutions,

Recognizing that the Secretary-General is seized of the question of resolving the Cyprus problem.

Disturbed by the lack of any success of the Ad Hoc Committee on Missing Persons in Cyprus, after so many years of deliberations, to discover the fate of the missing persons in Cyprus,

Expressing its concern about the anguish and sorrow of the families of the missing persons of Cyprus, who have the right to know the fate of their relatives,

Further disturbed by the statement made during the consideration of this matter at the present session concerning the implantation of thousands of settlers from Turkey in the occupied territories in Cyprus,

Considering that the withdrawal of all foreign armed forces from the Republic of Cyprus will contribute to the restoration of human rights and fundamental freedoms of all Cypriots,

1. Demands the full restoration of all human rights to the whole population of Cyprus, including the freedom of movement, the freedom of settlement and the right to property;
2. Expresses its great concern and anguish about the fate of the missing persons in Cyprus, and urges the immediate tracing and accounting for these missing persons;
3. Expresses its concern also at the policy and practice of the implantation of settlers from Turkey in the occupied territories of Cyprus which constitute a form of colonialism and an attempt to change illegally the demographic structure of Cyprus;
4. Decides that the question of human rights in Cyprus should be considered in the context of item 4 of the agenda for its fortieth session.

35th meeting  
2 September 1987

[Adopted by 16 votes to none, with 3 abstentions. See chap. VII.]

1987/20. Situation of human rights in Chile

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

Bearing in mind its resolutions 1982/19 of 8 September 1982, 1983/19 of 5 September 1983, 1984/29 of 30 August 1984 and 1985/27 of 30 August 1985, adopted without a vote,

Bearing in mind also the resolution 1987/60 of 12 March 1987 of the Commission on Human Rights, the reports of the Special Rapporteur and the recent information which confirms the persistence and the worsening of the violations of human rights in Chile,

Gravely concerned by the impunity which police and security personnel continue to enjoy, especially the National Information Agency,

Deeply shocked by the assassination of 12 opponents of the régime, perpetrated on 15 and 16 June 1987, in which services of the National Information Agency were implicated,

Seriously concerned about the trial by military court of 15 people for whom the death penalty is being solicited,

Seriously concerned also by the situation of the hundreds of political prisoners which continues to deteriorate and by the failure of the Chilean authorities to clarify the fate of the numerous persons detained who subsequently disappeared, despite the repeated appeals that the United Nations has addressed to the authorities to clear up these cases and to punish those responsible,

Reiterating its concern at the existence of a régime that violates civil and political rights and fundamental freedoms, and at the enactment of laws that prevent the free expression of the people's will,

Especially concerned at the violations of human rights in general, and those of the indigenous population, in particular,

1. Requests the Commission on Human Rights:

(a) To urge the Chilean authorities to put an end to the violations of human rights, in particular deaths, torture, cruel and inhuman treatment, intimidation, persecution and internal exile;

(b) To urge the authorities of that country to undertake the necessary investigations and facilitate the trial and punishment of the persons responsible for the violations of human rights;

(c) To call once more upon the aforementioned authorities to respect and, where appropriate, restore economic, social and cultural rights to the indigenous population, in particular those rights intended to guarantee their physical existence and their culture including the right to their lands, and to improve the economic and social situation;

(d) To urge the Chilean authorities to refrain from applying the death penalty at trials of a political character, to end persecution, trial and condemnation for political motives and to respect the right of nationals to live in and freely enter and leave their country;

(e) To urge those authorities to end the practice of states of emergency under which serious and continued violations of human rights take place, as well as forced relegation (internal banishment) and exile and imprisonment incomunicado for long periods;

2. Recommends to the Commission on Human Rights that it should continue to study, as a matter of high priority, the situation of human rights in Chile and urges the Chilean authorities to respect and promote human rights in accordance with the international instruments to which Chile is a party;

3. Requests the specialized agencies, intergovernmental organizations and non-governmental organizations to submit to the Secretary-General for reference to the Commission on Human Rights and the Special Rapporteur, any information about violations of human rights in Chile;

4. Requests the Secretary-General to inform the Sub-Commission at its fortieth session about the results of the investigations of the Special Rapporteur of the Commission on Human Rights, as well as the deliberations and resolutions of the General Assembly and of the Commission on Human Rights and, in general, all relevant facts concerning the situation of human rights in Chile.

35th meeting  
2 September 1987

[Adopted by 13 votes to 1, with 4 abstentions. See chap. VII.]

1987/21. Staff members of the United Nations and specialized agencies in detention

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

Recalling General Assembly resolution 41/205, adopted without a vote on 11 December 1986, in which the General Assembly deplores the growing number of cases where the functioning, safety and well-being of officials have been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials have been placed in jeopardy during the exercise of their official functions,

Taking into consideration Commission on Human Rights resolution 31 (XXXVI), adopted without a vote on 11 March 1980, requesting the Secretary-General to use his good offices to ensure the full enjoyment of human rights by United Nations staff members as individuals and their rights under the Convention on the Privileges and Immunities of the United Nations,

Deeply concerned that some 50 staff members are still detained, imprisoned, reported missing - some having even died in detention - or held in a country against their will,

Conscious of the fact that the rights of United Nations staff members should be given particular attention in view of the responsibility entrusted to the Organization in the area of human rights,

1. Appeals to Member States to respect the rights of staff members detained, imprisoned or held in a country against their will;
2. Requests the Commission on Human Rights in particular, very strongly to urge the Government of Romania forthwith not to prevent Mr. Livio Bota from returning to his place of official assignment and to his family in Geneva, and to fully respect the human rights and privileges and immunities of all United Nations staff members;
3. Requests the Secretary-General to redouble and strengthen his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and their families are fully respected;
4. Requests the Secretary-General to submit to the Sub-Commission, at its fortieth session, a detailed report on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, in order to enable the Sub-Commission to consider these cases in the light of the international instruments relating to human rights.

36th meeting  
3 September 1987

[Adopted by 11 votes to 2, with 2 abstentions. See chap. X.]

1987/22. Draft body of guidelines, principles and guarantees of the rights of persons detained on the grounds of mental ill-health or suffering from mental disorder

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

Having considered the report of the Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder,

Expressing its appreciation and thanks to the Working Group for its important work in elaborating the draft body of guidelines, principles and guarantees for persons detained on the grounds of mental ill-health or suffering from mental disorder,

Noting that the Working Group has made only limited progress so far,

Bearing in mind General Assembly resolution 41/114, which urges the Commission on Human Rights and, through it, the Sub-Commission, to expedite their consideration of the draft body of guidelines, principles and guarantees so that the Commission can submit its views and recommendations, including a draft body of guidelines, principles and guarantees, to the General Assembly at its forty-third session, through the Economic and Social Council,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

36th meeting  
3 September 1987

[Adopted without a vote. See chap. X.]

1987/23. Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

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

Recalling its resolution 5 (XXXII) together with resolution 16 (XXXVI) of the Commission on Human Rights and decision 1980/124 of the Economic and Social Council entrusting Mr. L.M. Singhvi with the preparation of a report on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers,

Recalling further the Preliminary and Progress Reports and the Final Report submitted by the Special Rapporteur,

Having considered the Special Rapporteur's excellent and exceptionally erudite study of the subject,

Conscious of the fundamental and far-reaching importance of the principles for safeguarding the independence of justice in all its aspects,

Bearing in mind the Basic Principles on the Independence of the Judiciary, adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Expresses its appreciation and thanks to the Special Rapporteur, Mr. L.M. Singhvi, for the enduring and valuable contribution he has made to the legal doctrine relating to the independence of justice, which is one of the primary prerequisites for the promotion and protection of human rights;
2. Decides to consider the Draft Declaration proposed by the Special Rapporteur at a plenary meeting of the Sub-Commission at its next session as a separate item on its agenda on a priority basis;
3. Further decides that the said Draft Declaration be transmitted by the Secretary-General to Member States and, pursuant to paragraph 9 of

resolution 1987/33 of the Commission on Human Rights, to the Centre for Social Development and Humanitarian Affairs for their comments and suggestions which shall be sent to the Special Rapporteur, Mr. L.M. Singhvi, who shall take them into account in preparing his report to the Sub-Commission on the Draft Declaration in the light of such comments and suggestions received from the Member States and in the light of the deliberations in the Sub-Commission at its thirty-ninth session on his Study and further comments which may be sent to the Secretariat by the members of the Sub-Commission by 30 November 1987;

4. Requests the Special Rapporteur, Mr. L.M. Singhvi, to submit his report in writing on or before 30 May 1988 on the Draft Declaration in the light of all the comments and suggestions which he may have received in the meanwhile.

36th meeting  
3 September 1987

[Adopted by 12 votes to 1, with 5 abstentions. See chap. X.]

1987/24. Administrative detention without charge or trial

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

Recalling Commission on Human Rights resolution 1985/16 in which the Commission requested the Sub-Commission to analyse available information concerning the practice of administrative detention without charge or trial, and to make recommendations regarding its use,

Recalling further its decision 1985/110 by which it requested Mr. Louis Joinet to prepare in advance of the thirty-ninth session an explanatory paper suggesting procedures by which the Sub-Commission might carry out its responsibilities concerning administrative detention without charge or trial,

1. Requests the Rapporteur, Mr. Louis Joinet, to draft a questionnaire and send it to all Governments, specialized agencies, regional intergovernmental organizations, and non-governmental organizations in consultative status concerned with a view to obtaining further information and views relating to the matters dealt with in his explanatory paper;

2. Further requests the Rapporteur to present to the Sub-Commission at its fortieth session further analysis of the matters dealt with in his explanatory paper, on the basis, inter alia, of the answers to its questionnaire;

3. Requests the Secretary-General to provide the Rapporteur with all assistance necessary.

36th meeting  
3 September 1987

[Adopted without a vote. See chap. X.]

1987/25. Question of human rights and states of emergency

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

Recalling Economic and Social Council resolution 1985/37 of 30 May 1985 in which the Council authorized the Sub-Commission to appoint a Special Rapporteur to carry out the work referred to in paragraph 1 of its resolution 1983/30 of 6 September 1983 and Commission on Human Rights resolution 1983/18 of 22 February 1983 and decision 1984/104 of 6 March 1984 on an annual basis,

Recalling further that the Sub-Commission in paragraph 1 of its resolution 1983/30 decided that a list of countries which proclaim or terminate a state of emergency be drawn up and updated each year and that an annual special report be submitted to the Commission on Human Rights containing reliably attested information in compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency,

Mindful of Commission on Human Rights decisions 1984/104 and 1986/104 in which the Commission decided to examine the report on states of emergency as a matter of high priority,

Mindful further of its resolution 1985/32 in which it requested the Special Rapporteur, Mr. Leandro Despouy, to carry out the work referred to in paragraph 1 of its resolution 1983/30 and Commission on Human Rights resolution 1983/18 and decision 1984/104 on an annual basis.

Having noted during the work of its thirty-eighth and thirty-ninth sessions the importance to the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

1. Expresses its appreciation to the Special Rapporteur for his first annual report and list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985;

2. Expresses its appreciation also to Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations, and non-governmental organizations in consultative status which have submitted their information and comments to the Special Rapporteur on the question of human rights and states of emergency;

3. Invites Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations, and non-governmental organizations in consultative status to provide to the Special Rapporteur further information and comments;

4. Invites the Special Rapporteur to continue to carry out the work referred to in paragraph 1 of its resolution 1983/30 and in Commission resolution 1983/18 and decision 1984/104, and to present to the Sub-Commission at its fortieth session the next annual report and list updated on the basis of the information received, and, should it be necessary, to update his

present report so that the Commission on Human Rights at its forty-fourth session would have before it the most recent and accurate information available;

5. Requests the Secretary-General to give the Special Rapporteur all the assistance he might require in order to enable him to carry out his work successfully;

6. Decides to examine the updated report and list transmitted by the Special Rapporteur at its fortieth session as a matter of high priority under the agenda item "The administration of justice and the human rights of detainees, (b) Question of human rights and states of emergency".

36th meeting  
3 September 1987

[Adopted without a vote. See chap. X.]

1987/26. The role and equal participation of women in development

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

Bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter of the United Nations, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex,

Mindful of resolution 41/110 of 4 December 1986 of the General Assembly, emphasizing that the achievement of equal and full participation of women in all spheres of activity is an integral part of the political, economic, social and cultural development of all countries,

Noting that article 8 of the Declaration on the Right to Development, which was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986, calls for effective measures to ensure that women have an active role in the development process,

Conscious that in its resolution 1987/24 of 26 May 1987, the Economic and Social Council agreed that emphasis should be placed on issues of women and development,

Recalling the proposal made at its thirty-seventh session to include the topic "Prevention of discrimination and protection of women" as a sub-item of its agenda,

Believing that it should devote greater attention to prevention of discrimination against women, particularly in relation to development, and in co-ordination with other relevant bodies of the United Nations,

1. Decides to consider, at its forty-first and future sessions, and in connection with the item of its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development";



2. Requests the Secretary-General to make available to the Sub-Commission, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

36th meeting  
3 September 1987

[Adopted without a vote. See chap. XII.]

X 1987/27. The right to food

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

Recalling decision 1983/140 of 27 May 1983 of the Economic and Social Council, authorizing the Sub-Commission to entrust Mr. Asbjørn Eide with the preparation of a study on the right to adequate food as a human right,

Bearing in mind that the Special Rapporteur was requested to give special attention to the normative content of the right to food and its significance for the establishment of a new international economic order,

Noting resolutions of the Commission on Human Rights 1986/15 and 1987/19, requesting the Sub-Commission to pursue the study on the right to food as a matter of priority and to submit it to the Commission as soon as possible,

Having considered the final report (E/CN.4/Sub.2/1987/23) submitted by the Special Rapporteur to the Sub-Commission at its thirty-ninth session,

Expressing its appreciation and thanks to Mr. Eide for the profound and comprehensive study prepared by him,

Noting that it contains a thorough analysis of the normative content of the right to food and also examines its significance to the establishment of a new international order, by its examination of emerging international obligations in this field,

Considering that the Declaration of the Right to Development, General Assembly resolution 41/128 of 4 December 1986, constitutes an important step in the commitment to the realization of all human rights world-wide, including the right to food,

Desiring information on the status of the right to food in domestic law,

1. Submits to the Commission on Human Rights the study on the Right to Food as a Human Right together with the records of the relevant sessions of the Sub-Commission;

2. Requests the Secretary-General to send a note verbale to all States requesting a description of any laws they have pertaining to the right to food and to ask the Food and Agriculture Organization of the United Nations to provide all such information at its disposal;

3. Requests the Secretary-General to report to the Sub-Commission at its forty-first session on the information obtained;

4. Decides to return to a debate on the normative content of the right to food at a subsequent session of the Sub-Commission, in the light of the report presented by the Secretary-General, taking account of inter alia, the draft model instrument on the right to food, at present under elaboration by the International Law Association;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

36th meeting  
3 September 1987

[Adopted without a vote. See chap. XII.]

1987/28. The new international economic order and the promotion of human rights: Strengthening of legal institutions

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

Convinced of the importance of the strengthening of legal institutions as a prerequisite for the promotion and respect of human rights,

Persuaded that the best instruments concerning human rights may well become a dead letter unless there are independent professional bodies of lawyers to defend them and independent courts to ensure respect therefor,

Recalling its resolution 1984/19, of 29 August 1984, in which it requested the Secretary-General to invite Governments to indicate their needs with a view to strengthening legal institutions, and also to inquire into the extent of the assistance provided by various official sources for the same purpose,

Seized of the Secretary-General's reports (E/CN.4/Sub.2/1985/24 and Add.1-2 and E/CN.4/Sub.2/1987/7) relating thereto,

Noting the needs communicated, with a corresponding request for assistance, by 39 States, and the offers of assistance from 6 States and 5 international organizations,

Desirous of a concrete and effective follow-up to these findings,

1. Expresses its appreciation to the Secretary-General for the action undertaken in implementation of Sub-Commission resolution 1984/19;

2. Requests the Secretary-General to transmit the reports mentioned in the fourth preambular paragraph of the present resolution to all States and organizations mentioned therein, inviting them to contact one another, in accordance with the offers and the needs;

3. Requests the Secretary-General also to remind the States and organizations concerned of the possibility of resorting, subject to the approval of the Commission for the purpose of the realization of projects in the field of human rights, and more particularly legal institutions, to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, set up in 1987 on the initiative of the Commission on Human Rights;

4. Further requests the Secretary-General to ask the States and organizations concerned to keep him informed of the projects undertaken further to the present resolution;

5. Requests the Secretary-General, lastly, to communicate the results of his action to the Sub-Commission at its forty-first session.

36th meeting  
3 September 1987

[Adopted without a vote. See chap. XII.]

1987/29. Study on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights

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

Recalling the resolutions 1987/19 and 1987/20 of 10 March 1987 of the Commission on Human Rights on the realization of economic, social and cultural rights and on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights,

Reaffirming that, on the basis of the Universal Declaration of Human Rights and the International Covenants on Human Rights, all human rights and fundamental freedoms are indivisible and interdependent and recalling also in this respect the provisions of General Assembly resolution 32/130 of 16 December 1977,

Mindful that article 22 of the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Considering that the proclamation by the General Assembly of the Declaration on the Right to Development in its resolution 41/128 of 4 December 1986 constitutes an important step in the recognition of the relevance of human rights in the development process,

Considering also that policies aimed at sustainable development imply the integration of human rights in the development process and should also take due account of the relationship between development and environment,

Aware of major and persistent obstacles to social progress and development as described in the 1985 Report on the World Social Situation which can only be overcome by individual and collective efforts of all members of the international community,

Stressing the relevance of the recent study by the United Nations Children's Fund,

Having noted with interest the report (E/1987/28) of the Committee on Economic, Social and Cultural Rights on its first session and welcoming the Committee's efforts to contribute to a more effective implementation of the International Covenant on Economic, Social and Cultural Rights,

A.

1. Recommends to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, to authorize the Sub-Commission to appoint, from its members to be elected in 1988, a Special Rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights;

2. Recommends further that the Special Rapporteur shall present a substantial progress report to the Sub-Commission at its forty-first session and a final report to the Sub-Commission at its forty-second session and that he/she should take into account:

(a) The report of the Commission on Human Rights entitled "The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress";

(b) The reports of the Special Rapporteurs of the Sub-Commission on The New International Economic Order and the Promotion of Human Rights and on The Right to Adequate Food as a Human Right;

(c) Other relevant studies and reports, including the United Nations reports on the World Social Situation, the reports of the Secretary-General on the International Regional and National Dimensions of the Right to Development, the report of the World Commission on Environment and Development, entitled "Our Common Future" and the study by the United Nations Children's Fund entitled "Adjustment With a Human Face: Protecting the Vulnerable and Promoting Growth", the relevant reports of the International Monetary Fund and the World Bank, and the relevant United Nations studies relating to the question of the relationship between disarmament and development;

(d) The materials related to the implementation of the International Covenants on Human Rights;

(e) Issues relating to the integration of human rights concerns in the policies of United Nations development and financial agencies and institutions and of the specialized agencies;

(f) The impact on human rights of the policies and practices of international financial institutions, notably the International Monetary Fund and the World Bank;

3. Requests the Special Rapporteur in carrying out his/her mandate to pay special attention to the human rights aspects of such problems as the interrelationship between structural adjustment and food security, employment, health care, education and cultural development;

4. Further requests the Special Rapporteur to elaborate in the course of his/her study on the concept of the indivisibility and the interdependence of all human rights in the light of the problems and needs of people living in extreme poverty, both in industrialized and in developing countries;

B.

1. Recommends to the Commission on Human Rights, in response to Commission resolution 1987/20 and having regard to the various studies and reports referred to in part A of the present resolution, that account should be taken of "The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights" (E/CN.4/1987/17) and notably also of the following considerations:

(a) Economic, social and cultural rights are an integral part of international human rights law and consequently all States must make every effort to implement these rights at the national level;

(b) States parties must comply in good faith with the obligations they have accepted to implement the International Covenant on Economic, Social and Cultural Rights at the national level and co-operate in measures and procedures of international implementation;

(c) Full use should be made of the experience and expertise of the relevant specialized agencies and of the contributions development and financial institutions may render with a view to the realization of the rights enunciated in the International Covenant, and all possibilities of co-operation with these agencies and institutions should be utilized;

(d) The Secretary-General and his staff should assist the Committee on Economic, Social and Cultural Rights in all possible ways in the carrying out of its functions, and in particular the Secretariat should perform the necessary preparatory work of research and analysis and strengthen the co-ordinative relationships with the specialized agencies and other institutions;

(e) Seminars of high-level experts should be envisaged and convened on a periodical basis in order to carry out global reviews and assessments as regards progress made and difficulties encountered in the realization of the rights contained in the International Covenant;

(f) The Commission on Human Rights should hold periodic reviews of the general questions relating to the realization of economic, social and cultural rights and should on that basis make appropriate recommendations to the Economic and Social Council;

2. Further recommends to the Commission on Human Rights, that non-governmental organizations should be encouraged to submit, in accordance with resolution 1987/5 of the Economic and Social Council, written statements to the Council which may contribute to full and universal recognition and realization of the rights contained in the International Covenant.

36th meeting  
3 September 1987

[Adopted by 17 votes to 1. See chap. XII.]

1987/30. Mission to Mauritania

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

Recalling its resolution 1985/11 of 29 August 1985, by which its expert, Mr. Marc Bossuyt, was requested to prepare a final follow-up report on his mission to Mauritania,

Recalling the previous reports (E/CN.4/Sub.2/1984/23 and E/CN.4/Sub.2/1985/26) submitted on this question by the expert to the Sub-Commission,

Having considered the final follow-up report (E/CN.4/Sub.2/1987/27) on the mission to Mauritania prepared by its expert, Mr. Marc Bossuyt,

1. Expresses its appreciation to the expert of the Sub-Commission, for his final follow-up report on the mission to Mauritania;

2. Expresses further its appreciation to the Government of the Islamic Republic of Mauritania for the co-operation extended to the Sub-Commission and for the measures taken to eradicate the consequences of slavery;

3. Invites Governments, United Nations organs and specialized agencies to undertake additional and specific efforts in order to assist the Government of the Islamic Republic of Mauritania in accelerating its development and in eliminating the consequences of slavery;

4. Encourages the Government of the Islamic Republic of Mauritania to implement fully the adopted measures and policies in order to eliminate the consequences of slavery and to intensify further its efforts in adopting measures guaranteeing effective emancipation for former slaves.

37th meeting  
4 September 1987

[Adopted without a vote. See chap. XIII.]

1987/31. Slavery and slavery-like practices:  
Study on the legal and social  
problems of sexual minorities

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

Noting in the report of the Secretary-General (E/CN.4/Sub.2/1987/24, para. 6) that a study on the legal and social problems of sexual minorities had been prepared by Mr. Fernand-Laurent on the invitation of the Secretary-General,

Requests that the study be made available as a document of the Sub-Commission at its fortieth session.

37th meeting  
4 September 1987

[Adopted without a vote. See chap. XIII.]

1987/32. Report of the Working Group on Slavery  
and slavery-like practices

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

Having before it the report of the Working Group on Slavery and Slavery-like Practices (E/CN.4/Sub.2/1987/25) dated 28 August 1987,

1. Accepts the above-mentioned report;
2. Approves the recommendations contained in chapter IV of that report;
3. Draws the particular attention of the Commission on Human Rights to recommendations 2, 4, 6, 18, 23, 24 and 29, which read as follows:

(a) "That the name of the Group be changed from 'Slavery and Slavery-like Practices' to a name more consonant with, and more descriptive of, its actual interests, namely exploitation of sex, debt bondage, sale of children, apartheid; such a name might be 'Working Group on Contemporary Forms of Slavery';

(b) "That female representation be ensured on the Group and that, for that purpose, the Commission on Human Rights should try and prevail upon all Governments to nominate more women for election to the Sub-Commission;

(c) "That a fund be established after the model of the United Nations Voluntary Fund for Indigenous Populations (General Assembly resolution 40/131 of 13 December 1985), for the purpose of assisting non-governmental organizations to attend the Working Group's sessions.

(d) "That the Commission on Human Rights adopt the following draft resolution:

- (i) That the Economic and Social Council invite Member States to draw up a special programme for the prevention of child prostitution, the repression of its exploitation and the social rehabilitation of its victims;
- (ii) That it recommend to the United Nations Children's Fund that technical and financial support be allocated in Member States which are developing countries for the setting-up of experimental preventive programmes in the field of child prostitution and for the social rehabilitation of its victims;
- (iii) That it ask the Secretary-General to organize a seminar on trafficking in, and the sale of, children;
- (iv) That it encourage the United Nations Educational, Scientific and Cultural Organization to carry out the study on the legal and effective protection of minors from pornography, which was recommended by the international experts meeting which took place in Madrid from 19 to 21 March 1986;
- (v) That it invite Member States which belong to the International Criminal Police Organization to request that organization to make the combat against the international traffic in children one of its priorities;
- (vi) That it invite the various agencies of the United Nations system which deal with development projects to enter into further consultations with other competent United Nations bodies in order to ensure that those projects are consistent with international human rights standards;

(e) "That urgent consideration be given to the problem of the implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956;



(f) "That, bearing in mind General Assembly resolution 41/120 of 4 December 1986, entitled 'Setting international standards in the field of human rights', which urged that international instruments should provide, where appropriate, realistic and effective implementation machinery, including reporting systems, a protocol should be attached to the above Conventions providing for a means of implementation patterned after the measures set forth in articles 17-24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(g) "In this twenty-fifth year of the imprisonment of Nelson Mandela, that the Chairman of the Commission on Human Rights be authorized to bring pressure to bear upon the Government of South Africa for the three following purposes:

- (i) To give an unconditional pardon to the 32 individuals, including a woman, sentenced to death and awaiting execution for offences committed in opposition to apartheid;
- (ii) To order the unconditional release from gaol of Mr. Nelson Mandela, the leader of the African National Congress, together with Mr. Zephania Motupeng, the leader of the Pan Africanist Congress, as well as all other political prisoners;
- (iii) To engage in a meaningful dialogue with the leaders of the black majority for the purpose of the establishment of a democratic society."

4. Requests the Commission on Human Rights to transmit to all Governments of Member States recommendation 7, which reads as follows:

"That freedom of attendance and freedom of speech before the Working Group be solemnly reaffirmed, and that any step taken by any authority and designed to interfere with those freedoms or to punish their exercise be strongly condemned."

5. Draws to the attention of the Secretary-General recommendations 5, 8, 9, 11, 12, 13, 14 and 15, which read as follows:

(a) "That the following bodies be urged to attend the sessions of the Group: Commission on the Status of Women, Centre for Social Development and Humanitarian Affairs, United Nations Children's Fund, United Nations Development Programme, United Nations University (UNU), International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund, and International Criminal Police Organization;

(b) "That the Secretary-General be asked to prepare a survey of all recommendations made by the Working Group since its inception;

(c) "That, in order to ensure follow-up by the Working Group, the following item be put each year on its agenda: 'Review of the situations considered by the Working Group at its previous session';

(d) "That the Secretary-General call upon States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions;

(e) "That those eligible States which have not signed or ratified the relevant Conventions be invited to consider doing so as soon as possible, or to explain in writing why they feel unable to do so;

(f) "That intergovernmental organizations, relevant agencies of the United Nations, including United Nations Development Programme and United Nations University, International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, the World Bank, International Monetary Fund, and International Criminal Police Organization and non-governmental organizations concerned be asked to supply relevant information to the Working Group;

(g) "That the word 'child' in this context be taken to mean any individual below the age of 18 and that no minimum age be set;

(h) "That the report of the Secretary-General on the sale of children, dated 29 May 1987 (E/CN.4/Sub.2/1987/28) and mandated by the Economic and Social Council by its resolution 1983/30 be put back on the drawing board and, with the help of United Nations agencies and non-governmental organizations, be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade."

6. Requests the Secretary-General to transmit the relevant recommendations of the Working Group to all the organizations mentioned therein;

7. Requests the Secretary-General to give attention and practical effect to recommendations 1, 3 and 10, which read as follows:

(a) "That, in view of the important contribution the Working Group can make to the protection of the human rights of the especially vulnerable groups falling within its mandate, means, including the following steps, be taken to enhance the Working Group's interest and reinforce its action;

(b) "That means be provided to ensure the presence, at future sessions, of the Group's full complement of five members;

(c) "That means be sought to facilitate the participation of the indigenous peoples in the Working Group."

37th meeting  
4 September 1987

[Adopted without a vote. See chap. XIII.]

1987/33. Elimination of all forms of intolerance and of discrimination based on religion or belief

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

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Also recalling its resolution 1983/31 in which it decided to appoint Mrs. Elizabeth Odio Benito as Special Rapporteur to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief,

Noting Commission on Human Rights resolution 1987/15 in which the Commission requested the Sub-Commission to examine, as a matter of priority at its thirty-ninth session, the report of its Special Rapporteur, Mrs. Elizabeth Odio Benito, and to transmit it to the Commission at its forty-fourth session, together with the observations of the Sub-Commission, in particular in regard to the recommendations concerning the elaboration of a convention,

Taking note of the report of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro, who was appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate,

Alarmed that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world,

Convinced that all possible steps should be taken to promote and protect the right to freedom of religion or belief, and to eliminate all forms of intolerance and discrimination based on religion or belief,

1. Expresses its appreciation to its Special Rapporteur, Mrs. Elizabeth Odio Benito, for her valuable study (E/CN.4/Sub.2/1987/26) of the current dimensions of the problems of intolerance and discrimination on grounds of religion or belief;
2. Welcomes the many recommendations contained in her study, in particular those relating to the need for further study of major aspects of the issue, the need for the elaboration of a binding international instrument, and the need for educational measures to promote tolerance, understanding and respect in matters relating to religion or belief;
3. Requests its Chairman to entrust to one of its members the following tasks:
  - (a) To consider which aspects of this issue should be studied in greater depth by the Sub-Commission;

(b) To examine information, recommendations and other materials which may be submitted to the Sub-Commission by Governments, intergovernmental organizations, specialized agencies, non-governmental organizations in consultative status, academic institutions and religious bodies;

(c) To examine, mindful of General Assembly resolution 41/120, the issues and factors which should be considered before any definitive drafting of a binding international instrument takes place;

(d) To report on the above issues to the Sub-Commission at its forty-first session;

4. Requests the Secretary-General, taking into account the information and views received pursuant to Commission on Human Rights resolution 1987/15, to inform the Sub-Commission of any further views, information or activities reported by Governments, intergovernmental organizations, specialized agencies, non-governmental organizations in consultative status, academic institutions and religious bodies, relevant to its consideration of measures which may be taken to eliminate all forms of intolerance and of discrimination based on religion or belief;

5. Recommends to the Commission on Human Rights that the study prepared by its Special Rapporteur should be published in all official languages of the United Nations and widely disseminated;

6. Decides to consider further, at its forty-first session, the elimination of all forms of intolerance and of discrimination based on religion or belief, in the light of the further views expressed by the Commission on Human Rights.

37th meeting  
4 September 1987

[Adopted without a vote. See chap. XIV.]

#### B. Decisions

1987/101. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

At its 31st meeting, on 31 August 1987, the Sub-Commission decided to take note with appreciation of the report of the Secretary-General submitted in accordance with Sub-Commission resolution 1985/1 and to take that report and the consideration thereof at the present session into account in its future work.

The Sub-Commission looks forward to receiving the report by the Secretary-General on the interrelationship between human rights and international peace the request for the submission of which at its fortieth session is contained in Sub-Commission resolution 1985/2.

[See chap. VIII.]

1987/102. Procedure for dealing with communications relating to violations of human rights and fundamental freedoms

At its 31st meeting, on 31 August 1987, the Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1987/L.27 and the amendments thereto contained in E/CN.4/Sub.2/1987/L.43 and L.47 to its fortieth session.

[See chap. IX.]

1987/103. Decision on the draft resolution contained in document E/CN.4/Sub.2/1987/L.35  
(The situation of human rights in Iraq)

At its 34th meeting, on 2 September 1987, the Sub-Commission decided to take no action on draft resolution contained in document E/CN.4/Sub.2/1987/L.35, pursuant to rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council.

[See chap. VII.]

1987/104. Decision on the draft resolution contained in document E/CN.4/Sub.2/1987/L.36  
(The situation in Guatemala)

At its 35th meeting, on 2 September 1987, the Sub-Commission decided to take no action on draft resolution contained in document E/CN.4/Sub.2/1987/L.36, pursuant to rule 65, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council.

[See chap. VII.]

1987/105. The right of everyone to leave any country, including his own, and to return to his country

At its 35th meeting, on 2 September 1987, the Sub-Commission decided to consider as a matter of priority at its fortieth session the final report of the Special Rapporteur, Mr. Mubanga-Chipoya, and the preliminary draft declaration on the right of everyone to leave any country, including his own, and to return to his country.

It further decided to consider the report under a separate sub-item of item 14 of the provisional agenda and to request the Secretary-General to continue giving the Special Rapporteur all the assistance required to enable him to present the final report and the draft declaration to the Sub-Commission at its fortieth session.

[See chap. VII.]

1987/106. Decision on the draft resolution contained  
in document E/CN.4/Sub.2/1987/L.9/Rev.1  
(The situation in Turkey)

At its 36th meeting, on 3 September 1987, the Sub-Commission decided to take no action on the draft resolution contained in E/CN.4/Sub.2/1987/L.9/Rev.1, pursuant to rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council.

[See chap. VII.]

1987/107. Individualization of prosecution and penalties,  
and repercussions of violations of human rights  
on families

At its 36th meeting, on 3 September 1987, the Sub-Commission expressed deep concern over reports concerning the critical situation of disappeared children in Argentina who have been recently located in Paraguay and, desirous of facilitating family reunion and preventing any new risk of disappearance of those children and bearing in mind the lessons of the unfortunate cases which have occurred in similar situations, decided:

(a) To request its Chairman to appoint one or several members to establish urgently and to maintain contact with the competent authorities and institutions, including humanitarian organizations, which would report to him on the situation and ensure that there are no further risks of disappearances;

(b) To request the authorities concerned to facilitate the implementation of the present resolution.

[See chap. X.]

1987/108. Question of human rights of persons subjected  
to any form of detention and imprisonment

1. The Sub-Commission noted with concern that the Working Group of the Sixth Committee of the General Assembly, which is reviewing the Draft Body of Principles for the Protection of Persons under any Form of Detention or Imprisonment, adopted by the Sub-Commission at its thirty-first session in 1978 and transmitted by the Commission on Human Rights, through the Economic and Social Council, to the General Assembly, has, in its most recent revision of the text (A/C.6/41/L.19), apparently limited the scope of the principles and has made amendments as a result of which the text may fall short of existing norms, such as those in the International Covenant on Civil and Political Rights, the General Comments of the Human Rights Committee, and the Standard Minimum Rules for the Treatment of Prisoners.

2. In particular, the Sub-Commission is aware of the following questions that have been raised:

Under the Working Group's present text, do the principles apply only to persons charged with an offence without protecting the more vulnerable class of persons detained without charge or trial?

Do the present references to a judicial or other authority open the door to review by an administrative official who may be directly or indirectly linked with an official responsible for an alleged violation of the detainee's rights?

Have safeguards in the Sub-Commission's text concerning incomunicado detention and habeas corpus proceedings to question legality, necessity and conditions of detention been weakened in the Working Group's text or fall short of provisions in the International Covenant on Civil and Political Rights, the General Comments of the Human Rights Committee, and the Standard Minimum Rules for the Treatment of Prisoners?

3. At its 36th meeting, on 3 September 1987, the Sub-Commission accordingly decided:

(a) To request the Secretary-General to convey to the Working Group of the Sixth Committee the hope of the Sub-Commission that the Working Group will give consideration to the aforementioned concerns;

(b) To request the Secretary-General to prepare a report informing the Sub-Commission, at its fortieth session, on the matters set forth in paragraphs III and IV contained in annex II to the report of the Working Group on Detention;

(c) To request the Secretary-General to obtain documentation on the work in the field of developing international standards for adequate investigations into all cases of suspicious deaths in detention, as well as adequate autopsy, by the Committee on Crime Prevention and Control and the Centre for Social Development and Humanitarian Affairs and that this information be sent to Mr. John Carey for his review and comparison with the draft standards contained in annex VI of the report of the Working Group on Detention, and with any other such standards, these comparisons and any other comments by Mr. Carey to be distributed by the Secretary-General to all members of the Working Group and to interested observers in advance of the fortieth session of the Sub-Commission;

(d) To recommend to the Commission on Human Rights and the Economic and Social Council, taking into account pertinent developments within the Committee on Crime Prevention and Control, and the Centre for Social Development and Humanitarian Affairs, a declaration to the effect that arbitrary or abusive use of force by law-enforcement personnel against persons subjected to any form of detention or imprisonment in any country should be punished as a criminal offence;

(e) To request the Working Group on Detention to examine the feasibility of a booklet on the restraints on the use of force by law-enforcement officials with a sample and cost estimate to be presented to the Sub-Commission at its fortieth session if possible.

[See chap. X.]

1987/109. Decision on the draft resolution contained  
in document E/CN.4/Sub.2/1987/L.59  
(Abolition of the death penalty)

At its 36th meeting, on 3 September 1987, the Sub-Commission decided to take no action on draft resolution contained in E/CN.4/Sub.2/1987/L.59, pursuant to rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council.

[See chap. X.]

1987/110. Discrimination against indigenous populations

At its 37th meeting, on 4 September 1987, the Sub-Commission decided to request that the Chairman of the Sub-Commission, in response to an invitation from the Traditional Hopi Elders, delegate one or more members of the Sub-Commission to attend and observe United States Congressional Hearings scheduled, both on site and in Washington, D.C., to consider further implementation of laws providing for the relocation of Hopi and Navajo families, and to report their observations to the Sub-Commission at its fortieth session.

[See chap. XI.]

1987/111. Summary records under agenda item 6

At its 37th meeting, on 4 September 1987, the Sub-Commission decided that the summary records of its thirty-ninth session under agenda item 6 (Question of the violation of human rights) should be made available to the Commission on Human Rights at its forty-fourth session.

[See chap. XVII.]

1987/112. Promotion, protection and restoration of  
human rights at national, regional and  
international levels

At its 37th meeting, on 4 September 1987, the Sub-Commission decided to defer consideration of item 14 (Promotion, protection and restoration of human rights at national, regional and international levels) of its agenda to its fortieth session.

[See chap. XV.]

1987/113. Composition of Working Groups of the Sub-Commission

At its 37th meeting, on 4 September 1987, the Sub-Commission approved the following composition of its working groups, subject to the re-election of the members concerned. The Chairman of the Sub-Commission will hold consultations in due course on the final composition of the working groups.



<u>Regional Groups</u>	<u>Communications</u>	<u>Slavery</u>	<u>Indigenous Populations</u>
Africa	Mr. Yimer (Alternate: Mr. Dove Edwin)	Mr. Mubanga-Chipoya (Alternate: Mr. Ilkahanaf)	Mr. Simpson (Alternate: Mr. Dahak)
Asia	-	-	-
Latin America	Mr. Martínez Báez (Alternate: Mr. Alfonso Martínez)	Mr. Valdez Baquero (Alternate: Mr. Despouy)	Mr. Alfonso Martínez (Alternate: Mr. Uribe Portocarrero)
Eastern Europe	Mr. Sofinsky	-	Mr. Türk
Western Europe and other	Mr. van Boven	Mr. Whitaker	Mrs. Daes

[See chap. IX.]

### III. ORGANIZATION OF THE THIRTY-NINTH SESSION

#### A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-ninth session at the United Nations Office at Geneva from 10 August to 4 September 1987.
2. The session was opened (1st meeting) by Mrs. Erica-Irene Daes, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session.
3. At the 1st meeting, Mr. Jan Martenson, Under-Secretary-General for Human Rights, made an opening statement.
4. At the same meeting, the Sub-Commission observed a minute of silence in tribute to the memory of Mr. Justice Abu Sayeed Chowdhury, member of the Sub-Commission, who passed away on his way to attend the thirty-ninth session of the Sub-Commission.
5. At the same meeting, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

#### B. Attendance

6. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States, by the representatives of an intergovernmental organization, national liberation movements and non-governmental organizations. Details of attendance appear in annex I below.

C. Election of officers

7. The Sub-Commission elected the following officers by acclamation:

<u>Chairman:</u>	Mr. Leandro Despouy
<u>Vice-Chairmen:</u>	Mr. Murlidhar Chandrakant Bhandare Mr. Kwesi K.S. Simpson Mr. Danilo Türk
<u>Rapporteur:</u>	Mr. Louis Joinet

D. Adoption of the agenda

8. At its 1st meeting, the Sub-Commission unanimously adopted the provisional agenda (E/CN.4/Sub.2/1987/1). The agenda as adopted is reproduced below:

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Review of the work of the Sub-Commission.
4. Review of further developments in fields with which the Sub-Commission has been concerned.
5. Elimination of racial discrimination:
  - (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;
  - (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.
6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
7. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.
8. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

9. The administration of justice and the human rights of detainees:
  - (a) Question of human rights of persons subjected to any form of detention and imprisonment;
  - (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;
  - (c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;
  - (d) Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights;
  - (e) Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - (f) Restraints on the use of force by law enforcement and military personnel.
10. Discrimination against indigenous populations.
11. The new international economic order and the promotion of human rights.
12. Slavery and slavery-like practices:
  - (a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism;
  - (b) Exploitation of child labour.
13. Elimination of all forms of intolerance and of discrimination based on religion or belief.
14. Promotion, protection and restoration of human rights at national, regional and international level:
  - (a) The status of the individual and contemporary international law;
  - (b) Prevention of discrimination and protection of minorities;
  - (c) Prevention of discrimination and protection of children: human rights and youth;
  - (d) Prevention of discrimination and protection of women.
15. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fortieth session of the Sub-Commission.
16. Report on the thirty-ninth session.

#### E. Organization of work

9. The Sub-Commission took up the items of its agenda in the following order: 1, 2, 3, 4, 5, 7, 6, 11, 8, 13, 9, 12, 10, 14, 15, 16.

#### F. Meetings, resolutions and documentation

10. The Sub-Commission held 37 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1987/SR.1-SR.37). \*/

11. Written communications transmitted by Governments and non-governmental organizations for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

12. The Sub-Commission adopted resolutions 1987/1 to 1987/33 and took 13 decisions. The texts of these resolutions and decisions appear in chapter II.

13. Draft resolutions and decisions for action or consideration by the Commission are set out in chapter I.

14. Statements of the administrative and programme budget implications of certain resolutions and decisions appear in annex II below.

15. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex III.

16. A list of documents submitted to the Sub-Commission for consideration appears in annex IV.

#### IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

17. The Sub-Commission considered item 3 of its agenda at its 2nd, 3rd, 4th and 30th meetings held from 10 to 11 and on 31 August 1987.

18. The Sub-Commission had before it the following documents in connection with its consideration of the item:

A note by the Secretary-General (E/CN.4/Sub.2/1987/2).

19. In the general debate on this item statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (4th), Mr. Bhandare (4th), Mr. van Boven (3rd), Mr. Carey (2nd), Mrs. Daes (3rd and 4th), Mr. Dahak (3rd and 4th), Mr. Deschênes (3rd), Mrs. Gu Yijie (4th), Mr. Joinet (2nd and 3rd), Mr. Khalifa (4th), Mr. Mubanga-Chipoya (4th), Mr. Simpson (4th), Mr. Sofinsky (2nd and 4th), Mr. Whitaker (3rd) and Mr. Yimer (3rd).

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\*/ The 20th, 21st and 37th (first part) meetings were closed. The summary records of those meetings (E/CN.4/Sub.2/1987/SR.20, SR.21 and SR.37 (first part) were issued in restricted distribution).

20. The Sub-Commission also heard statements by the following non-governmental organizations: Anti-Slavery Society (3rd) and International Federation for Human Rights (3rd).

21. At its 30th meeting on 31 August 1987, the Sub-Commission considered a draft resolution (E/CN.4/Sub.2/1987/L.2) introduced by Mr. Dahak and sponsored by Mr. Alfonso Martínez, Mrs. Daes, Mr. Deschênes, Mr. Joinet and Mr. Al Khasawneh which read as follows:

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

"Taking into account the rules of procedure of the functional commissions of the Economic and Social Council, adopted by the Council by its resolution 100 (V) of 12 August 1947 and revised by Council resolutions 289 (X) of 6 March 1950, 481 (XV) of 1 April 1953, 1231 (XLII) of 6 June 1967 and 1393 (XLVI) of 3 June 1969 and the decisions of 2 August 1968, 3 June and 17 November 1969, 216 (LXII) of 26 April 1977 and decision 1982/147 of 15 April 1982,

"Noting that article 24 of the rules of procedure stipulates that the rules of procedure shall apply to the proceedings of subsidiary organs in so far as they are applicable,

"Noting also the existence of difficulties with regard to the application of the rules of procedure within the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Convinced of the necessity of supplementing the provisions of the rules of procedure with more detailed and specific rules governing the work of the Sub-Commission,

"Decides to set up a committee of three members of the Sub-Commission to submit draft rules of procedure specifically for the Sub-Commission, for consideration at its fortieth session."

22. Draft resolution E/CN.4/Sub.2/1987/L.2 was considered together with an amendment (E/CN.4/Sub.2/1987/L.22) submitted by Mr. Joinet which read as follows:

"Replace the third and fourth preambular paragraphs by the following paragraphs:

'Considering that, within the limits of the said rules of procedure, useful improvements could be made in regard to their modalities of application, more particularly to respond to the wishes of the Commission on Human Rights concerning the streamlining of the Sub-Commission's methods of work'.

"Replace the operative paragraph by the following text:

'Decides to request one of its members to prepare a working paper in this connection, in the light of the work already done by the Sub-Commission in this field; the paper will be addressed to the members of the Sub-Commission, through the secretariat, by the fortieth session, with a view to consideration under agenda item 3'.

23. At the same meeting, on 31 August 1987, draft resolution E/CN.4/Sub.2/1987/L.2 and the amendment thereto contained in document E/CN.4/Sub.2/1987/L.22 were withdrawn.

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

24. The Sub-Commission considered agenda item 4 at its 3rd, 4th, 29th and 30th meetings held on 11, 12, 28 and 31 August 1987.

25. The Sub-Commission had before it the following documents:

A note by the Secretary-General relating to some developments between 16 June 1985 and 15 June 1987 in the fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1987/3);

A memorandum summarizing the recent activities with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1987/4);

A memorandum summarizing the recent activities of the United Nations Educational, Scientific and Cultural Organization in combating discrimination in education and in the field of race relations (E/CN.4/Sub.2/1987/5).

26. In the general debate on this item statements were made by the following members: Mr. van Boven (3rd), Mr. Carey (3rd), Mrs. Daes (3rd), Mr. Dahak (3rd), Mr. Deschênes (4th), Mr. Sofinsky (4th), Mr. Takemoto (4th), Mr. Türk (3rd) and Mr. Yimer (3rd).

27. Statements were also made by the following non-governmental organization: International Movement for Fraternal Union among Races and Peoples (3rd).

Enhancing universal respect for human rights

28. At its 29th meeting on 28 August 1987, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1987/L.1 introduced by Mr. Deschênes and sponsored by Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Türk and Mr. Valdez Baquero. Subsequently, Mr. Mubanga-Chipoya and Mr. Whitaker joined the sponsors.

29. At the same meeting, the Sub-Commission also considered an amendment submitted by Mr. Joinet (E/CN.4/Sub.2/1987/L.23) which read as follows:

"Operative paragraph 3 of the draft resolution recommended to the General Assembly for adoption

Substitute for the present text:

'3. Requests the Secretary-General to communicate to the Sub-Commission, on the occasion of the discussion of item 4 of its agenda entitled: "Review of further developments in fields with which the Sub-Commission has been concerned":

(a) The countries which have ratified the Covenants and the Optional Protocol, and the other international instruments relating to the protection and promotion of human rights, and, at the same time, a list of countries which have not yet been able to undertake such ratifications;

(b) The States parties to these instruments which have not promptly submitted the reports to be considered by the bodies set up to supervise implementation of the relevant instruments;'.  
'.

Operative paragraph 4 of the draft resolution recommended to the General Assembly for adoption

Substitute for the present text:

'4. Suggests that, to the extent that they are willing to co-operate, the States concerned should inform the Secretary-General of the nature of the legal difficulties which have prevented them from undertaking such ratifications;'.  
'.

Operative paragraph 5 of the draft resolution recommended to the General Assembly for adoption

Delete this paragraph."

30. The amendments were accepted by the sponsors.

31. Explanations of vote before the vote were made by Mr. Alfonso Martinez, Mr. Joinet and Mr. Sofinsky who subsequently joined the sponsors.

32. At the 30th meeting on 31 August 1987, the Sub-Commission adopted draft resolution E/CN.4/Sub.2/1987/L.1 as amended by draft resolution E/CN.4/Sub.2/1987/L.23, by 13 votes to none with 4 abstentions.

33. Statements in explanation of vote after the vote were made by the following members: Mr. Alfonso Martinez, Mr. Al Khasawneh, Mrs. Gu Yijie, Mr. Mubanga-Chipoya and Mr. Yimer.

34. For the text of the resolution, see chapter II, section A, resolution 1987/1.

War crimes files - access and guidelines

35. At the same meeting on 31 August 1987, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1987/L.4, introduced by Mr. Carey supported by Mr. Deschênes, and sponsored by Mr. van Boven, Mr. Carey, Mr. Deschênes, Mr. Joinet and Mr. Whitaker.

36. Explanations of vote before the vote were made by Mr. Al Khasawneh, Mr. van Boven, Mrs. Daes, Mr. Joinet, Mr. Simpson, Mr. Sofinsky and Mr. Whitaker.

37. At the same meeting, draft resolution E/CN.4/Sub.2/1987/L.4 was adopted by 15 votes in favour against none with 4 abstentions.

38. For the text of the resolution, see chapter II, section A, resolution 1987/2.

Implementation of the Convention Against Racial Discrimination

39. At the 30th meeting on 31 August 1987, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1987/L.7 which was introduced by Mr. Joinet and sponsored by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

40. At the same meeting, the attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1987/L.16).

41. At the same meeting, draft resolution E/CN.4/Sub.2/1987/L.7 was adopted without a vote.

42. Following the adoption of the draft resolution Mr. Carey made a statement that if there had been a vote, he would have abstained.

43. For the text of the resolution, see chapter II, section A, resolution 1987/3.

Detention and punishment of war criminals

44. At the 30th meeting on 31 August 1987, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1987/L.15 sponsored by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Joinet, Mr. Martínez Báez, Mr. Türk, Mr. Whitaker and Mr. Yimer.

45. At the same meeting Mr. Joinet, on behalf of the sponsors, orally revised draft resolution E/CN.4/1987/L.15 as follows:

(a) In the second preambular paragraph replace the words "after fulfilling the procedural requirements" by the words "in full respect for the right to a fair trial".



46. At the same meeting Mr. Carey proposed amendments (E/CN.4/Sub.2/1987/L.44) to the draft resolution contained in document E/CN.4/Sub.2/1987/L.15 as follows:

(a) In the second preambular paragraph insert the words "after investigation by private parties and" between the words "French authorities that" and the words "after fulfilling";

(b) In the second operative paragraph, insert the words "in conformity with internal and international law" between the word "initiatives" and the words "to put an end".

47. At the same meeting the amendments proposed by Mr. Carey were adopted by 11 votes to 4, with 1 abstention.

48. At the 30th meeting, on 31 August 1987, draft resolution E/CN.4/Sub.2/1987/L.15, as orally revised by Mr. Joinet and amended by Mr. Carey was adopted without a vote.

49. For the text of the resolution, see chapter II, section A, resolution 1987/4.

## VI. ELIMINATION OF RACIAL DISCRIMINATION

- A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION
- B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA
- A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

50. The Sub-Commission considered item 5 (a) together with item 5 (b) at its 5th to 10th and 30th and 31st meetings held on 12 to 17 and 31 August 1987.

51. The Sub-Commission had before it a report by the Special Rapporteur, Mr. Eide (E/CN.4/Sub.2/1987/6).

52. The item was introduced at its 5th meeting by the Under-Secretary-General for Human Rights.

53. At its 6th meeting, the Special Rapporteur, Mr. Eide introduced his final progress report on the achievements made and obstacles encountered during the first Decade to Combat Racism and Racial Discrimination.

54. Statements were made by the following members of the Sub-Commission: Mr. Whitaker, Mr. Yimer, Mr. Sofinsky, Mr. van Boven (6th); Mrs. Gu Yijie, Mr. Dahak, Mr. Carey, Mr. Türk, Mr. Joinet (7th); Mrs. Daes, Mr. Bhandare, Mr. Simpson, Mr. Mubanga-Chipoya (8th); Mr. Türk and Mr. Alfonso Martínez (10th).

55. Statements were made by the Observers for Cyprus (6th) and India (9th).

56. The following non-governmental organizations also made statements: International Federation of Human Rights, Four Directions Council, Baha'i International Community and the International Movement for Fraternal Union among Races and Peoples, International Commission for Jurists (8th).

Measures to Combat Racism

57. At the 30th meeting on 31 August 1987, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1987/L.6 co-sponsored by Mr. van Boven, Mr. Mubanga-Chipoya, Mr. Whitaker and Mr. Yimer.

58. A statement was made by Mr. Joinet on the draft.

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

60. For the text of the resolution, see chapter II, section A, resolution 1987/6.

Discrimination against indigenous populations

61. At its 31st meeting on 31 August 1987, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1987/L.12, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mrs. Gu Yijie, Mr. Joinet, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Türk, Mr. Whitaker and Mr. Yimer.

62. Mr. Carey objected to operative paragraph 3.

63. Mr. van Boven proposed that the word "ensure" be replaced by "promote" in operative paragraph 3.

64. Mr. Carey requested a separate vote on operative paragraph 3.

65. Operative paragraph 3, in its original wording, was adopted by 13 votes to 2 with 3 abstentions.

66. Mr. Al Khasawneh explained his vote after the vote.

67. Mr. Carey subsequently requested a vote on the draft resolution as a whole.

68. At the same meeting, a statement concerning the administrative and budget implications (E/CN.4/Sub.2/1987/L.25) was made by the Deputy Director of the Centre for Human Rights.

69. At the same meeting, the draft resolution was adopted by 15 votes to none with 3 abstentions.

70. For the text of the resolution, see chapter II, section A, resolution 1987/8.

Situation in Namibia

71. At the same meeting, Mr. Bhandare introduced draft resolution E/CN.4/Sub.2/1987/L.13, sponsored by Mr. Alfonso Martínez, Mr. Bhandare, Mrs. Daes, Mrs. Gu Yijie, Mr. Khalifa, Mr. Mubanga-Chipoya and Mr. Yimer. Mr. Al Khasawneh, Mr. Ilkahanaf, Mr. Joinet, Mr. Simpson, Mr. Sofinsky and Mr. Whitaker subsequently joined the sponsors.

72. At the same meeting, Mr. Carey orally proposed amendments to the draft resolution as follows:

(a) In the second operative paragraph, replace the word "provisions" by the word "purposes";

(b) In the third operative paragraph, insert the words "where applicable" between the words "prisoner-of-war status" and "to all captured";

(c) In the fourth operative paragraph, replace the word "particularly" by the word "possibly".

73. Mr. Bhandare and Mr. Yimer commented on the proposed amendments.

74. Mr. Carey subsequently requested a separate vote on the amendments as a whole.

75. The amendments were rejected by 14 votes to 1, with 4 absentions.

76. At the same meeting, at the request of Mr. Alfonso Martínez, a roll-call vote was taken on the draft resolution in its original wording. The draft resolution was adopted by 19 votes to none, with 1 abstention. The voting was as follows:

In favour: Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mrs Gu Yijie, Mr. Ilkahanaf, Mr. Joinet, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

Against: None.

Abstaining: Mr. Carey.

77. For the text of the resolution, see chapter II, section A, resolution 1987/9.

Situation in southern Africa

78. At the same meeting Mr. Bhandare introduced draft resolution E/CN.4/Sub.2/1987/L.14 sponsored by Mr. Bhandare, Mr. Ilkahanaf, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky and Mr. Yimer.

79. Mr. Carey subsequently introduced amendments to the text contained in document E/CN.4/Sub.2/1987/L.49 which read as follows:

"1. Fifth preambular paragraph

For the existing text substitute

Convinced that appropriate sanctions against South Africa would help to end apartheid

"2. Operative paragraph 1

For the existing text substitute

Reaffirms that apartheid is widely considered a crime against humanity

"3. Operative paragraph 7, line 2

After towards insert effective

"4. Operative paragraph 8, line 2

For the words in a manner that substitute to be carried out in a non-discriminatory manner such that

"5. Operative paragraph 12, lines 1 and 2

Delete and in particular Israel and Equatorial Guinea

80. Mr. Bhandare and Mr. Mubanga-Chipoya commented on the proposed amendments.

81. Mr. Carey subsequently requested a separate vote on the amendments contained in draft resolution E/CN.4/Sub.2/1987/L.49 as a whole.

82. The amendments were rejected by 11 votes to 1, with 8 abstentions.

83. The following members explained their vote after the vote: Mr. van Boven and Mr. Deschênes.

84. At the same meeting, draft resolution E/CN.4/Sub.2/1987/L.14 was adopted in its original wording, without a vote.

85. For the text of the resolution, see chapter II, section A, resolution 1987/10.

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

86. The Sub-Commission considered item 5 (b), at its 5th to 10th meetings, and at its 30th meeting held from 12 to 17 and on 31 August 1987.

87. The Sub-Commission had before it a report by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1, Parts I and II). At its 5th meeting, the item was introduced by the Under-Secretary-General for Human Rights.

88. At its 6th meeting, the Special Rapporteur introduced his report.

89. In the general debate on the item statements were made by the following members of the Sub-Commission: Mr. Bhandare (8th), Mr. van Boven (6th), Mr. Carey (7th), Mrs Daes (8th), Mr. Dahak (7th), Mrs. Gu Yijie (7th), Mr. Ilkahanaf (8th), Mr. Joinet (7th), Mr Alfonso Martínez (10th), Mr. Mubanga-Chipoya (8th), Mr. Simpson (8th), Mr. Sofinsky (6th), Mr. Türk (7th), Mr. Whitaker (6th) and Mr. Yimer (6th).

90. The Sub-Commission also heard statements by the observers for: Canada (9th), Cyprus (8th), India (9th), Israel (9th) and Japan (9th).

91. Statements were made by the observers for the African National Congress of South Africa (9th), the Pan African Congress of Azania (6th) and the South West African People's Organization (9th).

92. The Sub-Commission also heard statements by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (7th), International Federation of Human Rights (8th) and the International Movement for Fraternal Union Among Races and Peoples (8th).

#### Adverse consequences

93. On 18 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.3) was submitted by Mr. Carey, Mr. Deschênes, Mr. Martínez Baez, Mr. Simpson, Mr. Valdez Baquero and Mr. Whitaker.

94. At its 30th meeting, on 31 August 1987, the Sub-Commission considered the draft resolution and an amendment (E/CN.4/Sub.2/1987/L.24) thereto submitted by Mr. Joinet on 24 August 1987. The amendment was subsequently accepted by the sponsors.

95. At the same meeting, Mr. Carey orally revised operative paragraph 1, replacing "weaken" by "hasten the complete elimination of", and operative paragraph 2, as amended on the proposal of Mr. Alfonso Martínez, replacing "a member of the Sub-Commission" by "Mr. Khalifa" and inserting, in the fourth line before "fictitious" the following words "racially discriminatory or".

96. A statement in explanation of vote before the vote was made by Mr. Sofinsky.

97. At the same meeting, the draft resolution as amended and orally revised by Mr. Carey was adopted by the Sub-Commission by 11 votes to 3, with 6 abstentions.

98. The Sub-Commission heard statements in explanation of vote after the vote by Mr. Alfonso Martínez, Mr. Al Khasawneh, Mr. Bhandare, Mr. Ilkahanaf, Mr. Joinet and Mr. Türk.

99. For the text of the resolution, see chapter II, section A, resolution 1987/5.

Assistance to South Africa

100. On 19 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.8) was submitted by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mrs. Daes, Mr. Dahak, Mr. Joinet, Mr. Martínez Baez, Mr. Simpson and Mr. Yimer.
101. At the 30th meeting, on 31 August 1987, the draft resolution was introduced by Mrs. Daes, Mr. Bhandare and Mr. Sofinsky subsequently joined the sponsors.
102. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1987/L.16).
103. At the same meeting, Mr. van Boven requested a separate vote on operative paragraph 6. Statements in explanation of vote before the vote were made by Mr. Carey and Mr. Joinet. Operative paragraph 6 was retained by 16 votes to none, with 5 abstentions. The draft resolution as a whole was adopted by the Sub-Commission without a vote.
104. For the text of the resolution, see chapter II, section A, resolution 1987/7.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION RESOLUTION 8 (XXIII)

105. The Sub-Commission considered item 6 of its agenda at its 11th to 18th, 33rd, 34th and 36th meetings held from 17 to 21 August and from 1 to 3 September 1987.
106. The Sub-Commission had before it the following documents in connection with its consideration of the item:

A note by the Secretary-General pursuant to Sub-Commission resolution 1985/16 concerning the situation in the Arab territories occupied by Israel (E/CN.4/Sub.2/1987/9);

A letter dated 26 June 1987 from the Representative of Norway to the Commission on Human Rights addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1987/31);

A note by the Secretary-General pursuant to Sub-Commission resolution 1985/17 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/Sub.2/1987/33);

A note by the Secretary-General pursuant to Sub-Commission resolution 1985/18 concerning the situation of human rights in El Salvador (E/CN.4/Sub.2/1987/34);

A note verbale dated 30 July 1987 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1987/35);

A written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1987/NGO/8).

107. In the general debate on item 6 statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (12th, 14th, 17th and 18th), Mr. Bhandare (12th and 16th), Mr. van Boven (12th and 16th), Mr. Carey (13th, 16th and 18th), Mr. Dahak (16th, 17th and 18th), Mr. Deschênes (13th and 17th), Mrs. Gu Yijie (13th, 17th and 18th), Mr. Ilkahanaf (18th), Mr. Joinet (14th and 16th), Mr. Khalifa (12th), Mr. Sofinsky (12th, 13th, 15th and 16th) and Mr. Whitaker (11th, 16th and 18th).

108. The Sub-Commission heard statements by observers for the following Member States: Afghanistan (16th and 18th), Argentina (18th), Bangladesh (16th), Bulgaria (17th), China (17th), Cuba (16th and 18th), Cyprus (15th and 18th), Democratic Kampuchea (16th and 18th), German Democratic Republic (18th), Greece (18th), Guatemala (17th), Indonesia (17th), Iran (Islamic Republic of) (17th), Israel (16th and 18th), Japan (16th), Kenya (16th), Lebanon (16th), Nicaragua (15th and 18th), Pakistan (17th and 18th), Paraguay (18th), Peru (18th), Portugal (15th and 18th), Sri Lanka (15th), Syrian Arab Republic (15th), Turkey (17th and 18th), United States of America (18th) and Viet Nam (18th).

109. The Sub-Commission also heard a statement by the representative of the Palestine Liberation Organization (14th).

110. The Sub-Commission heard statements by the following non-governmental organizations: Amnesty International (14th); Anti-Slavery Society for the Protection of Human Rights (11th and 12th); Arab Lawyers Union (14th); Baha'i International Community (12th); Four Directions Council (11th); Human Rights Advocates (12th); Indigenous World Association (12th); International Commission of Jurists (11th); International Confederation of Free Trade Unions (14th); International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (14th); International Federation of Human Rights (13th); International Federation of Women in Legal Careers (11th); International Indian Treaty Council (14th); International League for the Rights and Liberation of Peoples (14th); International Movement for Fraternal Union Among Races and Peoples (12th); Minority Rights Group (14th); National Aboriginal and Islander Legal Service Secretariat (14th); Pax Christi International (14th); Pax Romana (14th); Regional Council on Human Rights in Asia (12th); World Muslim Congress (12th) and World Union for Progressive Judaism (14th).

#### Situation in occupied Palestinian and Arab territories

111. On 26 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.29) was submitted by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Dahak, Mrs. Gu Yijie, Mr. Ilkahanaf, Mr. Khalifa, Mr. Mubanga-Chipoya, Mr. Sofinsky and Mr. Türk.

112. The Sub-Commission considered the draft resolution at its 33rd meeting on 1 September 1987, when it was introduced by Mr. Bhandare.

113. At the same meeting, Mr. Carey introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.51 which read as follows:

"1. Add the following final preambular paragraphs

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967 which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII),"

"2. Operative paragraphs 1-9

For the existing text substitute

"1. Submits to the Commission on Human Rights the annexed report containing information on alleged violations of human rights and fundamental freedoms in the territory administered by Israel from all available sources for use of the Commission,"

"3. Add the following Annex:

"Information on alleged violations of human rights and fundamental freedoms in the territories administered by Israel from all available sources for use of the Commission"

(Here members might enumerate all such information [in addition to document E/CN.4/Sub.2/1987/9] as is not already in the possession of the Commission on Human Rights.)"

114. A motion was introduced by Mr. Yimer that no action be taken on the amendments contained in document E/CN.4/Sub.2/1987/L.51.

115. The motion was rejected by 9 votes to 7, with 3 abstentions.

116. Statements in explanation of vote after the vote were made by Mrs. Daes and Mr. Alfonso Martínez.

117. At the same meeting, following a procedural debate, the amendments contained in document E/CN.4/Sub.2/1987/L.51 were rejected by 14 votes to 2, with 2 abstentions.

118. Statements in explanation of vote after the vote were made by Mr Al Khasawneh, Mrs. Daes, Mr. Mubanga-Chipoya and Mr. van Boven.

119. At the same meeting, the representative of the Palestine Liberation Organization made a statement in connection with the amendments contained in document E/CN.4/Sub.2/1987/L.51.



120. At the same meeting, the draft resolution was adopted by 13 votes to 1, with 3 abstentions.

121. A statement relating to the draft resolution was made by Mr Mubanga-Chipoya.

122. Mr. Joinet stated that he would have voted in favour of the draft resolution if he had been present.

123. For the text of the resolution, see chapter II, section A, resolution 1987/11.

#### Situation in Iran

124. On 24 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.18) was submitted by Mr. Whitaker. Mr. Mubanga-Chipoya subsequently announced that he wished to co-sponsor the draft resolution.

125. The Sub-Commission considered the draft resolution at its 33rd meeting on 1 September 1987, when it was introduced by Mr. Whitaker, and at its 34th meeting, on 2 September 1987.

126. Mr. Whitaker revised the draft resolution as follows:

127. In the fifth and sixth preambular paragraphs the word "régime" should be replaced by "Government".

128. In operative paragraph 1 the word "Sub-Commission" should be replaced by "Commission".

129. At the same meeting, Mr. Carey introduced amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.45/Rev.1 which reads as follows:

"1. Sixth preambular paragraph, line 1

After Learning with renewed concern that insert allegedly

"2. Replace the seventh and eighth preambular paragraphs by the following text:

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967 which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in commission resolution 8 (XXIII),"

"3. Replace operative paragraph 2 by the following text:

2. Submits to the Commission on Human Rights the annexed report containing information on violation of human rights and fundamental freedoms in Iran from all available sources for use by the Commission;

"4. Operative paragraph 3, line 2

For Representative read Rapporteur

"Annex

"Information on violations of human rights and fundamental freedoms in Iran from all available sources for use of the Commission

- "1. Note verbale dated 30 July 1987 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva (E/CN.4/Sub.2/1987/35).
- "2. Memorandum from the Observer Delegation of the Islamic Republic of Iran to the Distinguished Members of the Sub-Commission, dated 24 August 1987.
- "3. Document entitled "Review of human rights violations in Iran: Torture, executions, repression", by the People's Mojahedin Organization of Iran.
- "4. Document entitled "List of names and particulars of 12,028 victims of the Khomeini régime's executions" by the people's Mojahedin Organization of Iran.
- "5. Document entitled "Iran: Photographs and documents on the continuing grave violations of human rights. A report on 64 forms of torture practised by the Khomeini régime" by the People's Mojahedin Organization of Iran.
- "6. Statement dated 18 August 1987 from the Baha'i International Community.
- "7. Document dated December 1986 entitled "Persecution of the Baha'is in Iran 1979-1982 (2nd edition)", published by the Baha'i International Community."

130. Mr. Carey then revised his amendments as follows:

131. The opening word of paragraph 2 should read:

"Insert instead of replace"

"Paragraph 4 should be deleted.

"In the annex, the seventh document in the list should be entitled:

"Persecution of the Baha'is in Iran 1979-1986 (2nd edition)".

132. At the same meeting, the observer for the Islamic Republic of Iran made a statement on the draft resolution.

133. Mr. van Boven proposed that in the third preambular paragraph the word "condemned" should be replaced by the words "expressed great concern".

134. The above proposal by Mr. van Boven as well as the amendments by Mr. Whitaker to replace in the fifth and sixth preambular paragraphs the word "régime" by the word "Government" and to replace in operative paragraph 1 the word "Sub-Commission" by the word "Commission" were accepted by the sponsors.

135. Separate votes were taken on paragraphs 2 and 3 of Mr. Carey's amendments contained in document E/CN.4/Sub.2/1987/L.45/Rev.1 and reading as follows:

"2. Replace the seventh and eighth preambular paragraphs by the following text

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967 which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII),

"3. Replace operative paragraph 2 by the following text

2. Submits to the Commission on Human Rights the annexed report containing information on violation of human rights and fundamental freedoms in Iran from all available sources for use of the Commission:".

136. Statements in explanation of vote before the vote were made by Mr. Al Khasawneh, Mrs. Daes and Mr. Mubanga-Chipoya. The amendment to paragraph 2 above was rejected by 4 votes to 3, with 8 abstentions. The amendment to paragraph 3 above was rejected by 7 votes to 3, with 6 abstentions.

137. At the same meeting, at the request of Mr. Alfonso Martínez, a roll-call vote was taken on the draft resolution, as amended. The draft resolution was adopted by 6 votes to 1, with 9 abstentions. The voting was as follows:

In favour: Mr. van Boven, Mrs. Daes, Mr. Deschênes,  
Mr. Mubanga-Chipoya, Mr. Carey and Mr. Whitaker.

Against: Mr. Alfonso Martínez

Abstaining: Mr. Al Khasawneh, Mr. Dahak, Mrs. Gu Yijie, Mr. Ilkahanaf,  
Mr. Martínez Baez, Mr. Simpson, Mr. Takemoto, Mr. Türk and  
Mr. Yimer.

138. Mr. Joinet announced that he was not participating in the vote.

139. At the 34th meeting, on 2 September 1987, statements in explanation of vote after the vote were made by Mr. Dahak, Mr. Al Khasawneh and Mr. Joinet.

140. For the text of the resolution, as amended, see chapter II, section A, resolution 1987/12.

#### Situation in East Timor

141. On 25 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.28) was submitted by Mr. Whitaker. Mrs. Daes and Mr. Joinet subsequently announced that they were co-sponsors of the draft resolution.

142. The Sub-Commission considered the draft resolution at its 34th meeting, on 2 September 1987, when it was introduced by Mr. Whitaker.

143. At the same meeting, Mr. Carey introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.50/Rev.1, which read as follows:

"1. Third preambular paragraph, line 1

For facts substitute allegations

"2. Add the following final preambular paragraphs

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967, which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII),

"3. Operative paragraph 3, line 2

After activities of insert impartial

"4. Operative paragraph 4

For the present text substitute

"4. Submits to the Commission on Human Rights the annexed report containing information on alleged violations of human rights and fundamental freedoms in East Timor from all available sources for use of the Commission."

"5. Add the following annex:

Annex

- (1) Statements delivered at the thirty-ninth session of the Sub-Commission by NAILS and by Pax Romana.
- (2) Letter dated 28 July 1987 to the Secretary of State of the United States of America, George Schultz from Party Senators."

144. Mr. Carey then revised his amendments as follows:

"In amendment 3, the word "impartial" should be replaced by "recognized".

Mr. Carey subsequently retracted his oral revision of amendment 3.

In the annex, in the second document in the list, the word "Party" should be replaced by "Forty".

"A third document should be added to the list in the annex, which would read as follows: (3) Aide-Mémoire dated 31 August 1987 from the Permanent Mission of the Republic of Indonesia."

145. At the same meeting, the observers for Indonesia and Portugal made statements on the draft resolution.

Separate votes were taken on each of the amendments.

Amendment 1 was accepted by 7 votes to 2, with 7 abstentions.

Amendment 2 was rejected by 12 votes to 2, with 5 abstentions.

Amendment 3 was rejected by 7 votes to 5, with 5 abstentions.

Amendment 4 was rejected by 11 votes to 2, with 5 abstentions.

146. At the same meeting, the draft resolution, as amended, was adopted by 6 votes to 4, with 9 abstentions.

147. Statements in explanation of vote after the vote were made by Mr. Bhandare, Mr. van Boven, Mr. Deschênes, Mrs Daes, Mr. Carey and Mr. Ilkahanaf.

148. For the text of the resolution as revised, see chapter II, section A, resolution 1987/13.

Recovery of nations' assets

149. On 26 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.30) was submitted by Mr. Whitaker. Mr. Yimer, Mr. Joinet, Mr. Mubanga-Chipoya and Mr. Bhandare subsequently announced that they were co-sponsors of the draft resolution. The Sub-Commission considered the draft resolution at its 34th meeting, on 2 September 1987, when it was introduced by Mr. Whitaker.

150. Mr. Carey proposed that, in the second preambular paragraph, the words "in conformity with the judicial system", be inserted after the words "United States of America". Mr. Carey subsequently withdrew his oral amendment.

151. Mr. Deschênes proposed that, in the second preambular paragraph, the word "allegedly" be inserted in the fourth and sixth lines, respectively, after the word "which". Mr. Deschênes subsequently withdrew his oral amendment.

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

153. The Observer for Switzerland made a statement in connection with the resolution.

154. For the text of the resolution, see chapter II, section A, resolution 1987/14.

#### Situation in Iraq

155. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.35) was submitted by Mr. Whitaker, which read as follows:

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

"Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights,

"Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment,

"Seriously concerned about the specific and detailed allegations of grave human rights violations in the Republic of Iraq and in particular to those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression,

"Considering that such violations constitute gross and systematic violations of human rights and denial of the principles contained in the Charter of the United Nations,

\*1. Calls upon the Commission on Human rights to urge the government of the republic of Iraq to take the necessary steps to put an end to such violations;

\*2. Requests the Commission on Human Rights to consider the possibility of nominating a Special Rapporteur to investigate on the situation of human rights in Iraq;

"3. Requests the Secretary-General of the United Nations to inform the Sub-Commission at its fortieth session about the dispositions taken to this effect."

156. The Sub-Commission considered the draft resolution at its 34th meeting, on 2 September 1987, when it was introduced by Mr. Whitaker.

157. At the same meeting, a motion was introduced by Mr. Al Khasawneh that no action should be taken on the draft resolution.

158. The motion was adopted by 10 votes to 6, with 3 abstentions.

159. Statements in explanation of vote after the vote were made by Mr. Bhandare and Mr. Carey.

160. For the text of the decision, see chapter II, section B, decision 1987/103.

#### Situation in Afghanistan

161. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.19/Rev.1) reading as follows was submitted by Mr. Sofinsky.

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

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"Reaffirming that the Governments of all member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil their obligations under international agreements,

"Recalling the relevant resolutions adopted by the General Assembly, the Economic and Social Council, the Commission on Human Rights and itself,

"Commending the efforts of Mr. D. Córdovez, Special Representative of the United Nations Secretary-General, and considering that the dialogue between the States involved in the conflict with respect to Afghanistan should be supplemented by a dialogue of the Afghan political forces both within the country and abroad,

"Believing that a comprehensive settlement of the problem can be found only through an overall political solution,

"Noting with appreciation the concrete steps towards the achievement in the country of national reconciliation having as its aims the halting of bloodshed, the establishment of peace and the securing to, and guaranteeing for Afghanistan of the status of a sovereign, independent, non-aligned State,

"Observing that the principles of national reconciliation proclaimed by the Afghan Government are, in the opinion of Mr. F. Ermacora, Special Rapporteur of the Commission on Human Rights, a positive step towards the restoration of a stable human rights situation throughout the country,

"Noting also that, since its latest session, there have been encouraging developments in Afghanistan, including, in particular, a general amnesty and the waiver of prosecution for earlier political activities, the adoption of a law on freedom to create political parties, the proclamation of the principle of the equitable representation of the entire people in the political structure and economic life, and the guaranteeing to citizens of complete religious freedom,

"Welcoming the readiness expressed by the Government of Afghanistan to conduct with opposition forces a dialogue on matters including the creation of a national coalition Government,

"Expressing the hope that the positive developments as regards the guaranteeing and securing of all fundamental rights and freedoms will be adequately reflected in the Constitution of Afghanistan, a draft of which is under wide discussion by all strata of the population,

"Noting with appreciation the beginning of fruitful co-operation by Afghanistan with the Commission on Human Rights and its Special Rapporteur, Mr. F. Ermacora,

"Further noting with appreciation the efforts made by the Government of Afghanistan to ensure the complete fulfilment of the Special Rapporteur's programme during Mr. Ermacora's visit to the Democratic Republic of Afghanistan,

"Bearing in mind also the renewed co-operation by the Government of Afghanistan with the International Committee of the Red Cross, and encouraging the development of co-operation of all the parties involved in the conflict around Afghanistan especially with regard to the protection of detained persons,

"1. Welcomes national reconciliation in Afghanistan, which would create real opportunities for restoring peace and tranquility in the region;

"2. Expresses the hope that the constructive and fruitful co-operation between the Special Rapporteur, Mr. F. Ermacora, and the Government of the Democratic Republic of Afghanistan will develop further;

"3. Requests the Government of Afghanistan to continue to take measures aimed at the full implementation of human rights in the country;

"4. Calls upon all States and the competent United Nations organs to make every effort to achieve the speediest possible cessation of the conflict with respect to Afghanistan, which is the principal cause of the sufferings of the Afghan people;



"5. Decides to consider this issue at its fortieth session, in the context of the effect of the national reconciliation policy on the human rights situation in Afghanistan."

162. On 31 August 1987, amendments to the draft resolution E/CN.4/Sub.2/1987/L.19/Rev.1 and contained in document E/CN.4/Sub.2/1987/L.65 were submitted by Mr. Al Khasawneh and Mr. van Boven. The text read as follows:

"1. Insert the following new paragraph between the second and third preambular paragraphs

Deeply concerned at the presence of foreign forces in Afghanistan and continuing reports of human rights violations in the country,

"2. Fourth preambular paragraph

For the existing text substitute

Commending the efforts and constructive steps taken by the Secretary-General, especially the diplomatic process initiated by him, in the search for a solution to the problem,

"3. Fifth preambular paragraph

For the existing text substitute

Believing that a comprehensive settlement of the problem can be found through the withdrawal of foreign forces from Afghanistan and the attainment by the people of the country of their right to self-determination,

"4. Sixth, seventh, eighth and ninth preambular paragraphs

Delete the existing texts and substitute

Considering that the objective of national reconciliation proclaimed by the Afghan authorities can be genuinely realized if this is promoted in conjunction with a withdrawal of foreign forces from Afghanistan and reflects the free will of the Afghan people, including the Afghan refugees,

"5. Tenth preambular paragraph

For the existing text substitute

Reaffirming the right of the people of Afghanistan to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

"6. Eleventh preambular paragraph

For the existing text substitute

Welcoming the beginning of co-operation by Afghanistan with the Commission on Human Rights and its Special Rapporteur, Mr. Felix Ermacora,

"7. Twelfth preambular paragraph

For the existing text substitute

Noting the arrangements made by the Afghan authorities for the Special Rapporteur's programme during his visit to Afghanistan,

"8. Last preambular paragraph

For the existing text substitute

Bearing in mind the necessity for all parties to co-operate with the International Committee of the Red Cross, especially in the protection of detained persons,

"9. Operative paragraph 1

For the existing text substitute

Expresses its belief that only genuine national reconciliation acceptable to all the Afghan people, including Afghan refugees, could contribute to the improvement of the human rights situation in Afghanistan;

"10. Operative paragraph 2

For the existing text substitute

Expresses the hope that the Special Rapporteur, Mr. Felix Ermacora, will continue to receive the co-operation of all parties concerned in the fulfilment of his mandate;

"11. Operative paragraph 3, line 1

Delete the words "continue to"

"12. Fourth operative paragraph

For the existing text substitute

Calls for a political settlement of the situation in Afghanistan on the basis of withdrawal of foreign forces and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference;

"13. Add the following operative paragraph 5

5. Urges all concerned to continue to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan.

"14. Operative paragraph 5

Renumber accordingly and delete in the context of the effect of the national reconciliation policy on the human rights situation in Afghanistan."

163. At its 34th meeting, on 2 September 1987, the Sub-Commission considered the draft resolution.

164. At the same meeting, the draft resolution was withdrawn.

Situation in Guatemala

165. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.36) was submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet and Mr. Simpson. The text read as follows:

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

"Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

"Taking note with satisfaction of the Peace Agreement signed by the Central American presidents as an important step towards the achievement of peace in the region, and an opportunity to initiate in Guatemala a national dialogue with the participation of all sectors of society.

"Bearing in mind resolution 1987/53 of March 1987 of the Commission on Human Rights in which it requested the Secretary-General to appoint an expert to study the situation of human rights in Guatemala and report to the Commission as well as to provide advisory services and other appropriate forms of assistance to the Government of Guatemala,

"Welcoming the forthcoming visit to Guatemala of the Working Group on Enforced or Involuntary Disappearances,

"Recalling its resolutions 1982/17 of 7 September 1982, 1983/12 of 5 September 1983, 1984/23 of 29 August 1984, 1985/28 of 30 August 1985, which express deep concern for the massive grave and systematic violations of human rights in Guatemala and the restrictive measures that limit the freedom of the indigenous rural population,

"Recognizing that historic discrimination and oppression of Guatemala's majority Indian population has been made worse by restrictions imposed in the rural areas by the military under successive Governments and has instigated a growing social conflict,

"1. Expresses its deep concern that reliable information indicates the persistence of violations of human rights in Guatemala, in particular disappearances and torture;

"2. Expresses again its concern that restrictive measures continue to limit the freedom of Indians living in military zones and to force their incorporation into civil patrols under military command;

"3. Urges the Government of Guatemala to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of its citizens;

"4. Encourages the Government of Guatemala to take those measures that would allow refugees to return to their places of origin with full guarantees for their safety and the full exercise of their rights, in particular those concerning organization and expression as Indian communities;

"5. Welcomes the appointment by the Government of Guatemala of the Attorney-General for Human Rights in compliance with the Constitution of the Republic;

"6. Requests once again the Government of Guatemala to accept the services of international humanitarian organizations, in particular the International Committee of the Red Cross, in compliance with the norms of international law;

"7. Advises the expert appointed by the Commission on Human Rights to take due account of the information on the situation of the Indian population in his report to the Commission and in his recommendations to the Government of Guatemala;

"8. Decides to continue studying the situation of the indigenous population and human rights in Guatemala at its fortieth session."

166. The Sub-Commission considered the draft resolution at its 35th meeting, on 2 September 1987, when it was introduced by Mr. van Boven.

167. At the same meeting, the Observer for Guatemala made a statement on the draft resolution.

168. At the same meeting, Mr. Carey introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.64, which read as follows:

"1. Second preambular paragraph

For the existing text substitute

Taking note with satisfaction of the Peace Agreement signed by the Central American presidents, an important step towards the achievement of peace in the region, and encourages the role of the Government of Guatemala in this common effort,

"2. Third preambular paragraph

For the existing text substitute

Bearing in mind resolution 1987/53 of March 1987 of the Commission on Human Rights in which it decided to appoint an expert to study the situation of human rights in Guatemala and to provide advice and technical assistance to the Government of Guatemala, which has offered him its co-operation to develop his mandate,

"3. Delete the fourth, fifth and sixth preambular paragraphs

"4. Operative paragraphs 1-7

For the existing text substitute

1. Expresses its satisfaction that reliable information indicates the improvement of the human rights situation in Guatemala, and welcomes the invitation extended by the Government to the working group on disappearances;

2. Welcomes legislation that specifically transforms civil patrols into voluntary committees of civil defence in which participation is not compulsory in any manner;

3. Welcomes the efforts of the Government of Guatemala to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of its citizens;

4. Welcomes the measures taken by the Government of Guatemala that would allow refugees to return to their places of origin with full guarantees for their safety and full exercise of their rights, in particular those concerning organization and expression as Indian communities;

5. Welcomes the collaboration that the Governemnt has established with the High Commission for Refugees, noting in particular, the opening of a Bureau of the High Commission for Refugees in Guatemala and also bilateral co-operation with the Government of Mexico;

6. Welcomes the appointment by the Government of Guatemala of the Attorney-General for Human Rights in compliance with the Constitution of the Republic."

169. At the same meeting, a motion was introduced by Mr. Whitaker that the discussion of the draft resolution and the amendments thereto be postponed until the next session of the Sub-Commission.

170. At the same meeting, Mr. Alfonso Martínez moved that the document E/CN.4/Sub.2/1987/L.64 should not be considered as amendments to the draft resolution but as a separate draft resolution. A vote was taken on the motion. It was adopted by 5 votes to 4, with 6 abstentions.

171. Mr. Deschênes announced that he had not participated in the vote.

172. Statements in explanation of vote before the vote were made by Mr. Al Khasawneh and Mr. van Boven.

173. The motion to take no action on draft resolution E/CN.4/Sub.2/1987/L.36 was adopted by 9 votes to 6, with 3 abstentions.

174. A statement in explanation of vote after the vote was made by Mr. Ilkahanaf.

175. For the text of the decision, see chapter II, section B, decision 1987/104.

#### Situation in El Salvador

176. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.37) was submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Türk and Mr. Yimer.

177. The Sub-Commission considered the draft resolution at its 35th meeting, on 2 September 1987.

178. At the same meeting, a motion was introduced by Mr. Whitaker to postpone the consideration of the draft resolution until the next session of the Sub-Commission. The motion was rejected by 11 votes to 8.

179. Statements in explanation of vote after the vote were made by Mr. Bhandare, Mrs. Daes, Mr. Ilkahanaf and Mrs. Gu Yijie.

180. Mr. van Boven, on behalf of the sponsors, revised the draft resolution as follows:

"In the first preambular paragraph, the word 'and' before the words 'article 3', should be deleted.

"In the third preambular paragraph, the words 'and brutality', appearing in the first line, should be deleted.

"In the fifth preambular paragraph the word 'Movement', appearing in the first line, should be replaced by 'Agreement'.

"In operative paragraph 3, a comma should be inserted after the word 'masses' in the second line.

"In operative paragraph 4, the words 'implementation of' should be inserted after the words 'Welcomes the'; the words 'and the war disabled' should be inserted after the words 'war wounded', in the second line; the word 'provide' in the fourth line, should be replaced by 'receive'."

181. At the same meeting, the Observer for El Salvador made a statement on the draft resolution.

182. At the same meeting, Mr Carey introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.63 which read as follows:

"1. Delete the second, third and fourth preambular paragraphs.

"2. Fifth preambular paragraph,

Replace 'Movement' by 'Agreement', and after 'El Salvador' insert and Nicaragua have expressed their readiness to seek peaceful solutions, delete the remainder of the paragraph.

"3. Sixth preambular paragraph,

Replace Believing by Believes, after frustrated insert by any substantive expressions from the Sub-Commission at this time, delete the remainder of the paragraph.

"4. Delete operative paragraphs 1-7."

183. The amendments were rejected by 10 votes to 2, with 7 abstentions.

184. At the same meeting, the draft resolution, as revised, was adopted by 11 votes to 2, with 6 abstentions.

185. For the text of the resolution, as adopted, see chapter II, section A, resolution 1987/18.

#### Situation in Cyprus

186. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.38) was submitted by Mr. Alfonso Martínez, Mr. Bhandare, Mrs. Daes, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mr. Türk, Mr. Whitaker and Mr. Yimer.

187. The Sub-Commission considered the draft resolution at its 35th meeting, on 2 September 1987, when it was introduced by Mrs. Daes.

188. At the same meeting, the observer for Turkey made a statement on the draft resolution.

189. Mr. Joinet proposed an amendment to the draft resolution as follows:

Operative paragraph 4:

The text should read as follows:

"4. Decides that the question of human rights in Cyprus should be considered within the context of item 4 of the agenda for its fortieth session."

190. The amendment was accepted by the sponsors and consequently,

191. Mr. Joinet announced that he joined the sponsors of the draft resolution.

192. Mr. Carey proposed amendments to the draft resolution as follows:

"Insert a new preambular paragraph 3, which should read as follows:

Recognizing that the Secretary-General is seized of the question of resolving the Cyprus problem.

"Delete operative paragraph 3."

193. Mr. Ilkahanaf proposed an amendment to the draft resolution as follows:

"Operative paragraph 3:

"Replace the word Condemns with the words Expresses its concern also at."

194. The co-sponsors accepted the first amendment of Mr. Carey and the amendment by Mr. Ilkahanaf.

195. A separate vote was taken on the second amendment by Mr. Carey, to delete operative paragraph 3. It was rejected by 11 votes to 2, with 6 abstentions.

196. The draft resolution, as amended, was adopted by 16 votes to none, with 3 abstentions.

197. The Observer for Cyprus made a statement on the resolution.

198. For the text of the resolution, see chapter II, section A, resolution 1987/19.

#### Situation in Chile

199. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.39) was submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mr. Türk, Mr. Whitaker and Mr. Yimer. Mr. Bhandare subsequently announced that he joined the sponsors.

200. The Sub-Commission considered the draft resolution at its 35th meeting, on 2 September 1987.

201. At the same meeting, Mr. Carey introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.62 reading as follows:

"1. Delete preambular paragraphs 3-7;

"2. Add the following final preambular paragraphs:

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



Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967, which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII),

"3. Operative paragraphs 1-8:

For the existing text substitute

Submits to the Commission on Human Rights the annexed report containing information on alleged violation of human rights and fundamental freedoms in Chile from all available sources for use of the Commission,

"4. Add the following annex:

Information on alleged violations of human rights and fundamental freedoms in Chile from all available sources for use of the Commission (here members might enumerate all such information as is not already in the possession of the Commission on Human Rights)."

202. Mr. Carey revised the amendments by adding two documents under paragraph 4 of his amendment (E/CN.4/Sub.2/1987/L.62 - annex).

203. The amendments were rejected by 12 votes to 1, with 4 abstentions.

204. A statement in explanation of vote after the vote was made by Mr. Alfonso Martínez.

205. The draft resolution was adopted by 13 votes to 1, with 4 abstentions.

206. A statement in explanation of vote after the vote was made by Mr. van Boven.

207. For the text of the resolution, see chapter II, section A, resolution 1987/20.

Right to leave

208. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.34) was submitted by Mr. Carey. The text read as follows:

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

"Noting the request of the Commission on Human Rights in resolution 1986/30 of 11 March 1986 to promote 'as a matter of priority' further standard-setting relating to the right to leave and to return, in view of the fact that many people are still denied this right,

"Recalling that the Sub-Commission in resolution 1985/29 of 30 August 1985, endorsed by resolution 1986/30 of the Commission on Human Rights, requested the Special Rapporteur to present to the Sub-Commission at its thirty-ninth session:

- (a) A final report on:
  - (i) The right to leave any country, including one's own;
  - (ii) The extent and effect of restrictions under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;
  - (iii) The possibility of entering another country;
- (b) A preliminary draft of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country,

"Recalling also that the Special Rapporteur was further requested to present to the Sub-Commission at its fortieth session:

- (a) A final report on:
  - (i) The right to employment;
  - (ii) The right to return to one's own country;
  - (iii) The phenomenon of the 'brain drain' or the outflow of trained personnel from developing countries;
- (b) A proposed final draft of the draft declaration on the right of everyone to leave any country, including his own, and to return to his country,

"1. Commends the Special Rapporteur, Mr. Mubanga-Chipoya, for his comprehensive final report, concerning the right to leave which, after defining the right, provided a detailed analysis of the travaux préparatoires of article 13 of the Universal Declaration of Human Rights, and article 12 of the International Covenant on Civil and Political Rights, and also described the practical realization of the right;

"2. Regrets that for technical reasons additional portions of the current report and its annexes could not be made available to the Sub-Commission in time for consideration at its thirty-ninth session, and strongly urges that appropriate steps be taken well in advance of the fortieth session to ensure that the Sub-Commission is provided with the entire report and its annexes;

"3. Welcomes the preliminary draft declaration contained in annex I to the report, in which the Special Rapporteur took into consideration the draft principles adopted by the Sub-Commission in 1963, which were

affirmed by the Economic and Social Council in its resolution 1788 (LIV) of 18 May 1973; the work of the Uppsala Colloquium of 1972, and in particular, the Strasbourg Declaration on the Right to Leave and Return of 26 November 1986;

"4. Decides to consider as a matter of priority at its fortieth session the final report of the Special Rapporteur and the preliminary draft declaration on the right of everyone to leave any country, including his own, and to return to his country."

209. The Sub-Commission considered the draft resolution at its 35th meeting, on 2 September 1987, when it was introduced by Mr. Carey.

210. At the same meeting, Mr. Alfonso Martínez proposed that the draft resolution should be adopted as a decision. Subsequently, the draft resolution E/CN.4/Sub.2/1987/L.34 was amended by Mr. Carey to read as follows:

"The Sub-Commission decided to consider as a matter of priority at its fortieth session the final report of the Special Rapporteur, Mr. Mubanga-Chipoya, and the preliminary draft declaration on the right of everyone to leave any country, including his own, and to return to his country.

It further decided to consider the report under a separate sub-item of item 14 of the provisional agenda and to request the Secretary-General to continue giving the Special Rapporteur all the assistance required to enable him to present the final report and the draft declaration to the Sub-Commission at its fortieth session."

211. At the same meeting, the draft decision as proposed by Mr. Carey was adopted without a vote.

212. For the text of the decision, see chapter II, section B, decision 1987/105.

#### Situation in Turkey

213. On 26 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.9/Rev.1) was submitted by Mr. Whitaker. Mrs. Daes and Mr. Mubanga-Chipoya subsequently announced they were co-sponsors of the draft resolution. The text of the resolution read as follows:

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

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"Guided further by the principle that democracy cannot be solidly implanted in a country unless the latter recognizes and enriches its history with its national, religious and cultural diversity,

"Considering that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in their field,

"Deeply disturbed by the constitutional and legal measures adopted by the Government of Turkey to restrict elections, to restrict the ability of Parliament from enacting legislation pardoning political prisoners, to restrict freedom of expression and association, to violate the right to life, and to restrict the rights of its non-Turkish national groups,

"Observing with concern that historic discrimination against non-Turkish national groups and religious minorities has deteriorated by a series of restrictive measures imposed by the Turkish Government which violate their civil, political and cultural rights,

"Gravely concerned about the persistent reports of continuing persecution of the Kurds solely on account of non-violent activities for the preservation of their culture and language and for their right to be recognized as a separate national group,

"Concerned about persistent reports from reliable and impartial sources of serious violations of the human rights and fundamental freedoms of the Turkish people, including the routine and widespread use of torture during interrogation of prisoners and as an instrument for punishment without trial,

"Also concerned about recent and persistent reports regarding cruel and degrading prison conditions, including the imposition of restrictions on the detainees' right to petition, correspondence, counsel and medical treatment,

"Believing that these measures constitute an affront to human dignity, a flagrant and systematic violation of human rights and fundamental freedoms, and an obstacle to friendly and peaceful relations between nations,

"Bearing in mind Commission on Human Rights resolution 1985/51 of 14 March 1985 in which the Commission urged States, in accordance with their respective constitutional system, to provide, where they have not already done so, adequate constitutional and legal guarantees for freedom of thought, conscience, religion and belief,

"Observing that although some improvements have been made in the situation of human rights, in particular the recent removal of martial law from the last four provinces, as of this date, the Turkish Government continues to commit grave and systematic violations,

"1. Determines that the human rights situation in Turkey is sufficiently serious to merit scrutiny by all concerned United Nations bodies including the Commission on Human Rights;

"2. Believes that it might be useful for the Commission on Human Rights to recommend to the Economic and Social Council the appointment of an individual of recognized international standing as Special Rapporteur to study the human rights situation in Turkey with a view to formulating proposals which could contribute to ensuring full protection of human rights of all citizens of Turkey, including in particular the non-Turkish national groups and the religious minorities, and to present a report to the Commission on Human Rights at its forty-fourth session, and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session;

"3. Recommends to the Commission on Human Rights to study carefully at its forty-fourth session the evolution of the situation of human rights and fundamental freedoms in Turkey;

"4. Urges the Turkish authorities to put an end to all repressive measures, to torture and to cruel, inhuman or degrading treatment;

"5. Also urges the Turkish authorities to set free persons detained and/or sentenced for alleged offences against the indivisibility and integrity of the State and the use of Kurdish, a 'language prohibited by law';

"6. Calls upon the Turkish authorities to identify the persons responsible for the torture and cruel, inhuman or degrading treatment, and to punish the guilty;

"7. Appeals to the Turkish authorities to respect civil, political, economic, social and cultural rights, especially those of the non-Turkish national groups, notably as regards their cultural and political rights;

"8. Requests the specialized agencies, other intergovernmental organizations, as well as non-governmental organizations in consultative status concerned to submit to the Secretary-General for reference to the Commission on Human Rights recent and reliable information on torture and other cruel, inhuman or degrading treatment or punishment, together with any other allegations of violations of human rights in Turkey."

214. The Sub-Commission considered the draft resolution at its 36th meeting, on 3 September 1987, when it was introduced by Mr. Whitaker.

215. At the same meeting, Mr. van Boven introduced amendments to the draft resolution, contained in document E/CN.4/Sub.2/1987/L.71. The text read as follows:

"1. Delete the second, fourth, sixth, eighth, ninth and tenth preambular paragraphs.

"2. Add the following final preambular paragraphs:

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

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967 which welcomed the decision of the Commission on Human Rights to give annual consideration to the item and concurred with the request for assistance addressed to the Sub-Commission and to the Secretary-General in Commission resolution 8 (XXIII).

Operative paragraph 2, lines 6-8

"3. Delete including in particular ... at its forty-fourth session.

"4. Delete operative paragraphs 4-8.

"5. Add the following final operative paragraph:

Submits to the Commission on Human Rights the annexed report containing information on alleged violations of human rights and fundamental freedoms in Turkey from all available sources for use of the Commission.

"Annex

[Information on alleged violations of human rights and fundamental freedoms in Turkey as presented to the Sub-Commission by non-governmental organizations in consultative status and the observations thereon by the Government of Turkey.]"

216. At the same meeting, the Observer for Turkey made a statement on the draft resolution.

217. A motion was introduced by Mr. Al Khasawneh that no action should be taken on the draft resolution and the amendments thereto.

218. The motion was adopted by 9 votes to 5, with 2 abstentions.

219. Statements in explanation of vote after the vote were made by Mr. Joinet, Mr. Carey and Mr. Ilkahanaf.

220. For the text of the decision, see chapter II, section B, decision 1987/106.

221. The Sub-Commission considered draft resolution E/CN.4/Sub.2/1987/L.32 together with draft resolution E/CN.4/Sub.2/1987/L.46. Those draft resolutions are discussed in chapter X.

VIII. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

222. The Sub-Commission considered agenda item 7 at its 9th, 10th, 11th and 31st meetings on 14, 17 and 31 August 1987.

223. The Sub-Commission had before it the following document:

Report of the Secretary-General on the subject prepared in accordance with Sub-Commission resolution 1985/1 (E/CN.4/Sub.2/1987/11).

224. In the general debate on this item statements were made by the following members: Mr. van Boven (10th), Mr. Carey (10th), Mrs. Daes (10th), Mr. Alfonso Martínez (11th), Mr. Tchikvadze (10th), Mr. Türk (10th) and Mr. Yimer (10th).

225. The Sub-Commission heard statements by Observers for: the Islamic Republic of Iran (10th) and Guatemala (10th).

226. Statements were also made by the following non-governmental organizations: National Aboriginal Islander Legal Service Secretariat (10th), International Council of Jewish Women (10th), International Commission of Jurists (10th), Four Directions Council (10th), International League for Rights and Liberation of Peoples (10th) and Minority Rights Group (10th).

227. Statements in right of reply or equivalent to right of reply were made by observers for Lebanon (11th) and Iraq (11th).

228. On 18 August 1987, a draft decision (E/CN.4/Sub.2/1987/L.5) was submitted by Mr. Carey and on 24 August 1987 a draft decision (E/CN.4.Sub.2/1987/L.26) was submitted by Mr. Sofinsky.

229. At the 31st meeting, on 31 August 1987, Mr. Carey noted that draft decision, E/CN.4/Sub.2/1987/L.26 reflected in its paragraph 2 the idea contained in draft decision E/CN.4/Sub.2/1987/L.5 and proposed to take decisions only on the document L.26.

230. Statements relating to the draft decision contained in document L.26 were made by Mr. van Boven (31st), Mr. Carey (31st), Mr. Alfonso Martínez (31st) and Mr. Sofinsky (31st).

231. Mr. van Boven proposed to replace the word "adopt" by the words "take note" in paragraph 1 of the document E/CN.4/Sub.2/1987/L.26. The amendment was accepted by the sponsors.

232. At the 31st meeting draft decision E/CN.4/Sub.2/1987/L.26, as amended, was adopted without a vote.

233. For the text of the decision, see chapter II, section B, decision 1987/101.

IX. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE  
WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER  
SUB-COMMISSION RESOLUTION 2 (XXIV) PURSUANT TO  
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

234. The Sub-Commission considered item 8 of its agenda at its 20th and 21st closed meetings and at its 37th meeting (closed part), held on 24 August 1987 and on 4 September 1987.

235. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959,

including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

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

237. The Sub-Commission had before it a confidential report on the work of the fifteenth session of the Working Group on Communications, held from 27 July to 7 August 1987 (E/CN.4/Sub.2/1987/R.1 and addenda), as well as certain communications which had been kept pending before it since its thirty-eighth session in 1985. All relevant Government replies were also before the Sub-Commission. The Chairman/Rapporteur of the Working Group on Communications, Mr. Fisseha Yimer, introduced its report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its thirty-eighth session.

238. Following a discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission decided to defer action on certain communications to its fortieth session in 1988 and to take no action with regard to certain other communications which it had before it.

239. At its 37th meeting (closed part) held on 4 September 1987, the Sub-Commission adopted a report, by which it communicates its decisions to the Commission on Human Rights, confidentially, in accordance with paragraph 8 of Council resolution 1503 (XLVIII).

240. At the 31st meeting on 31 August 1987, Mr. Sofinsky introduced a draft resolution concerning the advisability of reviewing the procedure for dealing with communications governed by Economic and Social Council resolution 1503 (XLVIII) (E/CN.4/Sub.2/1987/L.27) which read as follows:

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

"Desiring to increase the effectiveness of United Nations efforts to encourage respect for human rights and fundamental freedoms, and to improve the relevant international procedures on the basis of the purposes and principles of the Charter of the United Nations,

"Recalling the provisions of Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, whereby the Council decided to review the procedure set out in those resolutions for dealing with communications relating to violations of human rights and fundamental freedoms, after the entry into force of the International Covenants on Human Rights or in case any new organ entitled to deal with such communications should be established within the United Nations,



"Noting in this connection the entry into force of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Elimination of All Forms of Discrimination Against Women and of other instruments, with respect to which relevant international bodies have been established or relevant international or regional procedures for encouraging and protecting human rights are in operation,

"Recommends the following resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

"Having considered Sub-Commission resolution 1987/...,

"1. Requests the Secretary-General to ask all Member States to submit their views and proposals concerning the advisability of reviewing the procedure for dealing with communications relating to violations of human rights and fundamental freedoms, established in Economic and Social Council resolution 1503 (XLVIII), and concerning the possible main lines of such review, and to prepare a report based on the replies;

"2. Instructs the Sub-Commission to examine this question at its fortieth session under the agenda item entitled "Communications concerning human rights", and to submit its considerations to the forty-fifth session of the Commission on Human Rights."

241. An amendment was submitted by Mr. Whitaker (E/CN.4/Sub.2/1987/L.43), the text of which read as follows:

"Operative paragraph 1 of the draft resolution to be adopted by the Commission on Human Rights, line 2

After reviewing insert, so as to reform the procedure to strengthen it to make it even more effective.

242. Amendments were also submitted by Mr. Carey (E/CN.4/Sub.2/1987/L.47) which read as follows:

"Add the following final preambular paragraph:

Recognizing the necessity for the procedures followed under Economic and Social Council resolution 1503 (XLVIII) for the protection of human rights in all countries whether or not they have ratified or acceded to relevant conventions and especially in those that do not comply with standards set forth in such conventions,

"Operative paragraph 2, lines 2 and 3

For Communications concerning human rights read: Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-first session of the Sub-Commission."

243. After an exchange of views, the Sub-Commission decided, without a vote, to defer consideration of the matter to its fortieth session.

244. For the text of the decision, see chapter II, section B, decision 1987/102.

245. At its 37th meeting on 4 September 1987, the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its fortieth session.

246. For the composition of the Working Group, see chapter II, section B, decision 1987/113.

- X. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:
  - A. QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION AND IMPRISONMENT;
  - B. INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES;
  - C. STUDY OF THE INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS;
  - D. IMPLEMENTATION OF THE RIGHT TO DEROGATION PROVIDED FOR UNDER ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND VIOLATIONS OF HUMAN RIGHTS;
  - E. ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY;
  - F. RESTRAINTS ON THE USE OF FORCE BY LAW ENFORCEMENT AND MILITARY PERSONNEL.

247. The Sub-Commission considered agenda item 9 and its sub-items 9 (a), 9 (b), 9 (c), 9 (d), 9 (e) and 9 (f) as a whole from its 22nd to 27th meetings, and at its 36th meeting held from 25 to 27 August 1987 and on 3 September 1987. The item was introduced by the representative of the Secretary-General.

248. At its 3rd meeting on 12 August 1987, the Sub-Commission decided to establish a sessional working group on detention. The Working Group was composed of the following members of the Sub-Commission:

Mr. John Carey  
Mr. Driss Dahak  
Mr. Miguel Alfonso Martínez  
Mr. Masayuki Takemoto  
Mr. Danilo Türk

249. The Sub-Commission had before it the following documents:

Sub-item 9 (a)

Report of the Secretary-General containing information received from Governments, in accordance with Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1987/12, Add.2 and Add.4);

Report of the Secretary-General containing information received from specialized agencies and intergovernmental organizations, in accordance with Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1987/12/Add.1 and Add.3);

Synopsis of material submitted by non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat, in accordance with Sub-Commission resolution 7 (XXVII) and 4 (XXVIII) (E/CN.4/Sub.2/1987/13);

Succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment. Report of the Secretary-General, in accordance with Commission on Human Rights resolution 1987/33, paragraph 7 (E/CN.4/Sub.2/1987/14);

Explanatory paper on the practice of administrative detention without charge or trial, by Mr. Louis Joinet, in accordance with Sub-Commission decision 1985/110 (E/CN.4/Sub.2/1987/16);

Report of the Working Group on Detention (E/CN.4/Sub.2/1987/15).

Selected United Nations instruments and resolutions relating to the administration of justice and the human rights of detainees (E/CN.4/Sub.2/1987/CRP.1).

Sub-item 9 (c)

Note by the Secretary-General, prepared pursuant to Sub-Commission decision 1985/107, relating to the study of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1987/17);

Study of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers. Final report by the Special Rapporteur, Mr. L.M. Singhvi, in accordance with Sub-Commission resolution 1984/11 (E/CN.4/Sub.2/1985/18, Add.1-6 and Add.5/Rev.1).

Sub-item 9 (d)

First annual report and list of countries which proclaimed, extended or terminated a state of emergency, by the Special Rapporteur, Mr. Leandro Despouy, in accordance with Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1987/19).

Note by the Secretary-General, prepared in accordance with Sub-Commission resolution 1985/13, relating to the implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights: state of siege in Paraguay (E/CN.4/Sub.2/1987/18);

Letter dated 26 June 1987 from the representative of Norway to the Commission on Human Rights addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1987/31);

Explanatory paper on the best way of undertaking the drawing up and updating of a list of countries which proclaim or terminate a state of emergency each year, and the submission of an annual report to the Commission on Human Rights containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency, prepared by Mr. Leandro Despouy (E/CN.4/Sub.2/1985/19).

Sub-item 9 (e)

Analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty by the Special Rapporteur, Mr. Marc J. Bossuyt, pursuant to Economic and Social Council resolution 1985/41 (E/CN.4/Sub.2/1987/20).

Sub-item 9 (f)

Restraints on the use of force by law enforcement and military personnel. Note by the Secretary-General, in accordance with Sub-Commission decision 1985/108 (E/CN.4/Sub.2/1987/21).

250. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Al Khasawneh (24th, 25th, 27th), Mr. Alfonso Martínez (25th, 27th), Mr. Bhandare (24th), Mr. van Boven (27th), Mr. Carey (23rd, 24th, 25th, 27th), Mrs. Daes (23rd, 27th), Mr. Dahak (23rd, 25th, 27th), Mr. Deschênes (24th, 27th), Mr. Flinterman (24th), Mrs. Gu Yijie (24th), Mr. Ilkahanaf (23rd, 24th, 27th), Mr. Joinet (23rd, 25th, 27th), Mr. Mubanga-Chipoya (27th), Mr. Sofinsky (24th, 27th), Mr. Tchikvadze (22nd, 23rd, 24th, 27th), Mr. Türk (24th), Mr. Whitaker (24th, 25th) and Mr. Yimer (23rd).

251. The Sub-Commission also heard statements by the Observers for Austria (26th), Canada (26th), Federal Republic of Germany (26th), Democratic Kampuchea (26th), Nicaragua (26th) and Sri Lanka (26th).

252. A statement was made by the representative for the Centre for Social Development and Humanitarian Affairs (Crime Prevention Branch) (27th).

253. A statement was made by the representative of the South West African Peoples' Organization (25th).

254. Statements were also made by the following non-governmental organizations: Amnesty International (24th), Andean Commission of Jurists (25th), Disabled People's International (25th), Friends World Committee for Consultation (25th), Human Rights Advocates (25th), Indigenous World Association (25th), International Commission of Health Professionals for Health and Human Rights (25th), International Commission of Jurists (25th), International Federation for Human Rights (25th), International Indian Treaty Council (26th), International Law Association (26th), International League for the Rights and Liberation of Peoples (26th), International Movement for Fraternal Union Among Races and Peoples (25th), Minority Rights Group (25th), National Aboriginal and Islander Legal Service Secretariat (26th), Pax Christi International (26th), World Federation for Mental Health (25th) and World Union for Progressive Judaism (24th).

255. Statements in right of reply or equivalent to right of reply were made by the Observers for Argentina (26th), Japan (26th), Pakistan (26th) and Union of Soviet Socialist Republics (26th).

256. At the 22nd meeting on 25 August 1987, Mr. Joinet introduced his explanatory paper on administrative detention without charge or trial (E/CN.4/Sub.2/1987/16) to the Sub-Commission.

257. At the same meeting, in introducing the report of the Working Group on detention (E/CN.4/Sub.2/1987/15) to the Sub-Commission, the Chairman/Rapporteur of the Working Group, Mr. John Carey, *inter alia*, drew the attention of the Sub-Commission to annexes I, II, III and IV of the report. These annexes contained three working papers submitted by Mr. Louis Joinet relating to the detention of persons who exercise the right to freedom of opinion and expression (annex I), the individualization of prosecution and penalties, and repercussions of violations of human rights on families (annex II), and the elaboration of norms guaranteeing an impartial investigation into arbitrary execution on suspicious violent death, in particular during detention (annex III), and another working paper by the Chairman/Rapporteur in relation to the proposals contained in Sub-Commission resolution 1983/30, paragraph 3, concerning (a) the period of imprisonment; (b) the right to a fair trial; (c) capital punishment; and (d) the question of retroactive changes in penal jurisdiction or procedure (annex IV).

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

258. At the 22nd meeting on 25 August 1987, the Special Rapporteur, Mr. L.M. Singhvi, introduced his final report (E/CN.4/Sub.2/1985/18 and Add.1-6 and Add.5/Rev.1) to the Sub-Commission. Mr. Singhvi made another statement at the 27th meeting on 27 August 1987.

D. Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights

259. At its 23rd meeting on 25 August 1987, the Special Rapporteur, Mr. Leandro Despouy, introduced his first annual report (E/CN.4/Sub.2/1987/19) to the Sub-Commission.

E. Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

260. At the 22nd meeting on 25 August 1987, the Special Rapporteur, Mr. Marc Bossuyt, introduced his report (E/CN.4/Sub.2/1987/20) to the Sub-Commission. Mr. Bossuyt made another statement at the 27th meeting on 27 August 1987.

261. On 28 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.40) was submitted by Mrs. Daes and Mr. Whitaker.

262. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution, which was introduced by Mrs. Daes.

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

264. For the text of the resolution, see chapter II, section A, resolution 1987/22.

Independence and impartiality of the judiciary

265. On 27 August 1987, a draft resolution E/CN.4/Sub.2/1987/L.41 was submitted by Mr. Deschênes which read as follows:

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

"Recalling the relevant decisions by which Mr. L.M. Singhvi was entrusted with the task of preparing a report on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

"Having before it the report submitted by the Special Rapporteur and the revisions made by him in the course of the session,

"Having been informed of the numerous international meetings and intensive consultations from which the Special Rapporteur has benefited,

"Conscious of the hopes which, for several years, have been expressed with a view to the proclamation by the United Nations of a universal declaration on the independence of justice,

"1. Approves the revised draft Universal Declaration on the Independence of Justice submitted by Mr. L.M. Singhvi, Special Rapporteur;

"2. Decides that a first chapter entitled "International judges" should be added to this revised draft using the terms of the corresponding chapter of the Universal Declaration adopted in Montreal in June 1983;

"3. Expresses to Mr. L.M. Singhvi, Special Rapporteur, its thanks and congratulations for an extremely comprehensive report, which should exert historic influence;

"4. Decides to transmit this report to the Commission on Human Rights;

"5. Recommends to the Commission on Human Rights that it should approve the revised draft Universal Declaration on the Independence of Justice mentioned above, together with the additional chapter also indicated above, with a view to adoption by the General Assembly."

266. At the 36th meeting, on 3 September 1987, Mr. Deschênes introduced the draft resolution.

267. At the same meeting, Mr. Deschênes withdrew draft resolution E/CN.4/Sub.2/1987/L.41.

268. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.42) was submitted, co-sponsored by Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf and Mr. Whitaker.

269. At the 36th meeting on 3 September 1987, Mrs. Daes introduced the draft resolution.

270. Mr. Deschênes subsequently joined the sponsors.

271. At the same meeting Mr. van Boven in agreement with the co-sponsors, revised the draft as follows: To insert a fifth preambular paragraph, which read "Bearing in mind the Basic Principles on the Independence of the Judiciary adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders"; and to insert in paragraph 3, after the words "Member States" the following words: "and, pursuant to paragraph 9 of resolution 1987/33 of the Commission on Human Rights, to the Centre for Social Development and Humanitarian Affairs". Mrs. Daes further proposed that the words "transnational jurisprudence" in paragraph 1 be replaced by the words "legal doctrine".

272. At the same meeting, statements in relation to the draft resolution were made by: Mr. Al Khasawneh, Mr. Bhandare, Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Deschênes, Mr. Ilkahanaf, Mr. Joinet, Mr. Sofinsky.

273. At the same meeting, Mr. Sofinsky proposed that paragraph 2 of the draft resolution be deleted, and that paragraph 3 be renumbered as paragraph 2. He further proposed the deletion of paragraphs 4 and 5.

274. At the request of Mr. Carey, a separate vote was taken on the deletion of paragraph 2 of the draft resolution. The proposal was adopted by 6 votes to 2, with 10 abstentions.

275. Mr. Bhandare presented a motion that paragraphs 4 and 5 as proposed by Mr. Sofinsky should be deleted. At Mr. Bhandare's request, a separate vote was taken on the proposal that paragraphs 4 and 5 be deleted. The proposal was rejected by 9 votes to 6, with 3 abstentions.

276. At the same meeting, a vote was taken on draft resolution E/CN.4/Sub.2/1987/L.42, as revised and amended. It was adopted by 12 votes to 1, with 5 abstentions.

277. For the text of the resolution, see chapter II, section A, resolution 1987/23.

#### Administrative detention

278. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.60) was submitted by Mr. Alfonso Martínez, Mr. Carey, Mr. Deschênes and Mr. Türk.

279. At its 36th meeting on 3 September 1987, the Sub-Commission considered the draft resolution. Statements were made by Mr. Joinet and Mr. Sofinsky.

280. A statement was also made by the representative of the Secretary-General on the administrative and programme budget implications of the draft resolution.

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

282. For the text of the resolution, see chapter II, section A, resolution 1987/24.

#### Individualization of prosecution

283. On 31 August 1987, a draft decision (E/CN.4/Sub.2/1987/L.61) was submitted by Mr. Al Khasawneh, Mr. Carey, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Valdez Baquero and Mr. Whitaker.

284. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft decision. Statements were made by Mr. Despouy, Mr. Joinet and Mr. Sofinsky. A statement was also made by the representative of the Secretary-General on the administrative and programme budget implications of the draft decision.

285. At the same meeting, the draft decision was adopted without a vote.

286. For the text of the decision, see chapter II, section B, decision 1987/107.

#### Rights of detainees

287. On 31 August 1987, a draft decision E/CN.4/Sub.2/1987/L.52 was submitted by Mr. Alfonso Martínez, Mr. Carey, Mr. Takemoto and Mr. Türk.

288. At the 36th meeting, on 3 September 1987, in introducing the draft decision, Mr. Carey proposed that in the text of the decision, after the words "Committee on Crime Prevention and Control", the following words be added: "and the Centre for Social Development and Humanitarian Affairs".



289. Subsequently, Mr. Alfonso Martínez proposed that in paragraph 6 of the decision, after the words "use of force by law-enforcement personnel" the following words be added: "against persons subjected to any form of detention or imprisonment".

290. Statements in relation to the draft decision were made by Mr. Alfonso Martínez, Mr. Carey and Mrs. Daes.

291. At the same meeting, the draft decision as revised by Mr. Carey and Mr. Alfonso Martínez, was adopted without a vote.

292. For the text of the decision, see chapter II, section B, decision 1987/108.

#### States of emergency

293. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.68) was submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mrs. Gu Yijie, Mr. Ilkahanaf, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer. Mr. Bhandare subsequently joined the co-sponsors.

294. At its 36th meeting on 3 September 1987, the Sub-Commission considered the draft resolution. In this connection, a statement was made by the representative of the Secretary-General in relation to the Administrative and programme budget implications of the draft resolution (E/CN.4/Sub.2/1987/L.78).

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

296. For the text of the resolution, see chapter II, section A, resolution 1987/25.

#### Death penalty

297. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.59) was submitted by Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Simpson, Mr. Valdez Baquero and Mr. Whitaker. The text read as follows:

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

"Mindful of its resolution 1984/7 of 28 August 1984 by which it entrusted its Special Rapporteur, Mr. Marc Bossuyt, with the preparation of an analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, taking into account the documents considered and the views expressed in the Assembly, the Commission and the Sub-Commission in favour or against the idea of elaborating such a protocol,

"1. Expresses its deep appreciation to its Special Rapporteur, Mr. Marc Bossuyt, for his thorough analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;

2. Transmits the analysis and the comments expressed at its thirty-ninth session and the draft Second Optional Protocol to the International Covenant on Civil and Political Rights, prepared by the Special Rapporteur, to the Commission on Human Rights for its consideration."

298. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution. Statements in this connection were made by Mr. Carey, Mr. Mubanga-Chipoya and Mr. Sofinsky.

299. At the same meeting, under rule 65 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, a vote was taken on the motion made by Mr. Sofinsky that no action should be taken on the draft resolution. The motion was adopted by 4 votes to 3, with 6 abstentions.

300. Mr. Joinet stated that he would have voted against the motion if he had been present.

301. For the text of the decision see chapter II, section B, decision 1987/109.

#### Human rights of United Nations staff members

302. On 26 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.32) was submitted by Mr. Whitaker.

303. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.46) was submitted by Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Joinet, Mr. Martínez Baez and Mr. Valdez Baquero.

304. The Sub-Commission considered the draft resolution (E/CN.4/Sub.2/1987/L.32) at its 34th meeting on 2 September 1987, when it was introduced by Mr. Whitaker and at its 36th meeting on 3 September 1987. The text read as follows:

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

"Bearing in mind the provisions of Articles 100, 101, 103, 104 and 105 of the Charter of the United Nations, and the Convention on the Privileges and Immunities of the United Nations,

"Recognizing that the effective contribution of the United Nations to international peace and security and the promotion of respect for human rights and fundamental freedoms depend in large measure on respect for the international character of the Secretariat, the privileges and immunities of the Organization and the human rights of staff members,

"Reaffirming in particular the paramount importance of Article 100 of the Charter and the undertaking by Member States to respect the exclusively international character of the Secretariat,

"Deeply concerned by reports of infringements of the human rights of United Nations staff members and the failure to respect the rights covered under the Convention on the Privileges and Immunities of the United Nations,

"Further concerned by reports that a Member State has prevented a United Nations official from performing his functions thus disregarding that Member State's obligation under the Charter,

"Recalling Commission on Human Rights resolution 31 (XXXVI) of 11 March 1980 entitled "The human rights of United Nations staff members",

"1. Recommends to the Commission on Human Rights:

(a) To appeal to Member States of the United Nations to respect their obligations under the Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Privileges and Immunities of the United Nations;

(b) To request the Secretary-General to use his good offices to ensure the full enjoyment of human rights by United Nations staff members and the enjoyment of rights conveyed under the Convention on the Privileges and Immunities of the United Nations;

"2. Requests the Commission on Human Rights in particular, very strongly to urge the Government of Romania forthwith not to prevent Mr. Livio Bota from returning to his place of official assignment and to his family in Geneva, and to fully respect the human rights and privileges and immunities of all United Nations staff members;

"3. Requests the Secretary-General to redouble and strengthen his efforts to ensure that the human rights and privileges and immunities of United Nations staff members are fully respected;

"4. Decides to consider this matter of its fortieth session on the basis, inter alia, of any information the Secretary-General may wish to submit."

305. Mr. Whitaker revised the draft resolution as follows: In the fifth preambular paragraph, the words "a Member State has" should be replaced by "some Member States have". In operative paragraph 3, the words "and their families" should be inserted after the words "United Nations staff members".

306. At the 34th meeting, the observer for Romania made a statement in connection with the draft resolution.

307. A motion was introduced by Mr. Sofinsky that no action should be taken on the draft resolution.

308. At the 36th meeting, on 3 September 1987, Mr. Whitaker announced that following an agreement with the co-sponsors of draft resolution E/CN.4/Sub.2/1987/L.46, he was withdrawing draft resolution E/CN.4/Sub.2/1987/L.32, on condition that operative paragraphs 2 and 3 of that resolution as revised be inserted after operative paragraph 1 of draft resolution E/CN.4/Sub.2/1987/L.46, to replace its operative paragraph 2. Operative paragraph 3 of draft resolution E/CN.4/Sub.2/1987/L.46 in its original form would thus become operative paragraph 4.

309. At the same meeting, at the request of Mrs. Gu Yijie, a separate vote was taken on the inclusion of operative paragraphs 2 and 3 of draft resolution E/CN.4/Sub.2/1987/L.32 in draft resolution E/CN.4/Sub.2/1987/L.46.

310. The two paragraphs were adopted by 10 votes to 1, with 2 abstentions.

311. At the same meeting, at the request of Mr. Whitaker, a roll-call vote was taken on the draft resolution as amended. The draft resolution was adopted by 11 votes to 2, with 2 abstentions. The voting was as follows:

In favour: Mr. Al Khasawneh, Mr. van Boven, Mrs. Daes, Mr. Deschênes,  
Mr. Joinet, Mr. Martínez Baez, Mr. Carey, Mr. Simpson,  
Mr. Takemoto, Mr. Valdez Baquero and Mr. Whitaker

Against: Mrs. Gu Yijie and Mr. Sofinsky

Abstaining: Mr. Türk and Mr. Yimer

Mr. Alfonso Martínez stated that in case he had been present during the vote, he would have voted against draft resolution contained in document E/CN.4/Sub.2/1987/L.46 as amended by the co-sponsors. He would also have voted against the retention of the various paragraphs on which separate votes were requested.

312. For the text of the resolution, see chapter II, section A, resolution 1987/21.

#### XI. DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

313. The Sub-Commission considered item 10 at its 32nd, 33rd, 35th and 37th meetings on 1, 2 and 4 September 1987.

314. The Sub-Commission had before it the following documents:

The report of the Working Group on Indigenous Populations on its fifth session (E/CN.4/Sub.2/1987/22 and Add.1);

The study of the Problem of Discrimination against Indigenous Populations by the Special Rapporteur, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4);

A written statement submitted by the Four Directions Council (E/CN.4/Sub.2/1987/NGO/3);

A written statement by the International Federation of Human Rights (E/CN.4/Sub.2/1987/NGO/6);

A written statement by the Grand Council of the Crees (of Quebec) (E/CN.4/Sub.2/1987/NGO/11);

A written statement by the Indigenous World Association (E/CN.4/Sub.2/1987/NGO/11).

315. At its 32nd meeting, on 1 September 1987, the Chairman/Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene A. Daes, introduced the report of the Working Group on its fifth session (E/CN.4/Sub.2/1987/22 and Add.1).

316. At the same meeting, the Co-Chairman of the Independent Commission on International Humanitarian Issues, Prince Sadruddin Aga Khan, addressed the Sub-Commission.

317. At the 33rd meeting, the following members of the Sub-Commission made statements: Mr. Carey, Mr. Deschênes and Mr. Despouy. Mrs. Daes, then summed up the important points to which attention had been drawn during the debate.

318. At the 33rd meeting, on 1 September 1987, statements were made by the observers for the following Member States: Australia (33rd), Bangladesh (33rd), Canada (33rd), Costa Rica (33rd), Guatemala (33rd), Nicaragua (33rd) and the United States of America (33rd).

319. The representatives of the following non-governmental organizations made statements at the 32nd and 33rd meetings: Amnesty International (33rd), Anti-Slavery Society for the Protection of Human Rights (33rd), Four Directions Council (33rd), Grand Council of the Crees (of Quebec) (33rd), Indigenous World Association (33rd), International Federation of Human Rights (32nd), International Indian Treaty Council (33rd), International League for the Rights and Liberation of Peoples (33rd) and Minority Rights Group (33rd).

#### International year

320. On 24 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.20) was submitted by Mr. Alfonso Martínez, Mrs. Daes, Mrs. Gu Yijie, Mr. Simpson and Mr. Türk.

321. At the 35th meeting on 2 September 1987, Mrs. Daes introduced the draft resolution. Mr. Bhandare joined the co-sponsors.

322. Mrs. Daes proposed on behalf of the co-sponsors that the beginning of the fourth preambular paragraph of the draft resolution text recommended for adoption by the Economic and Social Council should read "Conscious of the continuing struggle" instead of "Conscious that the year 1992 will mark five centuries of struggle".

323. Mr. Deschênes proposed that the fourth and fifth preambular paragraphs of the draft resolution text recommended for adoption by the Economic and Social Council should be combined so as to read "Conscious of the continuing struggle by the indigenous peoples around the world to enjoy their inalienable human rights and fundamental freedoms" instead of "Conscious that the year 1992 will mark five centuries of struggle by the indigenous peoples of the western hemisphere and "Mindful that, in various situations around the world, indigenous peoples are unable to enjoy their inalienable human rights and fundamental freedoms".

324. Mr. Martínez Báez and Mr. van Boven proposed that the final paragraph of the draft resolution should refer to "the International Year of Indigenous People" instead of "the International Year of Indigenous Rights". After hearing an explanation by Mrs. Daes on behalf of the co-sponsors, the amendment was revised to read the "International Year of the World's Indigenous Populations".

325. Mr. Ilkahanaf, Mr. Joinet and Mr. Sofinsky also made statements relating to the draft resolution.

326. At the same meeting, the Sub-Commission adopted the draft resolution, as orally amended by Mrs. Daes and Mr. Deschênes, without a vote.

327. For the text of the resolution, see chapter II, section A, resolution 1987/15.

#### Draft declaration

328. On 24 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.21) was submitted by Mr. Alfonso Martínez, Mrs. Daes, Mrs. Gu Yijie, Mr. Simpson and Mr. Türk.

329. At the 35th meeting on 2 September 1987, Mrs. Gu Yijie introduced the draft resolution.

330. Mr. Deschênes made a statement concerning the draft resolution.

331. The attention of the Sub-Commission was drawn to the administrative and programme budget implications of the draft resolution as set out in document E/CN.4/Sub.2/1987/L.53.

332. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

333. For the text of the resolution, see chapter II, section A, resolution 1987/16.

#### Study of treaties

334. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.54) was submitted by Mr. Al Khasawneh, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mrs. Gu Yijie, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

335. At the 35th meeting on 2 September 1987, Mrs. Daes introduced the draft resolution.

336. Statements relating to the draft resolution were made by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Carey, Mr. Deschênes, Mr. Sofinsky and Mr. Yimer.

337. The attention of the Sub-Commission was drawn to the administrative and budget implications of the draft resolution as set out in document E/CN.4/Sub.2/1987/L.74.

338. At the same meeting, the Sub-Commission adopted the draft resolution by 15 votes to none, with 2 abstentions.

339. Explanations of vote after the vote were made by Mr. Alfonso Martínez and Mr. Deschênes.

340. For the text of the resolution, see chapter II, section A, resolution 1987/17.

#### Relocation of Hopi and Navajo families

341. On 1 September 1987, a draft decision (E/CN.4/Sub.2/1987/L.73) was submitted by Mr. Alfonso Martínez and Mrs. Daes.

342. The Sub-Commission considered the draft decision at its 37th meeting, on 4 September 1987, when it was introduced by Mrs. Daes. She stated that there were no administrative or budget programme implications relating to the draft decision.

343. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Carey, Mrs. Daes, Mrs. Gu Yijie and Mr. Türk, as well as the Chairman.

344. At the same meeting, the Sub-Commission adopted the draft decision without a vote.

345. For the text of the decision, see chapter II, section B, decision 1987/110.

#### XII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

346. The Sub-Commission considered agenda item 11 at its 18th, 19th, 27th and 36th meetings, held on 21 and 27 August and 3 September 1987.

347. The Sub-Commission had before it the following documents:

Report of the right to adequate food as a human right submitted by Mr. Asbjørn Eide, Special Rapporteur (E/CN.4/Sub.2/1987/23);

Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1987/10);

Report of the Committee on Economic, Social and Cultural Rights on its first session (E/1987/L.15);

General Assembly resolution 41/128 of 4 December 1986, containing the Declaration on the Right to Development;

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1987/NGO/4);

Written communication submitted by the International Commission of Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1987/NGO/13);

Written statements submitted by the International Movement ATD Fourth World, a non-governmental organization in consultative status (category II) (E/CN.4/1987/NGO/2, E/CN.4/Sub.2/1987/NGO/12, E/CN.4/1987/NGO/55);

Technical assistance for the strengthening of legal institutions - Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1984/19 (E/CN.4/Sub.2/1985/24 and Add.1-2);

Technical assistance for the strengthening of legal institutions - Additional report of the Secretary-General prepared in accordance with Sub-Commission resolution 1984/19 and decision 1985/106 (E/CN.4/Sub.2/1987/7).

348. At the 18th meeting, on 21 August 1987, Mr. Eide, Special Rapporteur on the question of the right to adequate food as a human right, introduced his report to the Sub-Commission. The Special Rapporteur also made a statement at the 27th meeting, on 27 August 1987.

349. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Bhandare (27th), Mr. van Boven (19th), Mr. Deschênes (27th), Mr. Khalifa (19th), Mr. Martínez Báez (19th), Mr. Tchikvadze (27th) and Mr. Türk (19th).

350. A statement was made by the observer for the German Democratic Republic (27th).

351. The Sub-Commission also heard statements by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (26th), Baha'i International Community (26th), Four Directions Council (27th), International Abolitionist Federation (27th), International Commission of Health Professionals for Health and Human Rights (26th), International Commission of Jurists (26th), International League for the Rights and Liberation of Peoples (27th), International Movement A.T.D. Fourth World (26th), International Movement for Fraternal Union Among Races and Peoples (27th) and Minority Rights Group (27th).

#### Women in development

352. On 27 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.33) was submitted by Mr. Whitaker.

353. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution when it was introduced by Mr. Whitaker. Mr. Bhandare, Mrs. Daes, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Sofinsky and Mr. Türk subsequently joined the sponsor.



354. Mr. van Boven orally revised draft resolution E/CN.4/Sub.2/1987/L.33 as follows:

In the first line of paragraph 1, the word "fortieth" was replaced by "forty-first".

355. The Sub-Commission adopted the draft resolution without a vote.

356. For the text of the resolution, see chapter II, section A, resolution 1987/26.

#### Right to food

357. On 27 August 1987, the draft resolution (E/CN.4/Sub.2/1987/L.48) which read as follows was submitted by Mr. Carey and Mr. Martínez Báez.

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

"Grateful to Mr. Ashbjørn Eide for his thorough analysis of the status of the right to food in international law,

"Appreciating Mr. Eide's recommendation that the Sub-Commission seek authorization to draft an appropriate instrument on the right to food,

"Desiring information on the status of the right to food in domestic law,

"1. Thanks Mr. Eide for his splendid contribution to the study of the right to food throughout the world;

"2. Requests the Secretary-General to send a note verbale to all States requesting a description of any laws they have pertaining to the right to food and to ask the Food and Agriculture Organization of the United Nations to provide all such information at its disposal;

"3. Requests the Secretary-General to report to the Sub-Commission at its fortieth session on the information obtained;

"4. Decides to consider further the right to food at its fortieth session under the item on the new international economic order and the promotion of human rights."

358. On 28 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.56) was submitted by Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf and Mr. Türk.

359. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution.

360. At the same meeting, draft resolution E/CN.4/Sub.2/1987/L.48 was withdrawn as it was decided to integrate it into draft resolution E/CN.4/Sub.2/1987/L.56, as follows:

"(a) After the last preambular paragraph of draft resolution E/CN.4/Sub.2/1987/L.56, a new preambular paragraph was added, which read:

"Desiring information on the status of the right to food in domestic law":

(b) After operative paragraph 1, two new operative paragraphs were inserted reading:

"2. Requests the Secretary-General to send a note verbale to all States requesting a description of any laws they have pertaining to the right to food and to ask the Food and Agriculture Organization of the United Nations to provide all such information at its disposal:

"3. Requests the Secretary-General to report to the Sub-Commission at its forty-first session of the information obtained;

(c) Operative paragraph 2 became operative paragraph 4;

(d) In the renumbered operative paragraph 4, the words 'in the light of the report presented by the Secretary-General' were inserted between the words 'Sub-Commission' and 'taking account';

(e) Operative paragraph 3 became operative paragraph 5."

361. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1987/L.69) of the draft resolution.

362. The Sub-Commission adopted the draft resolution without a vote.

363. For the text of the resolution, see chapter II, section A, resolution 1987/27.

#### Strengthening legal institutions

364. On 28 August 1987, draft resolution E/CN.4/Sub.2/1987/L.55 was submitted by Mr. Dahak, Mr. Deschênes and Mr. Martínez Báez.

365. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution when it was introduced by Mr. Deschênes.

366. Mr. Carey orally proposed to amend draft resolution E/CN.4/Sub.2/1987/L.55, operative paragraph 3, by adding the words "Subject to the approval of the Commission;".

367. The Sub-Commission adopted the draft resolution as amended without a vote.

368. For the text of the resolution, see chapter II, section A, resolution 1987/28.

Economic, social and cultural rights

369. On 28 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.57) was submitted by Mr. Alfonso Martínez, Mr. Al Khasawneh, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson and Mr. Türk.

370. At its 36th meeting, on 3 September 1987, the Sub-Commission considered the draft resolution.

371. A statement relating to the draft resolution (E/CN.4/Sub.2/1987/L.57) was made by the representative of the Secretary-General.

372. Mr. van Boven orally revised the draft resolution as follows:

(a) A title reading: "A" should be introduced between the last preambular paragraph and operative paragraph 1;

(b) A title reading: "B" should be introduced between operative paragraph 4 and the paragraph following;

(c) The paragraph in section "B" following operative paragraph 4 was to be numbered 1.

373. At the request of Mr. Carey, a vote was taken on draft resolution E/CN.4/Sub.2/1987/L.57. It was adopted as orally revised, by 17 votes to 1.

374. A statement in explanation of vote after the vote was made by Mr. Sofinsky.

375. For the text of the resolutions see chapter II, section A, resolution 1987/29 (A and B).

XIII. SLAVERY AND SLAVERY-LIKE PRACTICES

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

B. EXPLOITATION OF CHILD LABOUR

376. The Sub-Commission considered agenda item 12 at its 29th, 31st, 32nd and 37th meetings held on 28, 31 August, 1 and 4 September 1987.

377. The Sub-Commission had before it the following documents:

Report of the Secretary-General prepared pursuant to Economic and Social Council resolution 1983/30 (E/CN.4/Sub.2/1987/24);

Report of the Working Group on Slavery on its twelfth session (E/CN.4/Sub.2/1987/25);

Final follow-up report on the mission to Mauritania, prepared by Mr. Marc Bossuyt, Expert of the Sub-Commission (E/CN.4/Sub.2/1987/27);

Report of the Secretary-General on the sale of children, prepared pursuant to Economic and Social Council resolution 1983/30) (E/CN.4/Sub.2/1987/28);

Written statement by the International Federation of Human Rights and the International Association of Democratic Lawyers, non-governmental organizations in consultative status (E/CN.4/Sub.2/1987/NGO/1).

378. The representative of the Secretary-General introduced the agenda item at the 29th meeting, on 28 August 1987. Mr. M. Bossuyt, Expert of the Sub-Commission, introduced the final follow-up report on the mission to Mauritania at the same meeting.

379. Mr. J. Deschênes, Chairman/Rapporteur of the Working Group on Slavery, introduced the report of the Working Group at the 32nd meeting.

380. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Al Khasawneh (32nd), Mr. Bhandare (32nd), Mr. van Boven (32nd), Mr. Carey (32nd), Mrs. Daes (32nd), Mrs. Gu (32nd), Mr. Joinet (32nd), Mr. Mubanga-Chipoya (32nd), Mr. Simpson (32nd) and Mr. Tchikvadze (32nd).

381. The Sub-Commission also heard statements by the observers for France (32nd), Ghana (32nd) and Spain (32nd).

382. Statements were also made by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (31st and 32nd); Defence for Children International (31st); International Abolitionist Federation (32nd); International Association of Democratic Lawyers (32nd) and International Federal of Human Rights (32nd).

383. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.66) was submitted by Mr. Bhandare, Mr. van Boven, Mr. Deschênes, Mr. Mubanga-Chipoya and Mr. Yimer.

384. At its 37th meeting, on 4 September 1987, the Sub-Commission considered and adopted the draft resolution without a vote.

385. For the text of the resolution, see chapter II, section A, resolution 1987/30.

386. On 1 September 1987, a draft resolution (E/CN.4/Sub.2/1987/L.72) was submitted by Mr. van Boven and Mr. Deschênes.

387. At its 37th meeting, on 4 September 1987, the Sub-Commission considered and adopted the draft resolution without a vote.

388. For the text of the resolution, see chapter II, section A, resolution 1987/31.

389. On 2 September 1987, a draft resolution (E/CN.4/Sub.2/1987/L.75) was submitted by Mr. Deschênes and Mr. Mubanga-Chipoya.

390. At its 37th meeting, on 4 September 1987, the Sub-Commission considered the draft resolution, when it was introduced by Mr. Deschênes.

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

392. For the text of the resolution, see chapter II, section A, resolution 1987/32.

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

393. The Sub-Commission considered item 13 at its 27th to 29th meetings, and at its 37th meeting, held from 27 to 28 August and 4 September 1987.

394. The Sub-Commission had before it the final report by the Special Rapporteur, Mrs. E. Odio-Benito (E/CN.4/Sub.2/1987/26).

395. At its 27th meeting, the item was introduced by the representative of the Secretary-General. At the same meeting, the Special Rapporteur introduced her final report.

396. In the general debate on this item statements were made by the following members of the Sub-Commission: Mr. van Boven (28th), Mr. Carey (28th), Mrs. Daes (28th), Mr. Dahak (29th), Mr. Deschênes (28th), Mrs. Gu Yijie (28th), Mr. Martínez Báez (28th), Mr. Tchikvadze (28th and 29th) and Mr. Whitaker (27th).

397. The Sub-Commission also heard statements by the observers for: the Islamic Republic of Iran (29th) and Israel (29th).

398. Statements were also made by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (28th), Baha'i International Community (28th), Four Directions Council (29th), Human Rights Advocates (29th), International Association for the Defense of Religious Liberty (28th), International Indian Treaty Council (29th), International League for the Rights and Liberation of Peoples (29th), World Jewish Congress (28th) and World Union for Progressive Judaism (29th).

399. Statements equivalent to right of reply were made by the observers for Israel (29th) and Pakistan (29th).

400. On 31 August 1987, a draft resolution (E/CN.4/Sub.2/1987/L.67) was submitted by Mr. Alfonso Martinez, Mr. Bhandare, Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Joinet and Mr. Martínez Báez.

401. At its 37th meeting, on 4 September 1987, the Sub-Commission considered the draft resolution.

402. The attention of the Sub-Commission was drawn to a statement on administrative and programme budget implications (E/CN.4/Sub.2/1987/L.76).

403. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

404. For the text of the resolution, see chapter II, section A, resolution 1987/33.

XV. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS  
AT NATIONAL, REGIONAL AND INTERNATIONAL LEVEL:

- A. THE STATUS OF THE INDIVIDUAL AND CONTEMPORARY  
INTERNATIONAL LAW;
- B. PREVENTION OF DISCRIMINATION AND PROTECTION  
OF MINORITIES;
- C. PREVENTION OF DISCRIMINATION AND PROTECTION  
OF CHILDREN: HUMAN RIGHTS AND YOUTH;
- D. PREVENTION OF DISCRIMINATION AND PROTECTION  
OF WOMEN.

405. At its 37th meeting, on 4 September 1987, the Sub-Commission, by its decision 1987/112, decided to postpone consideration of agenda item 14 to its fortieth session.

406. For the text of the decision, as adopted, see chapter II, section B, decision 1987/112.

XVI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION  
AND OF THE DRAFT PROVISIONAL AGENDA FOR THE  
FORTIETH SESSION OF THE SUB-COMMISSION

407. The Sub-Commission considered its agenda item 15 at its 37th meeting, on 4 September 1987.

408. The Sub-Commission had before it the following document in connection with its consideration of the item.

409. A note prepared by the Secretary-General (E/CN.4/Sub.2/1987/L.31) in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, containing a draft provisional agenda for the fortieth session of the Sub-Commission and a list of the documents to be submitted under each item and the legislative authority for their preparation.

410. The Sub-Commission recalled its resolution 1985/34, in which the Sub-Commission had decided the following items would be considered on a biennial basis starting at its thirty-ninth and fortieth sessions respectively:

Thirty-ninth session:

- (a) The new international economic order and the promotion of human rights;
- (b) Elimination of all forms of intolerance and of discrimination based on religion or belief;
- (c) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

Fortieth session:

- (d) Human rights and disability;
- (e) Human rights and scientific and technological developments;
- (f) Encouragement of universal acceptance of human rights instruments.

411. At the 37th meeting, on 4 September 1987, the draft provisional agenda as revised was adopted without a vote.

412. The text, as revised, of the draft provisional agenda for the fortieth session of the Sub-Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Review of the work of the Sub-Commission

Report by the Secretary-General

Legislative authority: Sub-Commission decision 2 (XXXIV) and resolution 1985/24

4. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO

Legislative authority: Sub-Commission resolutions 5 (XIV), 1985/1, 1985/2, 1987/1

5. Elimination of racial discrimination

- (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Report by the Secretary-General  
Report by Mr. Eide

Legislative authority: General Assembly resolution 3377 (XXX) and Sub-Commission decision 1987/6

- (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Reports by Mr. Khalifa

Legislative authority: Sub-Commission resolutions 1987/5, 1987/7

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

Reports by the Secretary-General

Legislative authority: Sub-Commission resolutions 1987/11, 1987/12, 1987/18, and 1987/20

7. Human rights and disability

Report by Mr. Despouy

Legislative authority: Sub-Commission resolution 1985/10

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

Confidential report of the Working Group and supporting papers

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

9. The administration of justice and the human rights of detainees

- (a) Question of human rights of persons subjected to any form of detention and imprisonment

Reports by the Secretary-General

Report by Mr. Bossuyt

Report by Mr. Joinet

Report of the Working Group

Legislative authority: Sub-Commission resolutions 1984/7, 1987/21 and 1987/24, decisions 1987/108, 1987/109

- (b) Question of human rights and states of emergency

Report by Mr. Despouy

Legislative authority: Sub-Commission resolutions 1985/32 and 1987/25

- (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

10. Draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Report on the draft declaration by Mr. Singhvi

Legislative authority: Sub-Commission resolution 1987/23



11. Human rights and scientific and technological developments

Report of the Working Group  
Report by Mr. Joinet  
Report by the Secretary-General

Legislative authority: Sub-Commission resolutions 1985/7, 1985/14,  
1987/22

12. Discrimination against indigenous populations

Report of the Working Group on its sixth session  
Report by Mrs. Daes  
Outline by Mr. Alfonso Martínez  
Report by the Secretary-General

Legislative authority: Sub-Commission resolutions 1987/16, 1987/17

13. Encouragement of universal acceptance of human rights instruments

Reports by the Secretary-General

Legislative authority: Sub-Commission resolutions 1B (XXXII), 1985/5 and  
1987/1

14. Slavery and slavery-like practices

(a) Question of slavery and the slave trade in all their practices and  
manifestations, including the slavery-like practices of apartheid  
and colonialism

(b) Exploitation of child labour

Report by the Working Group on Slavery on its thirteenth session  
Report by Mr. Fernand-Laurent  
Report by the Secretary-General

Legislative authority: Sub-Commission resolutions 11 (XXVII) and 1987/31  
and 1987/32

15. Promotion, protection and restoration of human rights at national,  
regional and international level

(a) The status of the individual and contemporary international law

Report by Mrs. Daes

Legislative authority: Sub-Commission resolution 1985/31 and  
decision 1987/112

(b) Draft body of principles and guidelines on the right and  
responsibility of individuals, groups and organs of society to  
promote and protect human rights and fundamental freedoms

- (c) Prevention of discrimination and protection of minorities
- (d) Prevention of discrimination and protection of children: human rights and youth

Report by Mr. Mazilu  
Report by the Secretary-General

Legislative authority: Sub-Commission resolutions 1985/12 and 1985/19

- (e) Prevention of discrimination and protection of women
- (f) The right of everyone to leave any country, including his own, and to return to his country

Report by Mr. Mubanga-Chipoya

Legislative authority: Sub-Commission resolution 1985/29 and decision 1987/105

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

A note by the Secretary-General

17. Report of the fortieth session

Report of the Sub-Commission on its fortieth session.

XVII. ADOPTION OF THE REPORT ON THE THIRTY-NINTH SESSION

413. At its 37th meeting, on 4 September 1987, the Sub-Commission considered the draft report on the work of its thirty-ninth session.

414. At the same meeting, the Sub-Commission decided without a vote that the summary records of agenda item 6 of the current session (Question of the violations of human rights) would be made available to the Commission on Human Rights at its forty-fourth session.

415. For the text of the decision, see chapter II, section B, decision 1987/111.

416. The draft report, as amended, was adopted, as a whole, without a vote.

ANNEXES

Annex I

ATTENDANCE

Members and Alternates

Mr. Awn Shawkat Al Khasawneh	(Jordan)
Mr. Miguel Alfonso Martínez	(Cuba)
Mr. Julio Heredia Pérez */	
Mr. Murlidhar Chandrakant Bhandare	(India)
Mr. Th. van Boven	(Netherlands)
Mr. C. Flinterman */	
Mrs. Erica-Irene A. Daes	(Greece)
Mr. Driss Dahak	(Morocco)
Mr. Mohamed Sbihi */	
Mr. Jules Deschênes	(Canada)
Mrs. Rita Cadieux */	
Mr. George Dove-Edwin a/	(Nigeria)
Mr. Olufemi Oyewale George */a/	
Mr. Leandro Despuoy */	(Argentina)
Mrs. Gu Yijie	(People's Republic of China)
Mr. Li Daoyu */	
Mr. Aidiid Abdillahi Ilkahanaf	(Somalia)
Mr. Louis Joinet	(France)
Mr. Alain Pellet */	
Mr. Ahmed M. Khalifa	(Egypt)
Mr. Antonio Martínez Báez	(Mexico)
Mr. Héctor Fix Zamudio */	
Mr. Dimitru Mazilu a/	(Romania)
Mr. Mircea Nicolae */a/	
Mr. C.L.C. Mubanga-Chipoya	(Zambia)
Mrs. Beatrice Mulamfu */	

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a/ Absent

\*/ Alternate

Mr. John P. Roche <u>a/</u> Mr. John Carey <u>*/</u>	(United States of America)
Mr. Kwesi B.S. Simpson Mrs. Kate Abankwa <u>*/</u>	(Ghana)
Mr. Vsevolod N. Sofinsky Mr. Viktor M. Tchikvadze	(Union of Soviet Socialist Republics)
Mr. Masayuki Takemoto Mr. Nisuke Ando <u>*/</u>	(Japan)
Mr. Ivan Tosevski <u>a/</u> Mr. Danilo Türk <u>*/</u>	(Yugoslavia)
Mr. Antonio Jose Uribe Portocarrero <u>a/</u> Mr. Fernando Cepeda Ulloa <u>*/a/</u>	(Colombia)
Mr. Rodrigo Valdez Baquero Mr. Mario Aleman Salvador <u>*/</u>	(Ecuador)
Mr. Benjamin C.G. Whitaker Mr. J.R. Patrick Montgomery <u>*/</u>	(United Kingdom of Great Britain and Northern Ireland)
Mr. Fisseha Yimer	(Ethiopia)

States Members of the United Nations represented by Observers

Afghanistan, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Bulgaria, Burundi, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Egypt, El Salvador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Honduras, India, Iran, Islamic Republic of, Iraq, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Portugal, Spain, Sri Lanka, Sweden, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics, United States of America, Venezuela, Viet Nam, Yugoslavia, Zimbabwe

Non-member States represented by Observers

Holy See, Republic of Korea, Switzerland

United Nations bodies

Centre for Social Development and Humanitarian Affairs - Crime Prevention and Criminal Justice Branch, Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organisation

Other intergovernmental organizations

League of Arab States, Organisation of African Unity

National Liberation Movements

African National Congress of South Africa: ANC (SA), Palestinian 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, International Confederation of Free Trade Unions, International Council of Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, World Federation of United Nations Associations, World Muslim Congress, Zonta International

Category II

Amnesty International, Andean Commission of Jurists, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Consultative Council for Jewish Organizations, Co-ordinating Board of Jewish Organizations, Four Directions Council, Friends World Committee for Consultation (Quakers), General Conference of Seventh-Day Adventists, Human Rights Advocates, Inc., Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Health Professionals for Health and Human Rights, International Commission of Jurists, International Committee of the Red Cross, International Council of Environmental Law, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Federation Terre des Hommes, International Fellowship for Reconciliation, International Indian Treaty Council, International Law Association, International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union Among Races and Peoples, International Organisation for the Elimination of All Forms of Racial Discrimination, International Union of Family Organizations, Jaycees International, Latin American Federation of Associations of Relatives of Disappeared Detainees, National Aboriginal and Islander Legal Service Secretariat, Pan Pacific and South-East Asia Women's Association, Pax Christi International, Pax Romana, Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Conference on Religion and Peace, World Council of Indigenous Peoples, World Federation for Mental Health, World Jewish Congress, World University Service

Roster

Defence for Children International Movement, Indian Council of South America, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities, International Human Rights Internship Programme, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Young Catholic Students, Minority Rights Group, Procedural Aspects of International Law Institute, Regional Council on Human Rights in Asia, Survival International, World Association for the School as an Instrument of Peace, World Peace Council, World Psychiatric Association, World Union for Progressive Judaism

Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS THIRTY-NINTH SESSION

1. In the course of its thirty-ninth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted seven resolutions having financial implications for which calculations have been based on a budget rate of \$US 1 equals SwF 1.68. Prior to the adoption of these resolutions statements of their administrative and programme implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. The statements are reproduced below and relate to the following resolutions:

- draft resolution III (resolution 1987/3)
- draft resolution V (resolution 1987/7)
- draft resolution VI (resolution 1987/8)
- draft resolution IX (resolution 1987/17)
- draft resolution XI (resolution 1987/27)
- resolution 1987/25
- resolution 1987/33

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1988 and 1989, additional credits, as appropriate would be required for the biennium 1988-1989.

Resolution 1987/3. Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

A. Requests contained in the draft resolution

3. By the operative paragraph of draft resolution III the Secretary-General would be authorized by a General Assembly resolution, to ensure, on a temporary basis, the financing of the expenses of the members of the Committee on the Elimination of Racial Discrimination from the United Nations regular budget, until such time as a more permanent solution of the financial difficulties impeding the functioning of that Committee is found.

B. Relationship of proposed request to the programme of work

4. The activities proposed in the draft resolution would fall under Chapter 6, "Programme: Centre for Human Rights", subprogramme 1 - "Implementation of International Standards, Instruments and Procedures", the strategy of which is described in paragraphs 6.22 and 6.23 of the medium-term plan for the period 1984-1989.

5. The activities are relevant to section 23, Human Rights, of the proposed programme budget for the biennium 1988-1989, subprogramme I, "Implementation of International Standards, Instruments and Procedures", programme element 1.1, output (XII) which calls for the substantive servicing of two sessions each year of the Committee on the Elimination of Racial Discrimination (first and third quarters, 1988 and 1989).

C. Activities by which the proposed request would be implemented

6. It is envisaged that the 18 members of the Committee on the Elimination of Racial Discrimination would travel to Geneva to attend two three-week sessions each year of the Committee in 1988 and in 1989.

D. Modifications required in the approved programme of work

7. No modification in the programme of work for 1988-1989 would be required except that the estimated costs mentioned below would have to be funded from the regular budget on a temporary basis.

E. Additional requirements at full cost

	<u>1988</u>	<u>1989</u>
	(US dollars)	
Travel and subsistence for the 18 members of the Committee to attend two three-week sessions each year in 1988 and 1989 (based on travel by level next below first class)	<u>150 000</u>	<u>150 000</u>
	150 000	150 000

8. The relevant costs to be financed under section 23 (Human Rights) are estimated at \$150,000 for 1988 and at \$150,000 for 1989.

Resolution 1987/7. Report on banks, transnational corporations and other organizations assisting the racist régime of South Africa

A. Requests contained in the draft resolution

9. By paragraph 3 of draft resolution V, the Special Rapporteur would be invited:

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

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources, in order to indicate the volume, nature and adverse consequences of the assistance given to the racist régime of South Africa;



(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report.

10. By operative paragraph 6, the Secretary-General would be requested, in accordance with General Assembly resolution 41/95 of 4 December 1986 to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance.

11. By operative paragraph 7, the Secretary-General would also be requested to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid.

12. By operative paragraph 7, the Secretary-General would be invited to continue to give the updated report the widest distribution and publicity as a United Nations publication.

B. Relationship of proposed request to the programme of work

13. The activities proposed in the draft resolution would fall under Chapter 6, programme: Centre for Human Rights, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989.

14. The activities relevant to section 23, Human Rights, of the proposed programme budget for the biennium 1988-1989, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", programme element 2.1, output (viii), which calls for the preparation of annual reports containing lists of organizations giving support to racist régimes in southern Africa (third quarter, 1988 and 1989).

C. Activities by which the proposed request would be implemented

15. It is envisaged that the Special Rapporteur would travel from Cairo to New York for a period of five working days in the early part of 1988 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre against Apartheid. Later in the year he would travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 4 of the draft resolution, two economists would be recruited, one at the P-3 level and one at the P-4 level for a period of one year (six months in 1988 and six months in 1989). Computer services would also be provided to the Special Rapporteur in order to facilitate the updating of his report. The updated report would be translated and published in Arabic, Chinese, English, French, Russian and Spanish and made available to all interested parties.

D. Modifications required in the approved programme of work

16. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

17. The estimated cost of the above programme of work is itemized as follows:

	<u>1988</u>	<u>1989</u>
	(US dollars)	
Travel and subsistence costs for the Special Rapporteur	6 000	
Staffing resources to assist the Special Rapporteur with analytical work: 2 economists, one at the P-3 level and one at the P-4 level for a period of one year (six months in 1988 and six months in 1989)	<u>78 000</u>	<u>78 000</u>
	84 000	78 000

18. The relevant costs to be financed under section 23 (Human Rights) are estimated at \$84,000 for 1988 and at \$78,000 for 1989.

Resolution 1987/8. Study of the problem of discrimination against indigenous populations

A. Requests contained in the draft resolution

19. In operative paragraph 2 of draft resolution VI to be submitted to the Economic and Social Council for adoption, the Sub-Commission requests the Secretary-General to organize in 1988, within the programme of advisory services, a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States.

B. Relationship of proposed request to the programme of work

20. The activities proposed in the draft resolution would fall under Chapter 6, II programme: Centre for Human Rights, subprogramme 3, Advisory Services: Technical Assistance in the Field of Human Rights and Publications. the objectives and strategy for which is described in paragraphs 6.29 and 6.23 of the medium-term plan for the period 1984-1989.

21. The following programme element of section 23, Human Rights, of the proposed programme budget for 1988-1989 would be directly affected by the activities referred to in the draft resolution.

Programme element 3.2 - Advisory services and support of technical co-operation activities.

C. Activities by which the proposed request would be implemented

22. An international seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States would be held in Geneva along the pattern of similar seminars organized within the United Nations human rights programme.

D. Modifications required in the approved programme of work

23. No modification in the proposed programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

24. On the assumption that the international seminar would be held in Geneva in 1988, using the six official languages of the United Nations, over a period of 10 working days and be attended by 32 participants and three representatives of national liberation movements recognized by the Organization of African Unity in accordance with General Assembly resolution 3280 (XXIX), the costs are estimated as follows:

	<u>1988</u> (US dollars)
Travel and subsistence of participants	87 100
Consultants	
Fees for background papers (3 x \$1 000)	<u>3 000</u>
	90 100

25. The relevant costs to be financed under section 24, Regular programme of technical co-operation, are estimated at \$90,100 for 1988.

26. The relevant costs under section 29B (Conference Service Division, Geneva), on a full cost basis are estimated at \$206,100 for 1988.

Resolution 1987/17. Study on treaties concluded between indigenous peoples and States

A. Requests contained in the draft resolution

27. By the operative paragraph 1 of the draft resolution IX, to be submitted to the Economic and Social Council for adoption, the Sub-Commission requests authorization to appoint Mr. Miguel Alfonso Martinez, Special Rapporteur, with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of these treaties for all the parties concerned.

B. Relationship of proposed request to the programme of work

28. The activities proposed in the draft resolution would fall under Chapter 6, II programme 23: Centre for Human Rights, subprogramme 4, Standard setting, research and studies, the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

29. The following programme element of section 23, Human rights, of the proposed programme budget for 1988-1989 would be directly effected by the

activities referred to in the draft resolution programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by and submitted to policy-making organs on human rights issues (first and third quarters 1988 and 1989).

C. Activities by which the proposed request would be implemented

30. It is understood from the Special Rapporteur that no travel would be required in 1988. In 1989, it is envisaged that the Special Rapporteur would travel from Havana to Geneva for a period of five working days for consultations with the Centre. In addition, should the Special Rapporteur not be re-elected as member of the Sub-Commission, it would be necessary to foresee travel to Geneva in 1989 in order to submit a preliminary report to the Sub-Commission at its forty-first session. Any further travel that may be required beyond the next biennium 1988-1989 would be considered at a later stage.

D. Modifications required in the approved programme of work

31. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

	<u>1989</u> (US dollars)
Two round-trips to Geneva of the Special Rapporteur (5 working days each time)	
Travel and subsistence	5 000
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	5 000

32. The relevant costs to be financed under section 23 are estimated at \$5,000 for 1989.

Resolution 1987/27. The right to food

A. Requests contained in the draft resolution

33. In operative paragraph 1 of draft resolution XI to be submitted through the Commission on Human Rights to the Economic and Social Council, the Sub-Commission recommends that the Study of the Special Rapporteur be published by the United Nations and given the widest possible circulation.

B. Relationship of proposed request to the programme of work

34. The activities proposed in the draft resolution would fall under Chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

35. The activities are relevant to Section 23, Human Rights of the proposed programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs (first and third quarters, 1988 and 1989).

C. Activities by which the proposed request would be implemented

36. The Study of the Special Rapporteur would be published as a United Nations document and given the widest possible circulation.

D. Modifications required in the approved programme of work

37. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

38. The relevant costs to be financed under Section 29 are estimated at \$4,800 as follows:

	<u>1988</u> (US dollars)
Offset reproduction and distribution in the six official languages of the United Nations	4 800

Resolution 1987/25. Question of human rights and states of emergency

A. Requests contained in the resolution

39. In paragraph 4 of resolution 1987/25, the Sub-Commission invited the Special Rapporteur, Mr. Leandro Despouy, to continue to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 and in Commission resolution 1983/18 and decision 1984/104 and to present to the Sub-Commission at its fortieth session the next annual report and list updated on the basis of the information received, and, should it be necessary, to update his present report so that the Commission on Human Rights at its forty-fourth session would have before it the most recent and accurate information available.

B. Relationship of proposed request to the programme of work

40. The activities proposed in the resolution fall under Chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

41. The activities are relevant to Section 23, Human Rights of the proposed programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs (first and third quarters, 1988 and 1989).

C. Activities by which the proposed request would be implemented

42. It is envisaged that the Rapporteur would travel from Buenos Aires to Geneva for a period of five working days in 1988 for consultations with the Centre for Human Rights.

D. Modifications required in the approved programme of work

43. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

1988  
(US dollars)

One round trip to Geneva of the Special Rapporteur  
for consultations at the Centre for Human Rights  
(five working days)

Travel and subsistence 3 800

44. The relevant costs to be financed under Section 23 (Human Rights) are estimated at \$3,800 for 1988.

Resolution 1987/33. Elimination of all forms of intolerance and of  
discrimination based on religion or belief

A. Requests contained in the resolution

45. In paragraph 5 of resolution 1987/33 containing a recommendation to the Commission on Human Rights, the Sub-Commission recommends that the Study of the Special Rapporteur be published in all official languages of the United Nations and widely disseminated.

B. Relationship of proposed request to the programme of work

46. The activities proposed in the resolution would fall under Chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

47. The activities are relevant to Section 23, Human Rights of the proposed programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs (first and third quarters, 1988 and 1989).

C. Activities by which the proposed request would be implemented

48. The Study of the Special Rapporteur would be published in all official languages of the United Nations and widely disseminated.

D. Modifications required in the approved programme of work

49. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

50. The relevant costs to be financed under Section 29 are estimated at \$4,900 as follows:

	<u>1988</u> (US dollars)
Offset reproduction and distribution in the six official languages of the United Nations	4,900

Annex III

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION  
 IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

I. STUDIES WITH NO FINANCIAL IMPLICATIONS			
Title of study	Entrusted to	Legislative authority	Timetable for completion
Report on the feasibility of a study of disinvestment in South Africa and Namibia	Mr. Ahmed Khalifa	Sub-Commission resolution 1987/5	Report to be submitted at the fortieth session of the Sub-Commission
Study on administrative detention without charge or trial	Mr. Louis Joinet	Sub-Commission resolution 1987/24	Fortieth session of the Sub-Commission
Analysis of the general outline of a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of these treaties for all parties concerned, and of the sources upon which this study should be based	Mr. Alfonso Martínez	Sub-Commission resolution 1987/17	Document to be submitted at the fortieth session of the Sub-Commission
Report on the draft Declaration on the Independence of Justice	Mr. L.M. Singhvi	Sub-Commission resolution 1987/23	Report to be submitted on or before 30 May 1988
Working paper on the Draft Declaration of Principles on the Rights of Indigenous Populations	Mrs. Erica-I. Daes	Sub-Commission resolution 1987/16	To be submitted at the sixth session of the Working Group on Indigenous Populations in 1988

a/ This list is prepared in accordance with Commission resolution 1982/23.



II. STUDIES WHICH DO NOT IMPLY NEW FINANCIAL IMPLICATIONS

Title of study	Entrusted to	Legislative authority	Timetable for completion
Study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination	Mr. Asbjørn Eide	Sub-Commission resolutions 1983/10 and 1987/6	Final report to be submitted at the fortieth session of the Sub-Commission
Analysis of the current trends and developments regarding the right of everyone to leave any country including his own and to return to his country	Mr. C.L.C. Mubanga-Chipoya	Sub-Commission resolution 1985/29 and Sub-Commission decision 1987/105	Final report to be submitted at the fortieth session of the Sub-Commission
Study on the status of the individual and contemporary international law	Mrs. Erica-I. Daes	Sub-Commission resolution 1985/31 and Sub-Commission decision 1987/112	Final report to be submitted at the fortieth session of the Sub-Commission
Human rights and youth	Mr. Dumitru Mazilu	Sub-Commission resolution 1985/12 and Sub-Commission decision 1987/112	Report to be submitted at the fortieth session of the Sub-Commission
Study on human rights and disability	Mr. Leandro Despouy	Sub-Commission resolution 1985/10	Progress report to be submitted at the fortieth session of the Sub-Commission
Study on the use of computerized personal files	Mr. Louis Joinet	Sub-Commission resolution 1985/14	Final report to be submitted at the fortieth session of the Sub-Commission

III. STUDIES WHICH IMPLY NEW FINANCIAL IMPLICATIONS			
Title of study	Entrusted to	Legislative authority	Timetable for completion
Annual update of the list of banks, transnational corporations and other organizations assisting the colonial and racist régime of South Africa	Mr. Ahmed Khalifa	Sub-Commission resolution 1987/7	Annual review to be submitted at the fortieth session of the Sub-Commission
Studies on the treaties concluded between indigenous peoples and States in all parts of the world	Mr. Alfonso Martínez	Sub-Commission resolution 1987/17 and draft resolution IX */	Preliminary report to be submitted at the forty-first session of the Sub-Commission
Annual report and list of countries which proclaim, extend or terminate a state of emergency	Mr. Leandro Despouy	Sub-Commission resolution 1987/25	Second annual report to be submitted at the fortieth session of the Sub-Commission
Study on the elimination of all forms of religious intolerance	Special Rapporteur to be appointed	Sub-Commission resolution 1987/33 */	Report to be submitted at the forty-first session of the Sub-Commission
Study of the problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights	Special Rapporteur to be appointed	Sub-Commission resolution 1987/29 **/	Progress report to be submitted at the forty-first session of the Sub-Commission Final report to be submitted at the forty-second session of the Sub-Commission

\*/ Subject to approval by the Economic and Social Council.

\*\*/ Subject to approval by the Economic and Social Council. Financial implications to be presented at the fortieth session of the Sub-Commission.

Annex IV

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

Documents issued in the general series

<u>Symbol</u>		<u>Agenda item</u>
E/CN.4/Sub.2/1987/1	2	Provisional agenda
E/CN.4/Sub.2/1987/1/Add.1	2	Annotations to the provisional agenda
E/CN.4/Sub.2/1987/2	3	Note by the Secretary-General
E/CN.4/Sub.2/1987/3	4	Note by the Secretary-General
E/CN.4/Sub.2/1987/4	4	Report submitted by the ILO
E/CN.4/Sub.2/1987/5	4	Report submitted by UNESCO
E/CN.4/Sub.2/1987/6	5 (a)	Study on the achievements made and obstacles encountered during the First Decade to Combat Racism and Racial Discrimination - Final progress report with suggestions for further collection of information - report by Mr. Asbjørn Eide, Special Rapporteur
E/CN.4/Sub.2/1987/7	11	Technical assistance for the strengthening of legal institutions - Additional report of the Secretary-General prepared in accordance with Sub-Commission resolution 1984/19 and decision 1985/106
E/CN.4/Sub.2/1987/8/Rev.1 and Add.1, Parts I and II	5 (b)	Updated report prepared by Mr. Ahmed M. Khalifa, Special Rapporteur
E/CN.4/Sub.2/1987/9	6	Note by the Secretary-General
E/CN.4/Sub.2/1987/10 (issued in English, French and Arabic)	6	Analysis of the current trends and developments regarding the right to leave any country including one's own, and to return to one's own country, and some other rights or considerations arising therefrom - Final report prepared by Mr. C.L.C. Mubanga-Chipoya
E/CN.4/Sub.2/1987/11, Corr.1 and Add.1	7	Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1985/1

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/12 and Add.1 to 4	9 (a) Report of the Secretary-General containing information submitted by Governments, specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974
E/CN.4/Sub.2/1987/13	9 (a) Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat
E/CN.4/Sub.2/1987/14	9 (a) Succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment
E/CN.4/Sub.2/1987/15	9 (a) Report of the Working Group on Detention
E/CN.4/Sub.2/1987/16	9 (a) Explanatory paper on the practice of administrative detention without charge or trial, submitted by Mr. Louis Joinet
E/CN.4/Sub.2/1987/17	9 (c) Note by the Secretary-General prepared pursuant to Sub-Commission decision 1985/107
E/CN.4/Sub.2/1987/18	9 (d) Note by the Secretary-General prepared in accordance with Sub-Commission resolution 1985/13
E/CN.4/Sub.2/1987/19	9 First annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/20	9 (e) Analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty by Mr. Marc J. Bossuyt, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1987/21	9 (f) Note by the Secretary-General
E/CN.4/Sub.2/1987/22 and Add.1	10 Report of the Working Group on Indigenous Populations on its fifth session
E/CN.4/Sub.2/1987/23	11 Report on the right to adequate food as a human right submitted by Mr. Asbjørn Eide, Special Rapporteur
E/CN.4/Sub.2/1987/24	12 Report of the Secretary-General prepared pursuant to Economic and Social Council resolution 1983/30
E/CN.4/Sub.2/1987/25	12 Report of the Working Group on Slavery on its twelfth session
E/CN.4/Sub.2/1987/26	13 Study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief - Report by Mrs. Elizabeth Odio Benito, Special Rapporteur
E/CN.4/Sub.2/1987/27	12 (a) Final follow-up report on the mission to Mauritania prepared by Mr. Marc Bossuyt, Expert of the Sub-Commission
E/CN.4/Sub.2/1987/28	12 (a) Report of the Secretary-General on the sale of children prepared pursuant to Economic and Social Council resolution 1983/30
E/CN.4/Sub.2/1987/29	9 (a) Letter dated 27 August 1987 from the Permanent Mission of the Republic of Korea at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/30 and Add.1	14 (c) Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1985/19
E/CN.4/Sub.2/1987/31	6 Letter dated 26 June 1987 from the <i>and Representative of Norway to the Commission</i> 9 (d) on Human Rights addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1987/32 and Corr.1	4 Report of the Sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder
E/CN.4/Sub.2/1987/33	6 Note by the Secretary-General pursuant to Sub-Commission resolution 1985/17
E/CN.4/Sub.2/1987/34	6 Note by the Secretary-General
E/CN.4/Sub.2/1987/35 (E/CN.4/1988/12)	6 Note verbale dated 30 July 1987 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1987/36	4, Letter dated 10 August 1987 from the 5, Permanent Representative of 6 Democratic Kampuchea, addressed to the and Chairman of the Sub-Commission on 9 Prevention of Discrimination and Protection of Minorities at its thirty-ninth session
E/CN.4/Sub.2/1987/37	6 Letter dated 31 August 1987 from the Permanent Delegation of Chile to the International Organizations at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session
E/CN.4/Sub.2/1987/38	13 Letter dated 31 August 1987 from the Permanent Representative of the Syrian Arab Republic addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/Sub.2/1987/39	6	Letter dated 31 August 1987 from the Permanent Mission of Turkey at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session
E/CN.4/Sub.2/1987/40	6	Letter dated 4 September 1987 from the Permanent Mission of Turkey at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session
E/CN.4/Sub.2/1987/41 and Corr.1	6	Letter dated 20 October 1987 from the Permanent Mission of Cyprus at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session

Documents listed in the limited series

E/CN.4/Sub.2/1987/L.1	4	Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero: draft resolution
E/CN.4/Sub.2/1987/L.2	3	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Joinet: draft resolution
E/CN.4/Sub.2/1987/L.3	5 (b)	Mr. Carey, Mr. Deschênes, Mr. Martínez Báez, Mr. Simpson, Mr. Valdez Baquero, Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.4	4	Mr. van Boven, Mr. Carey, Mr. Deschênes, Mr. Joinet, Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.5	7	Mr. Carey: draft decision
E/CN.4/Sub.2/1987/L.6	5 (a)	Mr. van Boven, Mrs. Daes, Mr. Mubanga-Chipoya, Mr. Whitaker, Mr. Yimer: draft resolution

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda</u> <u>item</u>
E/CN.4/Sub.2/1987/L.7	4 Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.8	5 (b) Mr. Al Khasawneh, Mr. Alfonso Martínez, Mrs. Daes, Mr. Dahak, Mr. Joinet, Mr. Martínez Báez, Mr. Simpson, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.9/Rev.1	6 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.10 and Add.3 to 13	16 Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-ninth session
E/CN.4/Sub.2/1987/L.11 and Add.1 to 7	16 Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-ninth session
E/CN.4/Sub.2/1987/L.12	5 (a) Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mrs. Gu Yijie, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Türk, Mr. Whitaker, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.13	5 (a) Mr. Alfonso Martínez, Mr. Bhandare, Mrs. Daes, Mrs. Gu Yijie, Mr. Khalifa, Mr. Mubanga-Chipoya, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.14	5 (a) Mr. Bhandare, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.15	4 Mr. Alfonso Martínez, Mr. Bhandare, Mr. Joinet, Mr. Martínez Báez, Mr. Türk, Mr. Whitaker, Mr. Yimer: draft resolution



Documents issued in the limited series  
(continued)

<u>Symbol</u>		<u>Agenda</u> <u>item</u>
E/CN.4/Sub.2/1987/L.16	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.7: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.17	5 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.8: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.18	6	Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.19/Rev.1	6	Mr. Sofinsky: draft resolution
E/CN.4/Sub.2/1987/L.20	10	Mr. Alfonso Martínez, Mrs. Daes, Mrs. Gu Yijie, Mr. Simpson, Mr. Türk: draft resolution
E/CN.4/Sub.2/1987/L.21	10	Mr. Alfonso Martínez, Mrs. Daes, Mrs. Gu Yijie, Mr. Simpson, Mr. Türk: draft resolution
E/CN.4/Sub.2/1987/L.22	3	Mr. Joinet: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.2
E/CN.4/Sub.2/1987/L.23	4	Mr. Joinet: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.1
E/CN.4/Sub.2/1987/L.24	5 (b)	Mr. Joinet: amendment to the draft resolution contained in document E/CN.4/Sub.2/1987/L.3

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/L.25	5 (a) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.12: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.26	7 Mr. Sofinsky: draft decision
E/CN.4/Sub.2/1987/L.27	8 Mr. Sofinsky: draft resolution
E/CN.4/Sub.2/1987/L.28	6 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.29	6 Mr. Alfonso Martínez, Mr. Bhandare, Mr. Dahak, Mrs. Gu Yijie, Mr. Ilkahanaf, Mr. Khalifa, Mr. Mubanga-Chipoya, Mr. Sofinsky, Mr. Türk: draft resolution
E/CN.4/Sub.2/1987/L.30	6 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.31	15 Draft provisional agenda for the fortieth session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/1987/L.32	6 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.33	11 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.34	6 Mr. Carey: draft resolution
E/CN.4/Sub.2/1987/L.35	6 Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.36	6 Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet, Mr. Simpson: draft resolution
E/CN.4/Sub.2/1987/L.37	6 Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Türk, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.38	6 Mr. Alfonso Martínez, Mrs. Daes, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Türk, Mr. Whitaker, Mr. Yimer: draft resolution

Documents issued in the limited series  
(continued)

<u>Symbol</u>		<u>Agenda item</u>
E/CN.4/Sub.2/1987/L.39	6	Mr. Alfonso Martínez, Mr. van Boven, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Türk, Mr. Whitaker, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.40	9	Mrs. Daes, Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.41	9 (c)	Mr. Deschênes: draft resolution
E/CN.4/Sub.2/1987/L.42	9 (c)	Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf, Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.43	8	Mr. Whitaker: amendment to the draft resolution contained in document E/CN.4/Sub.2/1987/L.27
E/CN.4/Sub.2/1987/L.44	4	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.15
E/CN.4/Sub.2/1987/L.45/Rev.1	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.18
E/CN.4/Sub.2/1987/L.46	9 (a)	Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Valdez Baquero: draft resolution
E/CN.4/Sub.2/1987/L.47	8	Mr. Carey: amendment to the draft resolution contained in document E/CN.4/Sub.2/1987/L.27
E/CN.4/Sub.2/1987/L.48	11	Mr. Carey, Mr. Martínez Báez: draft resolution
E/CN.4/Sub.2/1987/L.49	5 (a)	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.14
E/CN.4/Sub.2/1987/L.50/Rev.1	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.28
E/CN.4/Sub.2/1987/L.51	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.29

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/L.52	9 (a) Mr. Alfonso Martínez, Mr. Carey, Mr. Takemoto, Mr. Türk: draft decision
E/CN.4/Sub.2/1987/L.53	10 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.21: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.54	10 Mr. Al Khasawneh, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mrs. Gu Yijie, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.55	11 Mr. Dahak, Mr. Deschênes, Mr. Martínez Báez: draft resolution
E/CN.4/Sub.2/1987/L.56	11 Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf, Mr. Türk: draft resolution
E/CN.4/Sub.2/1987/L.57	11 Mr. Alfonso Martínez, Mr. Al Khasawneh, Mr. Bhandare, Mr. van Boven, Mrs. Daes, Mr. Ilkahanaf, Mr. Joinet, Mr. Martínez Báez, Mr. Mubango-Chipoya, Mr. Simpson, Mr. Türk: draft resoluion
E/CN.4/Sub.2/1987/L.58	11 Mr. Carey: draft resolution
E/CN.4/Sub.2/1987/L.59	9 (e) Mr. van Boven, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Simpson, Mr. Valdez Baquero, Mr. Whitaker: draft resolution
E/CN.4/Sub.2/1987/L.60	9 (a) Mr. Alfonso Martínez, Mr. Carey, Mr. Deschênes, Mr. Türk: draft resolution
E/CN.4/Sub.2/1987/L.61	9 (b) Mr. Al Khasawneh, Mr. Carey, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Valdez Baquero, Mr. Whitaker: draft decision

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda</u> <u>item</u>	
E/CN.4/Sub.2/1987/L.62	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.39
E/CN.4/Sub.2/1987/L.63	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.37
E/CN.4/Sub.2/1987/L.64	6	Mr. Carey: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.36
E/CN.4/Sub.2/1987/L.65	6	Mr. Al Khasawneh, Mr. van Boven: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.19/Rev.1
E/CN.4/Sub.2/1987/L.66	12 (a)	Mr. Bhandare, Mr. van Boven, Mr. Deschênes, Mr. Mubanga-Chipoya, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.67	13	Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Joinet, Mr. Martínez Báez: draft resolution
E/CN.4/Sub.2/1987/L.68	9 (d)	Mr. Alfonso Martínez, Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mrs. Gu Yijie, Mr. Ilkahanaf, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Türk, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution
E/CN.4/Sub.2/1987/L.69	11	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.56: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/L.70	9 (c) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.42: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.71	6 Mr. van Boven: amendments to the draft resolution contained in document E/CN.4/Sub.2/1987/L.9/Rev.1
E/CN.4/Sub.2/1987/L.72	12 (a) Mr. van Boven, Mr. Deschênes: draft resolution
E/CN.4/Sub.2/1987/L.73	10 Mr. Alfonso Martínez, Mrs. Daes: draft decision
E/CN.4/Sub.2/1987/L.74	10 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.54: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.75	12 (a) Mr. Deschênes, Mr. Mubango-Chipoya: and (b) draft resolution
E/CN.4/Sub.2/1987/L.76	13 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.67: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1987/L.77	9 (a) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.60: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Documents issued in the limited series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/L.78	9 (d) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1987/L.68: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Documents issued in the non-governmental organizations series

<u>Symbol</u>	<u>Agenda item</u>
E/CN.4/Sub.2/1987/NGO/1	12 (a) Written statement submitted by the International Federation of Human Rights and the International Association of Democratic Lawyers, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/2	5 (a) Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/3	10 Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/4	11 Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/5	14 (c) Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/6	10 Communication submitted by the International Federation of Human Rights (IFHR), a non-governmental organization in consultative status (category II)

Documents issued in the non-governmental organization series  
(continued)

<u>Symbol</u>	<u>Agenda</u> <u>item</u>
E/CN.4/Sub.2/1987/NGO/7	14 (c) Written statement submitted by the International Federation of Human Rights (IFHR), a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/8	6 Written statement submitted by the International Federation of Human Rights (IFHR), a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/9	10 Written communication submitted by the Grand Council of the Crees (of Quebec), a non-governmental organization on the Roster
E/CN.4/Sub.2/1987/NGO/10	5 (a) Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/11	10 Written communication submitted by Indigenous World Association, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/12	11 Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/13	11 Written communication submitted by the International Commission of Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1987/NGO/14	9 Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)