



General Assembly

Distr.
GENERAL

A/36/792
11 December 1981

ORIGINAL: ENGLISH

Thirty-sixth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Mr. Naoharu FUJII (Japan)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly decided to include in its agenda the item entitled "Report of the Economic and Social Council" and to allocate to the Third Committee chapters II, V, XIX to XXVIII, XXXII, XXXIV, XXXVI and XXXVII of the report.
2. The chapters of the report of the Economic and Social Council pertaining to agenda items 74, 83, 87 and 88 were considered separately under those items (see A/36/621, A/36/725, A/36/663 and A/36/789).
3. The Committee considered the remaining chapters of the report of the Economic and Social Council jointly with items 129 and 138 and some matters relating to item 30 at its 56th to 58th, 60th to 70th, 72nd and 73rd meetings, on 19, 23 to 25, 27 and 30 November and 1 to 4 December 1981. The views expressed by representatives of Member States and specialized agencies on this item are contained in the summary records of those meetings (A/C.3/36/SR.56-58, 60-70, 72 and 73).
4. At its 4th meeting, on 25 September, the Committee established an open-ended Working Group on the drafting of an international convention on the protection of the rights of all migrant workers and their families.
5. At the same meeting, the Committee established an open-ended Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live.

6. The Committee had before it the following documents:

- (a) Report of the Economic and Social Council; 1/
- (b) World population situation in 1981: report of the Secretary-General (A/36/117);
- (c) Assistance to refugees in Somalia: report of the Secretary-General (A/36/136 and Add.1 and Add.1/Corr.1);
- (d) Measures to be taken against nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror: report of the Secretary-General (A/36/209 and Add.1);
- (e) Humanitarian assistance to refugees in Djibouti: report of the Secretary-General (A/36/214);
- (f) Situation of refugees in the Sudan: report of the Secretary-General (A/36/216 and Add.1);
- (g) Exchange of information on banned hazardous chemicals and unsafe pharmaceutical products: report of the Secretary-General (A/36/255);
- (h) Reports of the Ad Hoc Working Group of Experts on southern Africa: note by the Secretary-General (A/36/354);
- (i) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/36/355);
- (j) Measures to improve the situation and ensure the human rights and dignity of all migrant workers: letter dated 25 May 1981 from the Chairman of the Open-Ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and their Families to the Secretary-General (A/36/378);
- (k) Measures to improve the situation and ensure the human rights and dignity of all migrant workers: note by the Secretary-General (A/36/383);
- (l) Assistance to student refugees in southern Africa: report of the Secretary-General (A/36/423);
- (m) Observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights: note by the Secretary-General (A/36/500);

1/ To be issued as Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 3 (A/36/3/Rev.1).

- (n) The right to education: note by the Secretary-General (A/36/524);
- (o) Proposals on arrangements for the management of the United Nations voluntary fund for victims of torture: note by the Secretary-General (A/36/540);
- (p) United Nations Trust Fund for Chile: report of the Secretary-General (A/36/560);
- (q) Protection of human rights in Chile: note by the Secretary-General (A/36/594);
- (r) Situation of human rights and fundamental freedoms in El Salvador: note by the Secretary-General (A/36/608);
- (s) Situation of human rights and fundamental freedoms in Guatemala: report of the Secretary-General (A/36/705);
- (t) Draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally: note by the Secretary-General (A/C.3/36/3);
- (u) International co-operation in drug abuse control: report of the Secretary-General (A/C.3/36/7);
- (v) Report of the Open-Ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and their Families (A/C.3/36/10);
- (w) Report of the open-ended Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/36/11);
- (x) Question of human rights in southern Africa: note by the Secretary-General (A/C.3/36/L.6);
- (y) Draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally: report of the Secretary-General (A/35/336 and Add.1);
- (z) Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live: note by the Secretary-General (A/35/363);
- (aa) Letter dated 5 January 1981 from the Chargé d'Affaires a.i. of the Permanent Mission of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/36/61);
- (bb) Letter dated 25 March 1981 from the Chargé d'Affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to

the Secretary-General transmitting the resolutions and the final communiqué of the Third Islamic Conference, held at Mecca - Taif from 25 to 28 January 1981 (A/36/138);

- (cc) Letter dated 9 April 1981 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General (A/36/179);
- (dd) Letter dated 13 April 1981 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/36/187);
- (ee) Letter dated 22 May 1981 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General (A/36/284);
- (ff) Letter dated 5 August 1981 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General transmitting a set of resolutions and the final communiqué of the Twelfth Islamic Conference of Foreign Ministers, held at Baghdad from 1 to 5 June 1981 (A/36/421-S/14626 and Corr.1);
- (gg) Letter dated 30 September 1981 from the Permanent Representative of Cuba addressed to the Secretary-General transmitting the communiqué of the Meeting of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the thirty-sixth session of the General Assembly (A/36/566-S/14713);
- (hh) Letter dated 5 October 1981 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General transmitting the resolutions adopted by the 68th Inter-Parliamentary Conference held in Havana from 15 to 23 September 1981 (A/36/584).

7. At the 56th meeting, on 19 November, the United Nations High Commissioner for Refugees, the United Nations Disaster Relief Co-ordinator, the Assistant Secretary-General for Social Development and Humanitarian Affairs, the Director of the Division of Human Rights, the Executive Director of the United Nations Fund for Drug Abuse Control and the Deputy Director of the Division of Narcotic Drugs made introductory statements.

8. At the 58th meeting, on 23 November, the Special Rapporteur on the situation of human rights in Chile made a statement.

9. At the 64th meeting, on 27 November, the Chairman of the open-ended Working Group on the drafting of an international convention on the protection of the rights of all migrant workers and their families introduced the report of the Working Group (A/C.3/36/10).

10. The Committee also had before it the report of the open-ended Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/36/11).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/36/L.5

11. The Committee had before it the draft resolution recommended by the Economic and Social Council in its resolution 1981/39 of 8 May 1981, entitled "United Nations voluntary fund for victims of torture". The draft resolution was distributed in document A/C.3/36/L.5.

12. At the 66th meeting, on 30 November, the Committee adopted the draft resolution by 73 votes to 17, with 40 abstentions (see para. 84, draft resolution I).

B. Draft resolution A/C.3/36/L.55

13. At the 63rd meeting, on 27 November, the representative of Romania introduced a draft resolution (A/C.3/36/L.55) entitled "The right to education" sponsored by Algeria, Bangladesh, Barbados, Bolivia, Bulgaria, Cape Verde, the Central African Republic, Colombia, Costa Rica, Cuba, Democratic Yemen, the Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Guinea, Guinea-Bissau, Honduras, Hungary, Indonesia, Jordan, Liberia, the Libyan Arab Jamahiriya, Madagascar, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Panama, the Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Senegal, Somalia, Sri Lanka, Suriname, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, the Upper Volta, Venezuela, Yugoslavia, and Zimbabwe, later joined by Bhutan, the Congo, Cyprus, Ethiopia, Guyana, Mauritania, Sierra Leone and Viet Nam.

14. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.55 without a vote (see para. 84, draft resolution II).

C. Draft resolution A/C.3/36/L.59 and Rev.1

15. The Committee had before it a draft resolution (A/C.3/36/L.59), entitled "Assistance to refugees in Somalia", sponsored by Algeria, Bahrain, Bangladesh, Chile, China, the Comoros, Costa Rica, Djibouti, Egypt, Italy, Jordan, Kuwait, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, the Sudan, Suriname, Swaziland, Tunisia and Zaire. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 35/180 of 15 December 1980 on the question of assistance to refugees in Somalia,

"Recalling further resolution E/1981/31 of 6 May 1981, adopted by the Economic and Social Council at its first regular session,

"Taking note of the report of the United Nations Review Mission and the report of the United Nations High Commissioner for Refugees providing up-to-date information on the conditions of the refugees in Somalia and containing an assessment of their over-all needs,

"Having heard the statement of the United Nations High Commissioner for Refugees,

"Deeply concerned of the need to continue to provide assistance to the refugees in Somalia,

"1. Takes note of the reports of the Secretary-General and of the United Nations High Commissioner for Refugees on the situation of refugees in Somalia;

"2. Expresses appreciation to the Secretary-General and the United Nations High Commissioner for Refugees for their continued efforts to mobilize international assistance on behalf of the refugees in Somalia;

"3. Takes note with satisfaction of the assistance rendered to refugees in Somalia by various Member States, the UNHCR, WFP, UNICEF, and other concerned intergovernmental and non-governmental organizations;

"4. Appeals to Member States, international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Somalia in its efforts to provide all necessary assistance to the refugees;

"5. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees to dispatch a mission to Somalia in early 1982 to make a comprehensive review of the short and medium term needs of the refugees including those aspects relating to their temporary settlement and rehabilitation;

"6. Requests the Secretary-General, in co-operation with the High Commissioner for Refugees, to submit the report of the proposed review mission on the refugee situation in Somalia to the Economic and Social Council at its first regular session of 1982;

"7. Further requests the Secretary-General, in co-operation with the High Commissioner for Refugees, to submit a report to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution."

16. At the 64th meeting, on 27 November, the representative of Zaire introduced a revised draft resolution (A/C.3/36/L.59/Rev.1) sponsored by Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Canada, the Central African Republic, Chile, China, Colombia, the Comoros, Costa Rica, Djibouti, Egypt, Honduras, Indonesia, Italy, Jordan, Kuwait, Lebanon, Liberia, Malaysia, Mauritania, Morocco, Nepal, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Senegal,

Sierra Leone, Singapore, Somalia, the Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Turkey, the United Arab Emirates, the United Republic of Tanzania, Zaire and Zambia, later joined by Burundi, Cape Verde, Guyana, Lesotho and Madagascar.

17. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.59/Rev.1 without a vote (see para. 84, draft resolution III).

D. Draft resolution A/C.3/36/L.60

18. The Committee had before it a draft resolution (A/C.3/36/L.60), entitled "Protection of human rights in Chile", sponsored by Algeria, Cuba, Mexico and Yugoslavia. The draft resolution read as follows:

"The General Assembly,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and determined to remain vigilant with regard to violations of human rights wherever they occur,

"Noting that Governments have an obligation to respect, protect and promote human rights and to carry out the responsibilities they have assumed under various international instruments,

"Recalling its resolutions 31/124, 32/118, 33/175, 34/179 and 35/188, which relate to the protection of human rights in Chile, and resolution 33/173 on person who have disappeared,

"Recalling also resolution 11 (XXXV) of the Commission of Human Rights, in which it was decided to appoint a Special Rapporteur to investigate the situation of human rights in Chile,

"Deeply alarmed at the fact that the Chilean authorities not only continue to refuse to co-operate in United Nations proceedings relating to the human rights situation in Chile, in particular with the Special Rapporteur, but have now announced their decision not to participate in any way in the efforts of the international community aimed at protecting human rights and fundamental freedoms in general,

"Gravely concerned about the persistence and, in some respects, the deterioration of situations affecting the enjoyment and exercise of human rights and fundamental freedoms in Chile, as evident from the report of the Special Rapporteur contained in document A/36/594,

"Noting with growing concern that the whereabouts of numerous persons who have disappeared are still unknown and the the Chilean authorities continue to ignore the repeated appeals of the international community, made in various resolutions of the General Assembly and other international organs, and have failed to take urgent and effective measures to investigate and clarify the fate of such persons,

"1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with resolution 9 (XXXVII) of the Commission on Human Rights;

"2. Requests the Commission on Human Rights to study thoroughly the report of the Special Rapporteur at its thirty-eighth session;

"3. Expresses its grave concern at the persistence and, in some respects, the deterioration of the human rights situation in Chile, as stated by the Special Rapporteur, and particularly:

- (i) The subversion of the traditional democratic legal order and its institutions through the maintenance and extension of the emergency legislation and the promulgation of a constitution that fails to reflect a freely expressed popular will, the provisions of which clearly prejudice the human rights and fundamental freedoms of the Chilean people and establish new mechanisms of State repression;
- (ii) The continuation and intensification of the practice of arbitrary detention and confinement in secret places, often accompanied by torture and inhuman or degrading treatment which, on occasion, result in unexplained deaths;
- (iii) The persecution, intimidation and imprisonment, as well as the banishment and exiling, of persons who participate in trade union, academic, cultural and humanitarian activities;
- (iv) The extreme poverty and lack of protection of vast sectors of the population and their ignorance of their economic, social and cultural rights;

"4. Severely condemns the forced exile of various Chilean parliamentarians and leaders, including the recent violent expulsion of persons engaged in activities of an unmistakably humanitarian character, as in the case of Senator Alberto Jerez, Judge Jaime Castillo Velasco, President of the Chilean Commission of Human Rights, and Carlos Briones and Orlando Cantuarias;

"5. Once more strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the concrete steps set forth in resolution 9 (XXXVII) of the Commission on Human Rights;

"6. Concludes that, given the disdain expressly shown by the Chilean authorities for all that relates to the protection of human rights, and on the basis of the report of the Special Rapporteur, continued vigilance with regard to the grave situation prevailing in Chile is essential;

"7. Expresses its deep concern at the lack of information on the numerous persons who have disappeared or died for political reasons, a situation which continues to be a gross and flagrant violation of human rights, and once more urges the Chilean authorities to investigate and clarify the fate of such persons, to inform relatives of the outcome of their investigation and to punish those responsible for the disappearances and deaths;

"8. Once more calls upon the members of the Chilean judiciary, in pursuance of their duty to afford legal protection to citizens, to assume their obligations fully and perform their functions honourably, especially with regard to the remedies of habeas corpus and amparo or protection, so as to put an end to a situation in which persons have no defence against frequent measures of repression, in the form of arbitrary detention and imprisonment, and so as to prevent disappearances, torture and other inhuman or degrading treatment;

"9. Demands that the Chilean authorities co-operate fully with the Special Rapporteur and abandon their unwarranted attitude of contempt for international mechanisms for the protection of human rights, an attitude which places them outside the framework of the international instruments to which Chile is a party;

"10. Requests the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and to report on the human rights situation in Chile, through the Economic and Social Council, to the General Assembly at its thirty-seventh session."

19. At the 72nd meeting, on 3 December, the draft resolution was withdrawn by the sponsors.

E. Draft resolution A/C.3/36/L.61

20. At the 63rd meeting, on 27 November, the representative of Sri Lanka introduced a draft resolution (A/C.3/36/L.61), entitled "Regional arrangements for the promotion and protection of human rights", sponsored by Bangladesh, Ecuador, Ireland, Jamaica, Kenya, New Zealand, Nigeria, Samoa, Sri Lanka and Sweden, later joined by Ghana, Mali and Senegal.

21. At the same meeting, the attention of the Committee was drawn to the statement on the administrative and financial implications of the draft resolution (A/C.3/36/L.82).

22. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.61 without a vote (see para. 84, draft resolution IV).

F. Draft resolution A/C.3/36/L.62

23. At the 68th meeting, on 1 December, the representative of Mexico introduced a draft resolution (A/C.3/36/L.62), entitled "The situation of human rights and fundamental freedoms in El Salvador", sponsored by Algeria, Denmark, France, Greece, Ireland, Mexico, the Netherlands, Sweden and Yugoslavia, later joined by Nicaragua.

24. At the 72nd meeting, on 3 December, the representative of Mexico orally revised the draft resolution by inserting the following operative paragraph 8 and renumbering the remaining paragraphs:

"8. Urges the parties concerned to co-operate and not interfere with the activities of the humanitarian organizations which are dedicated to alleviating the suffering of the civilian population in El Salvador."

25. At the same meeting, the Committee adopted, as orally revised, draft resolution A/C.3/36/L.62, as orally revised, by a recorded vote of 65 to 21, with 54 abstentions (see para. 84, draft resolution V). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Austria, Barbados, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, the Netherlands, Nicaragua, Norway, Panama, Poland, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Swaziland, Sweden, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Tunisia, Turkey, United States of America, Uruguay, Venezuela.

Abstaining: Australia, Bahamas, Bahrain, Belgium, Bhutan, Burma, Burundi, Canada, Chad, China, Comoros, Djibouti, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, Ghana, Ivory Coast, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malawi, Malaysia, Nepal, New Zealand, Niger, Nigeria, Oman, Papua New Guinea, Peru, Portugal, Qatar, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Zaire.

G. Draft resolution A/C.3/36/L.63

26. At the 64th meeting, on 27 November, the representative of Zaire introduced a draft resolution (A/C.3/36/L.63), entitled "Humanitarian assistance to the refugees in Djibouti", sponsored by Bahrain, Bangladesh, Benin, the Central African Republic, Chad, the Comoros, Djibouti, Ghana, Guinea-Bissau, Honduras, Indonesia, Italy, Jordan, Kenya, Kuwait, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritania, Morocco, Oman, Pakistan, Qatar, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, the Sudan, Swaziland, Tunisia, the United Arab Emirates, Zaire and Zambia, later joined by Botswana, Cape Verde, Costa Rica, Democratic Yemen, France, Sierra Leone, Singapore, Turkey, and the United Republic of Tanzania.

27. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.63 without a vote (see para. 84, draft resolution VI).

H. Draft resolution A/C.3/36/L.64 and Rev.1

28. The Committee had before it a draft resolution (A/C.3/36/L.64), entitled "Protection of human rights in Chile", sponsored by the Netherlands, which read as follows:

"The General Assembly,

"Reaffirming its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

"Underlining the obligation Governments have to protect and promote human rights and to carry out responsibilities they have undertaken under various international instruments,

"Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures in order to restore respect for human rights and fundamental freedoms,

"Recalling its resolutions 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979 and 35/188 of 15 December 1980 on the protection of human rights in Chile and 33/173 of 20 December 1978 on disappeared persons,

"Recalling also Commission on Human Rights resolution 11 (XXXV) of 6 March 1979 on violations of human rights in Chile, in which the Commission, inter alia, decided to appoint a special rapporteur on the situation of human rights in Chile and resolution 9 (XXXVII) in which it decided to extend the mandate of the special rapporteur for another year,

"Disturbed by the fact that the Chilean authorities have consistently refused to co-operate with the Special Rapporteur appointed by the Commission on Human Rights,

"Concerned by the refusal of the Chilean authorities to co-operate with the Human Rights Committee in order to fulfil their reporting obligation under the International Covenant on Civil and Political Rights,

"Deeply concerned about the persistence and, in certain respects, in comparison with last year, the deterioration of situations which affect the enjoyment and exercise of human rights and fundamental freedoms in Chile, as stated in the report of the Special Rapporteur (A/36/594),

"Expressing deep concern that the whereabouts of the numerous persons who have disappeared over the past years are still unknown and that the Chilean authorities continue to fail to take urgent and effective measures to investigate and clarify the fate of persons who have disappeared,

"Noting with grave concern that the new constitution in force in Chile as from 11 March 1981, which has been prepared with a lack of popular participation, does not fully guarantee the protection of human rights and fundamental freedoms,

"1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with Commission on Human Rights resolution 9 (XXXVII) of 26 February 1981;

"2. Requests the Commission on Human Rights at its thirty-eighth session to study thoroughly the Report of the Special Rapporteur;

"3. Once more expresses its grave concern at the persistence of violations of human rights in Chile as reported by the Special Rapporteur and at the deterioration of the human rights situation in certain respects, in comparison with the same period last year, particularly the intensification of arbitrary detention and the expulsion from the country of persons who participate in trade unions, academic, cultural and humanitarian activities;

"4. Expresses also great concern at the fact that the remedies of habeas corpus and amparo prove to be not effective due to the fact that the judiciary in Chile exercises its powers in that respect with the utmost restrictions;

"5. Urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps that would enable the Commission on Human Rights to consider terminating the mandate of the Special Rapporteur:

" (a) To put an end to the state of emergency, under which continued human rights violations occur and restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people;

" (b) To put an end to arbitrary detentions, physical or psychological intimidation and prosecution of persons who exercise their right to freedom of expression and opinion, including the right to petition;

" (c) To separate persons detained for political reasons from those detained for criminal offences;

" (d) To take effective measures to prevent torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices;

" (e) To investigate and clarify the fate of persons who are claimed to have disappeared for political reasons, to inform the relatives of those persons of the outcome of the investigation and to prosecute and punish those responsible for such disappearances;

" (f) To restore fully trade union rights, especially the freedom to form trade unions which can operate freely without governmental control and can exercise fully the right to strike;

" (g) To guarantee the freedom of assembly and association, and the freedom of Chilean citizens freely to enter and leave the country, and to end the practice of banishments applied to nationals, which practice amounts to forced exile from the country;

"6. Urges the Chilean authorities to co-operate with the Special Rapporteur and to comply with their reporting obligations under the International Covenant on Civil and Political Rights;

"7. Invites the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and requests the Commission to report on the human rights situation in Chile, through the Economic and Social Council, to the General Assembly at its thirty-seventh session.

29. At the 72nd meeting, on 3 December, the representative of the Netherlands introduced a revised draft resolution (A/C.3/36/L.64/Rev.1) sponsored by Algeria, Cuba, Denmark, France, Greece, Mexico, the Netherlands, Sweden and Yugoslavia, later joined by Nicaragua.

30. At the same meeting, the Committee adopted draft resolution A/C.3/36/L.64/Rev.1 by a recorded vote of 83 to 20, with 36 abstentions (see para. 84, draft resolution VII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Brazil, Chile, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, Thailand, Tunisia, United States of America, Uruguay.

Abstaining: Bahamas, Bahrain, Belize, Burma, Chad, China, Colombia, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Qatar, Saudi Arabia, Singapore, Solomon Islands, Somalia, Suriname, Togo, Turkey, United Arab Emirates, Upper Volta, Zaire.

I. Draft resolution A/C.3/36/L.66

31. At the 64th meeting, on 27 November, the representative of Zaire introduced a draft resolution (A/C.3/36/L.66), entitled "Situation of refugees in the Sudan", sponsored by Algeria, Bahrain, Bangladesh, the Comoros, Djibouti, India, Indonesia, Italy, Jordan, Kenya, Kuwait, Lebanon, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Thailand, Trinidad and Tobago, Tunisia, the United Arab Emirates, Yemen, Zaire and Zambia, later joined by Botswana, Canada, Cape Verde, Costa Rica, Cuba, Egypt, Mauritania, Singapore, Suriname, Swaziland, Turkey and the United Republic of Tanzania.

32. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.66 without a vote (see para. 84, draft resolution VIII).

J. Draft resolution A/C.3/36/L.67 and Rev.1

33. The Committee had before it a draft resolution (A/C.3/36/L.67), entitled "Social aspects of the development activities of the United Nations", sponsored by Algeria, India, Italy, the Netherlands, the Philippines, Romania and Yugoslavia, later joined by Bangladesh. The draft resolution read as follows:

"The General Assembly,

"Taking note of ECOSOC resolution 1981/24 of 6 May 1981 on the social aspects of the development activities of the United Nations,

"Mindful of the fact that the recommendations contained in the report 2/ of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations will be further discussed at the first regular session of ECOSOC in 1982, in accordance with ECOSOC decisions 1981/175 and 1981/176 of 23 July 1981, in which the Secretary-General has been requested to prepare and submit comments on the feasibility, programme and co-ordination implications as well as the resources implications of the main recommendations submitted by the Ad Hoc Working Group,

"1. Invites ECOSOC, in the light of its above-mentioned decisions, to give at its first regular session in 1982 due consideration to the implementation of the recommendations contained in document E/1981/3 on social aspects of development activities of the United Nations, together with the comments of the Secretary-General;

"2. Requests the Secretary-General to take necessary measures for the implementation of the aforementioned recommendations in accordance with ECOSOC decisions, taken and to be taken on this issue;

"3. Requests also the Secretary-General to submit under item 12 a report to the thirty-seventh session of the General Assembly about the implementation of the recommendations contained in document E/1981/3."

34. At the 64th meeting, on 27 November, the representative of Yugoslavia introduced a revised draft resolution (A/C.3/36/L.67/Rev.1), sponsored by Algeria, Bangladesh, India, Italy, the Netherlands, the Philippines, Romania and Yugoslavia.

35. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.67/Rev.1 without a vote (see para. 84, draft resolution IX).

K. Draft resolution A/C.3/36/L.68

36. At the 63rd meeting, on 27 November, the representative of Mexico introduced a draft resolution (A/C.3/36/L.68), entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Argentina, Barbados, Ecuador, Egypt, Finland, France, Ghana, Italy, Jamaica, Kenya, Mexico, Norway, Pakistan, the Philippines, Portugal, Sweden, Turkey and Yugoslavia, later joined by Cape Verde, Denmark, India and Mali.

37. At the same meeting, the attention of the Committee was drawn to the statement on the administrative and financial implications of the draft resolution (A/C.3/36/L.83).

38. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.68 without a vote (see para. 84, draft resolution X).

L. Draft resolution A/C.3/36/L.69 and Rev.1

39. The Committee had before it a draft resolution (A/C.3/36/L.69), entitled "Assistance to displaced persons in Ethiopia", sponsored by Algeria, Angola, Bangladesh, Benin, Botswana, Chad, Cuba, Cyprus, Djibouti, Egypt, Ethiopia, India, Kenya, the Lao People's Democratic Republic, Morocco, Pakistan, Viet Nam, Zambia and Zimbabwe, later joined by Burundi, the Central African Republic, the Congo, Costa Rica, Democratic Yemen, Lesotho, Liberia, the Libyan Arab Jamahiriya, Nepal, the Philippines, Sierra Leone, the United Republic of Tanzania and Zaire. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 35/91 of 5 December 1980 and resolution 1980/54 of the Economic and Social Council of 24 July 1980,

"Having heard the statement of the representative of the Secretary-General, and the United Nations High Commissioner for Refugees,

"Having heard the statement of the representative of Ethiopia,

"Taking note of the report of the Secretary-General on assistance to displaced persons in Ethiopia, prepared pursuant to Economic and Social Council resolution 1980/8 of 28 April 1980,

"Taking note also of the appeal of the Secretary-General in his note verbale of 11 November 1980,

"1. Endorses once again the appeals of the Secretary-General and the Economic and Social Council;

"2. Regrets that the appeals of the Secretary-General and the Economic and Social Council have yet to meet adequate response;

"3. Requests the United Nations High Commissioner for Refugees to continue his efforts to mobilize humanitarian assistance for the relief and rehabilitation of the large number of voluntary returnees;

"4. Requests the Secretary-General to report to the Economic and Social Council at its first regular session of 1982 and to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution."

40. At the 64th meeting, on 27 November, the representative of Zaire introduced a revised draft resolution (A/C.3/36/L.69/Rev.1), sponsored by Algeria, Angola, Bangladesh, Benin, Botswana, Burundi, the Central African Republic, Chad, the Congo, Cuba, Cyprus, Democratic Yemen, Djibouti, Egypt, Ethiopia, India, Kenya, the Lao People's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Morocco, Nepal, Pakistan, the Philippines, Sierra Leone, the United Republic of Tanzania, Viet Nam, Zaire, Zambia and Zimbabwe, later joined by Cape Verde, Costa Rica and Madagascar.

41. At the same meeting, the representative of Zaire further orally revised the draft resolution by adding, at the end of operative paragraph 1, the words "concerning assistance to displaced persons in Ethiopia".

42. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.69/Rev.1, as orally revised, without a vote (see para. 84, draft resolution XI).

M. Draft resolution A/C.3/36/L.70

43. At its 68th meeting, on 1 December, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/36/L.70), entitled "Measures to be taken against nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", sponsored by Afghanistan, Angola, Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Grenada, Hungary, the Lao People's Democratic Republic, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam, later joined by the Congo and Zimbabwe.

44. The draft resolution reads as follows:

"The General Assembly,

"Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

"Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

"Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation,

"Emphasizing that nazism and fascism in all their manifestations may jeopardize world peace and international security, and constitute an obstacle to friendly relations between States and peoples and to the promotion and observance of human rights,

"Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

"Recalling its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979 and 35/200 of 15 December 1980,

"Recalling also the Declaration on Social Progress and Development, the Declaration on the Elimination of All Forms of Racial Discrimination and the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Underlining the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,

"Bearing in mind that nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, and those based on the systematic denial of human rights and fundamental freedoms, are totally incompatible with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Declaration on the Preparation of Societies for Life in Peace,

"Commending the fact that a number of States provided the Secretary-General with their comments on those problems reflected in the report of the Secretary-General contained in documents A/36/209 and A/36/209/Add.1,

"Acknowledging the fact that a number of States have set up legal regulations which are suited to prevent the activities of nazi, fascist and neo-fascist groups and organizations,

"Welcoming resolution 3 (XXXVII) adopted by the Commission on Human Rights on 23 February 1981 providing measures on this subject including the consideration of elaborating a draft declaration,

"Noting with deep concern that the proponents of fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

"1. Again condemns nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror;

"2. Urges all States to give due consideration to implementing in accordance with the national constitutional systems the provisions laid down in General Assembly resolution 2839 (XXVI) in accordance with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights and especially to taking the necessary measures against activities of groups and organizations practising nazism, fascism, neo-fascism and other ideologies based on racial intolerance, hatred and terror;

"3. Calls upon the appropriate specialized agencies of the United Nations as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the dissemination of nazi, fascist and neo-fascist ideologies and practices;

"4. Invites member States to adopt, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including nazi, fascist and neo-fascist ideologies;

"5. Appeals to all States which have not yet done so to ratify or to accede to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Convention on the Suppression and Punishment of the Crime of Apartheid;

"6. Calls once again upon all States to provide the Secretary-General with their comments on this question;

"7. Requests the Commission on Human Rights to continue the consideration of this subject at its thirty-eighth session;

"8. Requests the Secretary-General to submit, through the Economic and Social Council, to the General Assembly at its thirty-seventh session a report in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations."

45. Later the Committee had before it amendments (A/C.3/36/L.92) submitted by Australia, Canada, Greece, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. The amendments were as follows:

(a) Replace the fourth preambular paragraph by the following:

"(4) Emphasizing that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between states and to the realization of human rights and fundamental freedoms."

(b) Replace the ninth preambular paragraph by the following:

"(9) Reaffirming that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,"

(c) Replace operative paragraph 1 by the following:

"1. Again condemns all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;"

(d) Replace operative paragraphs 2, 3 and 4 by the following:

"2. Urges all states to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights to prohibit or otherwise deter activities by groups or organizations or whoever is practicing those ideologies;"

"3. Calls upon the appropriate specialized agencies of the United Nations as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;"

(e) Add to operative paragraph 7 the following words: "under the title: 'Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences'".

46. At the 72nd meeting, on 3 December, the representative of the German Democratic Republic accepted the amendments contained in document A/C.3/36/L.92 with the exception of the proposal to delete operative paragraph 4 of the draft resolution, and revised the draft resolution accordingly.

47. The Committee then voted on the draft resolution, as revised, and the amendment thereto as follows:

(a) The amendment to delete operative paragraph 4 was rejected by 58 votes to 52, with 18 abstentions;

(b) Draft resolution A/C.3/36/L.70, as revised, was adopted by a recorded vote of 125 to none, with 13 abstentions (see para. 84, draft resolution XII). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Bahamas, Barbados, Canada, Ghana, Iceland, Ivory Coast, Jamaica, Japan, New Zealand, Norway, Sweden, United States of America.

N. Draft resolution A/C.3/36/L.71

48. At the 64th meeting, on 27 November, the representative of France introduced a draft resolution (A/C.3/36/L.71), entitled "Question of involuntary or enforced disappearances", sponsored by Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Greece, the Netherlands, Panama, Senegal, Sweden and the United Kingdom of Great Britain and Northern Ireland, later joined by Cyprus and Norway.

49. At the same meeting, the representative of France orally revised the draft resolution by deleting the words "with all due effectiveness" in operative paragraph 3, which read as follows:

"3. Requests the Commission on Human Rights to continue to study this question as a matter of priority, and to take any step it may deem necessary to the pursuit with all due effectiveness of the task of the working group, when it considers the report to be submitted by the group at its thirty-eighth session;"

50. At the 66th meeting on 30 November the Committee adopted draft resolution A/C.3/36/L.71, as orally revised, without a vote (see para. 84, draft resolution XIII).

O. Draft resolution A/C.3/36/L.72 and Rev.1

51. The Committee had before it a draft resolution (A/C.3/36/L.72), entitled "Missing persons in Cyprus", sponsored by Cyprus. The draft resolution read as follows:

"The General Assembly,

"Recalling its previous resolutions on the question of the missing persons in Cyprus,

"Reaffirming the basic human need of families to be informed, without further delay, about the fate of their missing relatives,

"Having in mind that Agreement was reached, on 19 May 1979, during the high level meeting held in Nicosia under the auspices of the Secretary-General of the United Nations,

"Welcoming the further Agreement on the establishment of the Investigatory Committee, reached between the parties concerned, which was announced by the Secretary-General of the United Nations on 22 April 1981

and formalized and officially recorded in the minutes of the Committee's first meeting on 14 July 1981,

"Regretting the fact that due to procedural difficulties and deviations from the above Agreement of 22 April 1981, no progress has been achieved towards the commencement of the Committee's investigative work,

"1. Urges the full implementation, without further delay, of the agreed terms of reference for the work of the Investigatory Committee in accordance with the Agreement of 22 April 1981;

"2. Calls upon the parties concerned to facilitate, in a spirit of co-operation and goodwill, the Investigatory Committee in carrying out the investigation itself on the basis of the Agreement embodied in the terms of reference of the Committee, thus ensuring the early tracing and accounting for the missing persons in Cyprus;

"3. Requests the Secretary-General to continue to provide his good offices for the unhindered functioning of the Investigatory Committee."

52. At the 73rd meeting, on 4 December, the representative of Cyprus introduced a revised draft resolution (A/C.3/36/L.72/Rev.1).

53. At the same meeting, the Committee adopted the draft resolution A/C.3/36/L.72/Rev.1 by a recorded vote of 89 to 7, with 30 abstentions (see para. 84, draft resolution XIV). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Ivory Coast, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Malta, Mexico, Mozambique, Nepal, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Sri Lanka, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Bangladesh, El Salvador, Guatemala, Indonesia, Pakistan, Saudi Arabia, Turkey.

Abstaining: Argentina, Bahrain, Belgium, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Malaysia, Mauritania, the Netherlands, Niger, Nigeria, Paraguay, Portugal, Somalia, Spain, Sudan, Suriname, Thailand, Tunisia, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

P. Draft resolution A/C.3/36/L.73 and Rev.1

54. At the 63rd meeting, on 27 November, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution (A/C.3/36/L.73), entitled "Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live", sponsored by Australia, France, Ghana, Greece, Mexico, Morocco and the United Kingdom of Great Britain and Northern Ireland, later joined by Barbados, Belgium, Canada, Costa Rica, Germany, Federal Republic of, Jamaica, the Netherlands, and Uruguay. The draft resolution read as follows:

"The General Assembly,

"Bearing in mind Economic and Social Council resolutions 1970 (LIV) of 18 May 1973 and 1971 (LVI) of 17 May 1974 concerning the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live,

"Noting Commission on Human Rights resolutions 8 (XXIX) of 21 March 1973, 11 (XXX) of 6 March 1974, 16 (XXXV) of 14 March 1979 and 19 (XXXVI) of 29 February 1980, on the same subject,

"Noting also resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles, and amended by the Sub-Commission, together with the comments on the text received from Member States in response to decision 1979/36 of the Council of 10 May 1979 and recommended that the General Assembly should consider the adoption of a declaration on the subject,

"Taking into account General Assembly resolution 35/199 of 15 December 1980,

"1. Takes note that the open-ended working group, which has been entrusted with the task of elaborating a final version of the draft

declaration on the human rights of individuals who are not citizens of the country in which they live, has done useful work but has not had sufficient time to conclude its task;

"2. Decides to establish, at its thirty-seventh session an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live;

"3. Expresses the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its thirty-seventh session."

55. At the same meeting, the attention of the Committee was drawn to the statement on the administrative and financial implications of the draft resolution (A/C.3/36/L.81).

56. At the 68th meeting, on 1 December, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a revised draft resolution (A/C.3/36/L.73/Rev.1), sponsored by Australia, Barbados, Belgium, Canada, Costa Rica, Egypt, France, Germany, Federal Republic of, Ghana, Greece, Jamaica, Mexico, Morocco, the Netherlands, United Kingdom and Uruguay.

57. At the same meeting, the Committee adopted the draft resolution A/C.3/36/L.73/Rev.1 without a vote (see para. 84, draft resolution XV).

Q. Draft resolution A/C.3/36/L.74

58. At the 64th meeting, on 27 November, the representative of Argentina introduced a draft resolution (A/C.3/36/L.74) entitled "Exchange of information on banned hazardous chemicals and unsafe pharmaceutical products", sponsored by Algeria, Angola, Argentina, the Dominican Republic, Ecuador, Jordan, Kenya, Morocco, Nicaragua, Nigeria, Pakistan, the Philippines, Somalia, Tunisia, Venezuela and Yugoslavia.

59. At the same meeting, the representative of Argentina orally revised the draft resolution as follows:

(a) In the last preambular paragraph, which read as follows:

"Aware that the production and export of banned or severely restricted substances - including pharmaceuticals, pesticides and industrial chemicals endanger public health and the environment,"

the word "hazardous" was added between the word "restricted" and "substances";

(b) Operative paragraph 2, which read as follows:

"2. Takes not also of the conclusions and recommendations of the Commission on Transnational Corporations' report 2/ to its seventh session;"

was reworded as follows:

"2. Takes note also of the conclusions and recommendations in the report 3/ of the United Nations Centre on Transnational Corporations which was submitted to the seventh session of the Commission on Transnational Corporations;"

(c) Operative paragraph 7, which read as follows:

"7. Invites Member States to consider the need to deal with this subject through enactment of legislation at national levels, where they do not yet exist, and at international level;"

was reworded as follows:

"7. Invites Member States to deal with this subject through appropriate means, including possible legislation at national level, where they do not yet exist;"

60. At the 66th meeting, on 30 November, the Committee adopted draft resolution A/C.3/36/L.74, as orally revised, without a vote (see para. 84, draft resolution XVI).

R. Draft resolution A/C.3/36/L.75

61. At the 64th meeting, on 27 November, the representative of Sweden submitted a draft resolution (A/C.3/36/L.75) entitled "Draft declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally", the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Decides to include in the provisional agenda of its thirty-seventh session an item entitled "Draft declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption nationally and internationally" with a view to allocating the item to the Sixth Committee;

"2. Recommends, in order that the further action proposed in Economic and Social Council resolution 1979/28 may proceed, that appropriate measures be taken at its thirty-seventh session to finalize the draft declaration."

62. At the 66th meeting, on 30 November, the representative of Sweden orally revised the draft resolution as follows:

(a) In operative paragraph 1, the words "with a view to allocating the item to the Sixth Committee" were deleted from the end of operative paragraph 1;

(b) In operative paragraph 2, the word "Recommends" was replaced by "Decides".

63. At the same meeting, the representative of Morocco proposed an amendment to reintroduce the words "with a view to allocating the item to the Sixth Committee" at the end of operative paragraph 1. Following a proposal by Ethiopia, the amendment was subsequently revised to read "with a view to the possible allocation of the item to the Sixth Committee".

64. Also at the same meeting, the Committee voted on draft resolution A/C.3/36/L.75 as follows:

(a) The amendment by Morocco, as revised (see para. 63) was adopted without a vote;

(b) The draft resolution as a whole, as revised and amended, was adopted without a vote (see para. 84, draft resolution XVII).

S. Draft resolution A/C.3/36/L.77

65. At the 63rd meeting, on 27 November, the representative of the United States of America introduced a draft resolution (A/C.3/36/L.77), entitled "International drug abuse control strategy", sponsored by Australia, Bolivia, India, Pakistan, Turkey and the United States of America, later joined by Malaysia, Mali, Morocco and Sweden.

66. At the 66th meeting, on 30 November, the representative of the United States of America revised the draft resolution as follows:

(a) In operative paragraph 3, which read as follows:

"3. Requests the Commission, within available resources, to establish a task force, in consultation with the Directors General of the appropriate specialized agencies and other United Nations drug-related bodies, composed of representatives of these agencies and bodies and representatives of the member States most interested in and affected by the production, trafficking, and consumption of and demand for illegal drugs, as well as those interested in and affected by the abuse of legally produced drugs, to review, monitor and co-ordinate the implementation of the international

control strategy and the programme of action and to submit a report to each session or special session of the Commission on the progress made in implementing the drug strategy and programme, and to provide any recommendations it deems necessary regarding future revision of such strategy and programme of action;"

the words "abuse of legally produced" between the words "affected by the" and the word "drugs" were replaced by the words "licit production of.";

(b) Operative paragraph 5, which read as follows:

"5. Requests the Secretary-General to take the necessary steps within available resources to assist in implementing the international-drug control strategy and five-year programme of action;"

was deleted;

(c) The remaining paragraphs were renumbered accordingly.

67. At the same meeting, the attention of the Committee was drawn to the statement on administrative and financial implications of the draft resolution (A/C.3/36/L.88).

68. At the same meeting, the Committee adopted draft resolution A/C.3/36/L.77, as revised, without a vote (see para. 84, draft resolution XVIII).

T. Draft resolution A/C.3/36/L.78

69. At the 63rd meeting, on 27 November, the representative of Canada introduced a draft resolution (A/C.3/36/L.78), entitled "Observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights", sponsored by Australia, Canada, Costa Rica, Greece, India, Japan, Morocco and Sri Lanka, later joined by Austria, the Central African Republic, Cyprus, Germany, Federal Republic of, France, Samoa, Senegal and Sweden.

70. At the 66th meeting, on 30 November, the representative of Canada revised the draft resolution by deleting paragraph 2 (c) of the annex which read as follows:

(c) Adoption of arrangements for the award of human rights prizes as envisaged in recommendation C of the annex to General Assembly resolution 2217 (XXI) of 19 December 1966;

The remaining subparagraphs were renumbered accordingly.

71. At the same meeting, the attention of the Committee was drawn to the statement on the administrative and financial implications of the draft resolution (A/C.3/36/L.89).

72. Also at the same meeting, the Committee adopted draft resolution A/C.3/36/L.78, as revised, without a vote (see para. 84, draft resolution XIX).

U. Draft decision A/C.3/36/L.87

73. The Committee had before it a draft decision (A/C.3/36/L.87), entitled "Welfare of migrant workers and their families", sponsored by Algeria, Barbados, India, Italy, Mexico, Pakistan, Turkey and Yugoslavia. The draft decision read as follows:

"The General Assembly,

"Recalling Economic and Social Council resolution 1981/21 of 6 May 1981 and taking note of the views expressed in the Second Regular Session of Economic and Social Council in 1981 as indicated in the summary records of the 15th meeting on 16 July 1981 (Doc.: E/1981/C.3/SR.15) with respect to the report of the Committee for Programme and Co-ordination on the work of its twenty-first session,

"Reaffirms Economic and Social Council request in resolution 1981/21 of 6 May 1981 to include in the programme budget of the United Nations for 1982-1983 studies on the questions concerned with the welfare of migrant workers and their families."

74. At the 65th meeting, on 30 November, the representative of the United States of America proposed an amendment to add, at the end of the second paragraph, the following:

"and requests the Secretary-General to include this request within the appropriation for Section VI by eliminating an equivalent programme of lower priority".

75. At the 68th meeting, on 1 December, the representative of Yugoslavia revised the draft decision by adding, at the end of the second paragraph, the following:

"which would take account of, and complement the studies already undertaken by, the International Labour Organisation".

76. The United States of America subsequently withdrew its amendment.

77. At the same meeting, the Committee adopted the draft decision, as revised, without a vote (see para. 85, draft decision I).

V. Draft decision A/C.3/36/L.91 and Rev.1

78. At the 68th meeting, on 1 December, the representative of Ghana introduced a draft decision (A/C.3/36/L.91), entitled "Situation of human rights and fundamental freedoms in Guatemala", sponsored by Ghana and the Netherlands. The draft decision read as follows:

"The General Assembly,

"Taking note of the report of the Secretary-General on the situation of human rights and fundamental freedoms in Guatemala, 4/

"Sharing the views expressed by the Commission on Human Rights at the situation of human rights in Guatemala,

"Requests the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala."

79. At the 70th meeting, on 2 December, the representative of Ghana introduced a revised draft decision (A/C.3/36/L.91/Rev.1).

80. At the 72nd meeting, on 3 December, the representative of Ghana further orally revised the draft decision by replacing, in operative paragraph 2, the words "Appeals to" by "Requests" and inserting the word "further" after the word "co-operate".

81. At the same meeting, the Committee adopted the draft decision, as further revised, by a recorded vote of 68 to 18, with 41 abstentions (see para. 85, draft decision II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Belgium, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Portugal, Romania, Rwanda, Sao Tome and Principe, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Gabon, Guatemala, Haiti, Honduras, Indonesia, Israel, Pakistan, Paraguay, Tunisia, Turkey, United States of America, Uruguay.

Abstaining: Bahamas, Bahrain, Bhutan, Botswana, Brazil, Burma, Central African Republic, Chad, China, Dominican Republic, Ecuador, Egypt, Fiji, Guinea, Guinea-Bissau, Ivory Coast, Japan, Lesotho, Liberia, Malaysia, Morocco, Nepal, Niger, Nigeria, Oman, Peru, Philippines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Suriname, Swaziland, Thailand, Togo, United Arab Emirates, United Republic of Cameroon, Upper Volta, Zaire.

W. Draft resolution A/C.3/36/L.93

82. At the 70th meeting, on 2 December 1981, the representative of Botswana introduced a draft resolution (A/C.3/36/L.93), entitled "Assistance to student refugees in southern Africa", sponsored by Algeria, Angola, Botswana, Egypt, Kenya, Lesotho, Madagascar, Morocco, Pakistan, Senegal, Sierra Leone, Somalia, Swaziland, Uganda, Yugoslavia, Zaire, Zambia and Zimbabwe, later joined by the Comoros, the Congo, Costa Rica, Cyprus, Djibouti, Ethiopia, Liberia, Mali, Mauritania, Morocco, Mozambique, the United Republic of Cameroon, the United Republic of Tanzania and the Upper Volta.

83. At the 72nd meeting, on 3 December, the Committee adopted the draft resolution without a vote (see para. 84, draft resolution XX).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

84. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

United Nations voluntary fund for victims of torture

The General Assembly,

Recalling its resolution 33/174 of 20 December 1978, by which it established a United Nations Trust Fund for Chile as a voluntary fund to receive contributions and distribute humanitarian, legal and financial aid to persons whose human rights had been violated by detention or imprisonment in Chile,

Recalling also its resolution 35/190 of 15 December 1980, by which it requested the Commission on Human Rights to study the possibility of extending the mandate of the United Nations Trust Fund for Chile,

Taking note of Economic and Social Council resolution 1981/39 of 8 May 1981 and Commission on Human Rights resolution 35 (XXXVII) of 11 March 1981,

Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

Noting with deep concern that acts of torture take place in various countries,

Considering the plight of victims of torture wherever it takes place,

Recognizing the need to provide assistance to the victims of torture in a purely humanitarian spirit,

1. Decides:

(a) To extend the mandate of the United Nations Trust Fund for Chile, established by its resolution 33/174, in order to make it capable of receiving voluntary contributions for distribution, through established channels of humanitarian assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture and to relatives of such victims, priority being given to aid to victims of violations by States in which the human rights situation has been the subject of resolutions or decisions adopted by either the General Assembly, the Economic and Social Council or the Commission on Human Rights;

(b) That such a United Nations voluntary fund for victims of torture shall be administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a board of trustees composed of a chairman and four members with wide experience in the field of human rights, acting in their personal capacity, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments;

(c) To redesignate the United Nations Trust Fund for Chile as the United Nations Voluntary Fund for Victims of Torture;

(d) To adopt the arrangements for the management of the Fund set forth in the annex to the report of the Secretary-General; 5/

(e) To authorize the Board of Trustees of the Fund to promote and solicit contributions and pledges;

(f) To request the Secretary-General to give the Board of Trustees all the assistance it may require;

2. Appeals to all Governments to respond favourably to requests for contributions to the Fund.

DRAFT RESOLUTION II

The right to education

The General Assembly,

Recalling its resolutions 34/170 of 17 December 1979 and 35/191 of 15 December 1980 on the right to education,

Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,

Bearing in mind the importance of the Convention against Discrimination in Education, 6/ adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Reaffirming the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms,

Recognizing that for effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency,

Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security,

Recalling that the establishment of the new international economic order requires effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of the developing countries,

Convinced of the topicality and urgency of provisions on education contained in the International Development Strategy for the Third United Nations Development Decade, 7/

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, colour, sex, language, religion,

6/ United Nations, Treaty Series, vol. 429, No. 6193, p. 93.

7/ General Assembly resolution 35/56, annex, sect. O.

political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, and more particularly in the developing countries, have occupied a central place in that organization's programme,

Taking note with satisfaction of interest shown by the Executive Board of the United Nations Educational, Scientific and Cultural Organization for the implementation of General Assembly resolutions 34/170 and 35/191,

1. Invites again all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, inter alia, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture;

2. Invites all States to give all necessary attention to defining and determining in a more precise manner the means for implementing the provisions concerning the role of education in the International Development Strategy for the Third United Nations Development Decade;

3. Invites all specialized agencies to co-operate with the United Nations Educational, Scientific and Cultural Organization to ensure education a high priority in the implementation of various programmes and projects, in the framework of the International Development Strategy for the Third United Nations Development Decade;

4. Appeals again to all States, in particular to the developed countries, to support actively through fellowships and other means, including the general increasing of resources for education and training, the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors;

5. Expresses its thanks to the Director-General of the United Nations Educational, Scientific and Cultural Organization for the report on the right to education prepared pursuant to General Assembly resolution 35/191; 8/

6. Requests the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit to the General Assembly at its thirty-seventh session a report dealing with the questions raised in its resolution 35/191 and also in the present resolution, on the basis of the broad lines of approach established in the draft medium-term plan of the United Nations Educational, Scientific and Cultural Organization for 1984-1989, with a view to fostering the full implementation of the right to education.

DRAFT RESOLUTION III

Assistance to refugees in Somalia

The General Assembly,

Recalling its resolution 35/180 of 15 December 1980 on the question of assistance to refugees in Somalia,

Recalling further Economic and Social Council resolution 1981/31 of 6 May 1981,

Taking note of the report of the Secretary-General transmitting the review mission to Somalia 9/ and the report of the United Nations High Commissioner for Refugees 10/ on the conditions of the refugees in Somalia and containing an assessment of their over-all needs,

Having heard the statement of the United Nations High Commissioner for Refugees, 11/

Deeply concerned at the need to continue to provide assistance to the refugees in Somalia,

1. Takes note of the reports of the Secretary-General and of the United Nations High Commissioner for Refugees on the situation of refugees in Somalia;
2. Expresses its appreciation to the Secretary-General and the United Nations High Commissioner for Refugees for their continued efforts to mobilize international assistance on behalf of the refugees in Somalia;
3. Takes note with satisfaction of the assistance rendered to refugees in Somalia by various Member States, the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund and other concerned intergovernmental and non-governmental organizations;
4. Appeals to Member States, international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Somalia in its efforts to provide all necessary assistance to the refugees;

9/ A/36/136.

10/ A/36/136/Add.1 and Corr.1

11/ A/C.3/36/SR.56, paras. 1-3.

5. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to dispatch a mission to Somalia early in 1982 to make a comprehensive review of the over-all needs of the refugees, including those aspects relating to their settlement and rehabilitation;

6. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to submit the report of the proposed review mission on the refugee situation in Somalia to the Economic and Social Council at its first regular session of 1982;

7. Further requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to submit a report to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION IV

Regional arrangements for the promotion and protection of
human rights

The General Assembly,

Recalling its resolution 34/171 of 17 December 1979, in which it reiterated its appeal to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional arrangements for the promotion and protection of human rights,

Recalling also its resolution 35/197 of 15 December 1980,

Having considered the report of the Secretary-General, 12/

Welcoming recent developments in the Organization of African Unity towards the establishment of regional arrangements for the promotion and protection of human rights,

1. Commends the Organization of African Unity on the adoption of the African Charter of Human and People's Rights;

2. Notes with satisfaction that consultations were held with Member States of the Asian region with a view to the holding of a seminar at Colombo, to consider appropriate arrangements for the promotion and protection of human rights in the region;

3. Requests the Secretary-General to organize the above-mentioned seminar at Colombo, in 1982, and to report to the General Assembly at its thirty-seventh session on the deliberations of the seminar.

DRAFT RESOLUTION V

Situation of human rights and fundamental freedoms
in El Salvador

The General Assembly,

Recognizing the permanent validity of the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, 13/

Conscious of its responsibility to promote and guarantee the maintenance of those principles and to contribute to ensure respect for human rights and fundamental freedoms for all,

Reiterating once more that all Member States have an obligation to protect human rights and fundamental freedoms and to fulfil in this respect the obligations they have undertaken through the various international instruments in this field,

Recalling its resolution 35/192 of 15 December 1980, in which, among other things, it expressed deep concern for violations of human rights and fundamental freedoms in El Salvador, especially in view of the death of thousands of people and the climate of repression and insecurity which prevailed in that country and deplored the assassinations, disappearances and other serious violations of human rights in El Salvador,

Reiterating the appeal made by the General Assembly in that resolution for the cessation of violence and the re-establishment of full respect for human rights in El Salvador and for Governments of all States to refrain from supplying arms and lending other forms of military assistance in the current circumstances,

Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, approved by the Economic and Social Council in May 1981, which notes the persistence of the climate of violence and insecurity which prevails in El Salvador,

Endorsing the appeal to the Salvadorean parties involved, made by the Commission on Human Rights in its resolution 32 (XXXVII), to arrive at a peaceful settlement and put an end to violence in order to prevent further loss of lives and alleviate the suffering of the people of El Salvador,

13/ General Assembly resolution 217 A (III).

Taking note of resolution 10 (XXXIV) adopted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, which states that only respect for article 25 of the International Covenant on Civil and Political Rights will assure to the Salvadorean nation, through the participation of all its political forces, the full exercise of its fundamental rights in establishing a democratically elected government, but also notes that at the present time these conditions do not exist in El Salvador,

Having studied the interim report on the situation of human rights and fundamental freedoms in El Salvador prepared by the Special Representative appointed by the Commission on Human Rights, 14/ which confirms the seriousness of the situation prevailing in El Salvador and, among other things, provides evidence on the general attitude of passiveness and inactivity of the present Salvadorean authorities with respect to the constant human rights violations in that country,

Noting that the situation in El Salvador, as clearly shown in the interim report of the Special Representative, has its root causes in internal political, economic and social factors,

1. Reiterates its deep concern for the situation prevailing in El Salvador and the suffering of the Salvadorean people;
2. Requests once more the Salvadorean parties involved to arrive at a negotiated political solution in order to establish, in an atmosphere free from intimidation and terror, a democratically elected government;
3. Deeply deplores all acts of violence and all grave violations of human rights and fundamental freedoms, and regrets in particular the persistence of a situation in which governmental paramilitary organizations and other armed groups continue to act with total contempt for the life, security and tranquility of the civilian population;
4. Draws the attention of all parties concerned to the fact that the rules of international law, as contained in common article three of the Geneva Conventions of 12 August 1949, are applicable to armed conflicts not of an international character and requests the parties involved to apply a minimum standard of protection to the affected population;
5. Reiterates its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support, so as to allow the political forces in that country to restore peace and security;
6. Affirms once more that it is incumbent only to the Salvadorean people to exercise its right to determine freely its political status and freely pursue

14/ A/36/608, annex.

its economic, social and cultural development and to establish the conditions and undertake the changes most adequate to its aspirations as a people and as a nation without external interference of any kind;

7. Urges the Government of El Salvador to adopt the necessary measures to ensure full respect for the human rights of its population in all their expressions, primarily by creating conditions which could lead to political solution to the present crisis through the full participation of all representative political forces in that country;

8. Urges the parties concerned to co-operate and not interfere with the activities of the humanitarian organizations which are dedicated to alleviating the suffering of the civilian population in El Salvador;

9. Requests the Commission on Human Rights at its thirty-eighth session thoroughly to examine the situation in El Salvador on the basis of the final report of the Special Representative of the Commission on Human Rights;

10. Decides to maintain under consideration, during its thirty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine anew this situation in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION VI

Humanitarian assistance to refugees in Djibouti

The General Assembly,

Recalling its resolution 35/182 of 15 December 1980 on the humanitarian assistance to refugees in Djibouti,

Recalling also Economic and Social Council resolutions 1980/11 of 28 April 1980, 1980/44 of 23 July 1980 and 1981/4 of 4 May 1981 on assistance to the refugees in Djibouti,

Having heard the statement of the United Nations High Commissioner for Refugees,

Taking note with satisfaction of the report of the Secretary-General on the situation of the refugees in Djibouti and the report of the United Nations High Commissioner for Refugees annexed thereto, 15/

Deeply concerned about the persistence of the food shortage in the country, which has been aggravated by the devastating effects of the prolonged drought,

Aware of the determined efforts made by the Government of Djibouti to cope with the refugee situation, despite the impact of the devastating effects of the prolonged drought,

Aware also of the consequences of the social and economic burden placed on the Government and people of Djibouti as a result of the influx of refugees and the subsequent impact on the national development and the infrastructure of the country,

Noting with satisfaction the concern and continued efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, the World Food Programme and the intergovernmental and non-governmental organizations, which have worked closely with the Government of Djibouti in the relief and rehabilitation programme for the refugees and drought-stricken population in Djibouti,

1. Takes note with appreciation of the report of the Secretary-General on humanitarian assistance to the refugees in Djibouti and that of the United Nations High Commissioner for Refugees annexed thereto;

2. Appreciates the efforts made by the United Nations High Commissioner for Refugees to keep the refugee situation under constant review and invite him to continue his humanitarian assistance to the refugees in Djibouti;

3. Requests the United Nations High Commissioner for Refugees to continue to ensure that adequate assistance programmes are organized for the refugees and to maintain close contact with Member States, intergovernmental and non-governmental organizations concerned to mobilize the necessary assistance to the Government of Djibouti to cope effectively with the refugee situation aggravated by the debilitating effects of the drought;

4. Calls upon all Member States, the organizations of the United Nations system, the specialized agencies and the intergovernmental and non-governmental organizations to continue to support the efforts made by the Government of Djibouti to cope with the needs of the refugee population and other victims of the drought;

5. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to review the present situation of refugees in Djibouti and to report to the Economic and Social Council at its first regular session of 1982 and to the General Assembly at its thirty-seventh session on the progress achieved with regard to the refugee situation in Djibouti.

DRAFT RESOLUTION VII

Protection of human rights in Chile

The General Assembly,

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

Underlining the obligation of Governments to protect and promote human rights and to carry out the responsibilities they have undertaken under various international instruments,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures in order to restore respect for human rights and fundamental freedoms,

Recalling its resolutions 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979 and 35/188 of 15 December 1980 on the protection of human rights in Chile, and 33/173 of 20 December 1978 on disappeared persons,

Recalling also Commission on Human Rights resolution 11 (XXXV) 16/ of 6 March 1979 on violations of human rights in Chile, in which the Commission, inter alia, decided to appoint a Special Rapporteur on the situation of human rights in Chile, and resolution 9 (XXXVII) of 26 February 1981 17/ in which it decided to extend the mandate of the Special Rapporteur for another year,

Deploing the fact that the Chilean authorities have consistently refused to co-operate with the Special Rapporteur appointed by the Commission on Human Rights and with other United Nations bodies in the field of human rights,

Deeply concerned about the persistence and, in certain respects, the deterioration of situations which affect the enjoyment and exercise of human rights and fundamental freedoms in Chile, as stated in the report of the Special Rapporteur, 18/

Expressing deep concern that the whereabouts of the numerous persons who have disappeared over the past years are still unknown and that the Chilean authorities continue to fail to take urgent and effective measures to investigate and clarify the fate of persons who have disappeared,

16/ See Official Records of The Economic and Social Council, 1979, Supplement No. 6 (E/1979/36), chap. XXIV, sect. A.

17/ See Ibid., 1981, Supplement No. 5 (E/1981/25), chap. XXVIII, sect. A.

18/ A/36/594.

Noting with grave concern that the new constitution in force in Chile as from 11 March 1981, which was prepared with a lack of popular participation, not only fails to guarantee fully, but in certain respects allows interferences with, human rights and fundamental freedoms,

1. Commends the Special Rapporteur on the situation of human rights in Chile for his report, prepared in accordance with Commission on Human Rights resolution 9 (XXXVII) of 26 February 1981;

2. Reiterates its grave concern at the persistence and, in some respects, the deterioration of the human rights situation in Chile, as stated by the Special Rapporteur, and particularly:

(a) The disruption of the traditional democratic legal order and its institutions by maintenance and expansion of the emergency legislation and the promulgation of a constitution that fails to reflect a freely expressed popular will, and which clearly hampers the human rights and fundamental freedoms of the Chilean people and allows interferences with such rights and freedoms;

(b) The intensification of practices such as arbitrary detention and confinement in secret places, often accompanied by torture and inhuman or degrading treatment which, on occasion, result in unexplained deaths;

(c) The persecution, intimidation and imprisonment, as well as the banishment and forced exile of a number of persons who participate in trade union, academic and cultural and humanitarian activities;

3. Reiterates also its great concern at the fact that the remedies of habeas corpus or amparo prove to be not effective owing to the fact that the judiciary in Chile does not fully exercise its powers in this respect and performs its functions with utmost restrictions;

4. Urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps that could enable the Commission of Human Rights to consider terminating the mandate of the Special Rapporteur:

(a) To put an end to the state of emergency, under which continued human rights violations occur and to restore the democratic institutions and constitutional guarantees formerly enjoyed by the Chilean people;

(b) To put an end to arbitrary detentions, physical or psychological intimidation and prosecution of persons who exercise their right to freedom of expression and opinion, including the right to petition;

(c) To respect the human rights of persons detained for political reasons and to separate them from those detained for criminal offences;

(d) To take effective measures to prevent torture and other forms of cruel, inhuman or degrading treatment resulting, inter alia, in unexplained deaths and to prosecute and punish those responsible for such practices;

(e) To investigate and clarify the fate of persons who have disappeared for political reasons, to inform the relatives of those persons of the outcome of the investigation and to prosecute and punish those responsible for such disappearances;

(f) To restore fully trade union rights, especially the freedom to form trade unions which can operate freely without governmental control and can exercise fully the right to strike;

(g) To guarantee the freedom of assembly and association, and the freedom of Chilean citizens freely to enter and leave the country, and to end the practice of banishments applied to nationals, a practice which amounts to forced exile from the country;

5. Urges once more the Chilean authorities to co-operate with the Special Rapporteur and to comply with their obligations under various international human rights instruments;

6. Requests the Commission on Human Rights at its thirty-eighth session to study thoroughly the report of the Special Rapporteur;

7. Invites the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and request the Commission to report on the human rights situation in Chile, through the Economic and Social Council, to the General Assembly at its thirty-seventh session.

DRAFT RESOLUTION VIII

Situation of refugees in the Sudan

The General Assembly,

Recalling its resolution 35/181 of 15 December 1980 on the situation of refugees in the Sudan,

Recalling further Economic and Social Council resolution 1981/5 of 4 May 1981,

Having heard the statement delivered by the United Nations High Commissioner for Refugees before the Third Committee on 16 November 1981, 19/

Taking note of the ever increasing number of refugees arriving in the Sudan,

Appreciating the measures which the Government of the Sudan, a least developed country, is taking in order to provide shelter, food and other services to the growing number of refugees in the Sudan,

Recognizing the heavy burden placed on the Government of the Sudan in caring for the growing number of refugees and the need for adequate international assistance to continue its efforts to render assistance to the refugees,

1. Takes note of the report of the Secretary-General containing the findings of the sectoral follow-up missions which have so far been completed; 20/
2. Requests the Secretary-General, in co-operation with the relevant agencies, to arrange for the completion of the remaining technical follow-up missions;
3. Expresses its appreciation to the donor Government, intergovernmental organizations, non-governmental organizations, the Secretary-General and the UNHCR for their valuable assistance rendered to refugees in the Sudan;
4. Appeals to all Member States, international organizations and voluntary agencies to render the maximum possible financial, material and technical assistance to the Government of the Sudan in its efforts to provide all necessary service to the refugees;
5. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to submit a comprehensive report to the Economic and Social Council at its first regular session of 1982 as well as to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION IX

Social aspects of the development activities
of the United Nations

The General Assembly,

Taking note of Economic and Social Council resolution 1981/24 of 6 May 1981 on the social aspects of the development activities of the United Nations,

Mindful of the fact that the recommendations contained in the report 21/ of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations will be further discussed at the first regular session of the Economic and Social Council in 1982, in accordance with Council decisions 1981/175 and 1981/176 of 23 July 1981, in which the Secretary-General has been requested to prepare and submit comments on the feasibility, programme and co-ordination implications as well as the resources implications of the main recommendations submitted by the Ad Hoc Working Group,

20/ A/36/216 and Add.1.

21/ E/1981/3.

1. Invites the Economic and Social Council, in the light of its above-mentioned decisions, to give at its first regular session in 1982 due consideration to the implementation of the recommendations contained in the report of the Ad Hoc Working Group on the Social Aspects of Development Activities of the United Nations;

2. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the implementation of the relevant decisions of the Economic and Social Council pertaining to the recommendations contained in the above-mentioned report under the agenda item entitled "Report of the Economic and Social Council".

DRAFT RESOLUTION X

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

The General Assembly,

Reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 22/ the International Convention on the Elimination of All Forms of Racial Discrimination, 23/ the International Covenants of Human Rights 24/ and the Convention on the Elimination of All Forms of Discrimination against Women, 25/

Taking into account the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connexion with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of a body of principles and standards already established, there is need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, in which it decided to establish an open-ended Working Group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

22/ General Assembly resolution 217 A (III).

23/ General Assembly resolution 2106 A (XX), Annex.

24/ General Assembly resolution 2200 A (XXI), annex.

25/ General Assembly resolution 34/180, annex.

Recalling also its resolution 35/198 of 15 December 1980, in which it renewed the mandate of the open-ended Working Group and requested it to continue its work,

Having examined the progress made by the open-ended Working Group during its intersessional meeting held from 11 to 22 May 1981 and the contributions of various Governments, 26/

Having also considered the report of the open-ended Working Group during the current session of the General Assembly, 27/

1. Takes note of the report of the open-ended Working Group and expresses its satisfaction with the substantial progress that the Working Group has so far made in the accomplishment of its mandate;
2. Decides that, in order to enable the Working Group to complete its task as soon as possible, the Working Group shall hold again an intersessional meeting of two weeks duration in New York, in May 1982, immediately after the first regular session of the Economic and Social Council;
3. Invites the Secretary-General to transmit to Governments the report of the Working Group so as to allow the members of the Working Group to continue its task during the intersessional meeting to be held in May 1982, as well as to transmit the results obtained in this meeting in order that the General Assembly may consider them during its thirty-seventh session;
4. Invites also the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations system and to international organizations concerned for their information, so as to enable them to continue their co-operation with the Working Group;
5. Decides that the Working Group shall meet during the thirty-seventh session of the General Assembly to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

DRAFT RESOLUTION XI

Assistance to displaced persons in Ethiopia

The General Assembly,

Recalling its resolution 35/91 of 5 December 1980 and Economic and Social Council resolution 1980/54 of 24 July 1980,

26/ A/36/378 and A/36/383.

27/ See A/C.3/36/10.

Having heard the statement of the representative of the Secretary-General and of the United Nations High Commissioner for Refugees, 28/

Taking note of the report of the Secretary-General on assistance to displaced persons in Ethiopia, prepared pursuant to Economic and Social Council resolution 1980/8 of 28 April 1980, 29/

Taking note also of the appeal of the Secretary-General in his note verbale of 11 November 1980,

Deeply concerned that the appeals of the Secretary-General and the Economic and Social Council and the General Assembly have yet to meet adequate response,

1. Endorses once again the appeals of the Secretary-General and the Economic and Social Council concerning the assistance to displaced persons in Ethiopia;
2. Requests the United Nations High Commissioner for Refugees to continue his efforts to mobilize humanitarian assistance for the relief and rehabilitation of the large number of voluntary returnees;
3. Requests the Secretary-General to report to the Economic and Social Council at its first regular session of 1982 and to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION XII

Measures to be taken against nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror: draft resolution

The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

28/ A/C.3/36/SR.50.

29/ A/35/360 and Corr.1-3.

Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation,

Emphasizing that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979 and 35/200 of 15 December 1980,

Recalling also the Declaration on Social Progress and Development, 30/ the United Nations Declaration on the Elimination of All Forms of Racial Discrimination 31/ and the Declaration on the granting of independence to colonial countries and peoples, 32/

Underlining the importance of the Universal Declaration of Human Rights, 33/ the International Covenants on Human Rights, 34/ the International Convention on the Elimination of All Forms of Racial Discrimination, 35/ the Convention on the Prevention and Punishment of the Crime of Genocide 36/ and other relevant international instruments,

30/ General Assembly resolution 2542 (XXIV).

31/ General Assembly resolution 1904 (XVIII).

32/ General Assembly resolution 1514 (XV).

33/ General Assembly resolution 217 A (III).

34/ General Assembly resolution 2200 A (XXI), annex.

35/ General Assembly resolution 2106 A (XX), annex.

36/ General Assembly resolution 260 A (III), annex.

Reaffirming that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 37/ the International Convention on the Suppression and Punishment of the Crime of Apartheid, 38/ the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,

Commending the fact that a number of States provided the Secretary-General with their comments on those problems discussed in the report of the Secretary-General, 39/

Acknowledging the fact that a number of States have set up legal regulations which are suited to prevent the activities of nazi, fascist and neo-fascist groups and organizations,

Welcoming Commission on Human Rights resolution 3 (XXXVII) of 23 February 1981 providing measures on this subject, including the consideration of elaborating a draft declaration,

Noting with deep concern that the proponents of fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

1. Again condemns all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practicing those ideologies;

37/ General Assembly resolution 2391 (XXIII).

38/ General Assembly resolution 3068 (XXVIII).

39/ A/36/209 and Add.1.

3. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;

4. Invites Member States to adopt, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including nazi, fascist and neo-fascist ideologies;

5. Appeals to all States which have not yet done so to ratify or to accede to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and the Convention on the Suppression and Punishment of the Crime of Apartheid;

6. Calls once again upon all States to provide the Secretary-General with their comments on this question;

7. Requests the Commission on Human rights to continue the consideration of this subject at its thirty-eighth session under the title: "Measures to be taken against all totalitarian or other ideologies and practices, including nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences";

8. Requests the Secretary-General to submit a report through the Economic and Social Council, to the General Assembly at its thirty-seventh session in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

DRAFT RESOLUTION XIII

Question of involuntary or enforced disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 35/193 of 15 December 1980 on involuntary or enforced disappearances,

Bearing in mind Commission of Human Rights resolution 10 (XXXVII) of 26 February 1981, in which it was decided to extend for one year the term of the working group's mandate, and Economic and Social Council decision 1981/139 which approved that decision,

Convinced that the action taken, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons, should be continued,

Expressing its emotion at the anguish and sorrow of the families of victims of involuntary or enforced disappearances,

1. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the Working Group's mandate, as laid down in Commission resolution 10 (XXXVII);
2. Expresses its appreciation to the Working Group for the work done and to those Governments which have co-operated with it;
3. Requests the Commission on Human Rights to continue to study this question as a matter of priority, and to take any step it may deem necessary to the pursuit of the task of the working group, when it considers the report to be submitted by the group at its thirty-eighth session;
4. Appeals to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;
5. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

DRAFT RESOLUTION XIV

Missing persons in Cyprus

The General Assembly,

Recalling its previous resolutions on the question of the missing persons in Cyprus,

Reaffirming the basic human need of families to be informed, without further delay, about the fate of their missing relatives,

Having in mind that agreement was reached, on 19 May 1979, during the high-level held at Nicosia under the auspices of the Secretary-General,

Welcoming also the agreement establishing the Committee on Missing Persons in Cyprus 40/ referred to in the report of the Secretary-General of 27 May 1981,

40/ See S/14490.

including the oral agreement of 26 March 1981 concerning the attendance of representatives of the Committee of Relatives of Missing Persons at the meetings of the Committee,

Regretting the fact that owing to procedural difficulties no progress has been achieved towards the commencement of the Committee's investigative work,

1. Urges that the Committee on Missing Persons proceed, without any further delay, with its investigative work for the tracing of and accounting for missing persons in Cyprus,
2. Calls upon the parties concerned to assist, in a spirit of co-operation and goodwill, the Committee in carrying out its investigative task;
3. Requests the Secretary-General to continue to provide his good offices for the unhindered functioning of the Committee.

DRAFT RESOLUTION XV

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

The General Assembly,

Bearing in mind Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Noting Commission on Human Rights resolutions 8 (XXIX) of 21 March 1973, 11 (XXX) of 6 March 1974, 16 (XXXV) of 14 March 1979 and 19 (XXXVI) of 29 February 1980, on the same subject,

Noting also resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles, and amended by the Sub-Commission, together with the comments on the text received from Member States in response to Council decision 1979/36 of 10 May 1979 and recommended that the General Assembly should consider the adoption of a declaration on the subject,

Recalling also its resolution 35/199 of 15 December 1980, in which it decided to establish an open-ended Working Group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live,

Having considered the report of the open-ended Working Group, 41/

1. Takes note of the report of the open-ended Working Group and of the fact that, although the Working Group has done useful work, it has not had sufficient time to conclude its task;
2. Decides to establish, at its thirty-seventh session, an open-ended Working Group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live;
3. Expresses the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its thirty-seventh session.

DRAFT RESOLUTION XVI

Exchange of information on banned hazardous chemicals and unsafe pharmaceutical products

The General Assembly,

Recalling its resolution 34/173 of 17 December 1979, in which it recognized the urgent need to take concrete measures to prevent adverse effects on health on a world-wide basis,

Recalling also its resolution 35/186 of 15 December 1980, in which it invited Member States to provide information on measures they have taken on exchange of information on hazardous chemicals and unsafe pharmaceutical products that have been banned in their territories and requesting the Secretary-General in co-operation with the United Nations organs, organizations and bodies concerned to submit a report to the General Assembly at its thirty-sixth session on the experience of Member States and the United Nations organs, organizations and bodies concerned,

Conscious of the importance of the information system on transnational corporations for the analysis of the activities in these corporations in certain sectors of special social and humanitarian interest to the countries in which operations take place, particularly developing countries,

Taking into account that in resolution 35/186 the General Assembly requested the Commission on Transnational Corporations to study, during its seventh session, ways and means within the information system on transnational corporations to improve the exchange of information on those products with a view to formulating appropriate recommendations.

Bearing in mind the importance of objective information on banned hazardous chemicals and unsafe pharmaceutical products,

Aware that the production and export of banned or severely restricted hazardous substances - including pharmaceuticals, pesticides and industrial chemicals - endanger public health and the environment,

1. Takes note of the report of the Secretary-General 42/ on the exchange of information on banned hazardous chemicals and unsafe pharmaceutical products;
2. Takes note also of the conclusions and recommendations in the report 43/ of the United Nations Centre on Transnational Corporations which was submitted to the Commission at its seventh session;
3. Reiterates the need to intensify international co-operation in the search for the solution to problems arising from the production and export of banned or severely restricted substances;
4. Urges Member States and other interested parties, including transnational corporations to co-operate more fully in providing data on banned or severely restricted substances to the appropriate organs, organizations and bodies of the United Nations system with responsibility for information exchange in regard to such substances;
5. Calls upon the organs, organizations and other competent United Nations bodies involved in disseminating information on this subject to ensure that the documentation they prepare is adequately suited to the needs and clearly understood by all those engaged in processing, handling, dispensing or using all banned hazardous chemicals and unsafe pharmaceutical products;
6. Requests the Secretary-General, the organs, organizations and other competent United Nations bodies to provide, within available resources, the necessary technical assistance to the developing countries, at their request, to help them establish an adequate system for monitoring the import of unsafe pharmaceutical products of doubtful therapeutic value and banned hazardous chemicals, on the one hand, and to train scientific personnel to handle these problems, on the other;
7. Invites Member States to deal with this subject through appropriate means, including possible legislation at national level, where they do not yet exist;

42/ A/36/255.

43/ E/C.10/90.

8. Once again requests the Secretary-General to consult Member States on the existing information systems on banned hazardous chemicals and unsafe pharmaceutical products and to report to the General Assembly at the thirty-eighth session through the Economic and Social Council.

DRAFT RESOLUTION XVII

Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally

The General Assembly,

Recalling Economic and Social Council resolution 1981/18 of 6 May 1981 entitled "Draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally", whereby the Council requested the General Assembly to consider at its thirty-sixth session the draft declaration which is annexed to the present resolution so that the further action proposed in Council resolution 1979/28 may proceed,

Bearing in mind the report of the Secretary-General on views of Member States on the text of the draft declaration, 44/

Convinced that adoption of the draft declaration will promote the well-being of children with special needs,

1. Decides to include in the provisional agenda of its thirty-seventh session an item entitled "Draft declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption nationally and internationally" with a view to the possible allocation of the item to the Sixth Committee;

2. Decides in order that the further action proposed in Economic and Social Council resolution 1979/28 may proceed, that appropriate measures be taken at its thirty-seventh session to finalize the draft declaration;

ANNEX

Draft Declaration on Social and Legal Principles Relating to the
Protection and Welfare of Children, with Special Reference to
Foster Placement and Adoption Nationally and Internationally 45/

A. General family and child welfare

1. It is in the best interest of every nation to give a high priority to family and child welfare as it plans for the use and further development of national resources.
2. It is recognized that the best child welfare is good family welfare.
3. It is affirmed that the first priority for a child is to be cared for by the biological parents. Other family members should be the first alternative if the biological parents cannot provide care for the child.
4. When biological family care is unavailable or inappropriate, substitute family care should be considered.
5. It must be recognized that there are parents who cannot bring up their own children and that the children's rights to security, affection and continuing care should be of greatest importance.
6. Providers of service should have professional social work training in family and child welfare.

B. Foster placement

7. Every child has a right to a family. Children who cannot remain in their biological family should be placed in foster family or adoption in preference to institutions, unless the child's particular needs can best be met in a specialized facility.
8. Children for whom institutional care was formerly regarded as the only option should be placed with families, both foster and adoptive.
9. Provision should be made for regulation of placement of children outside of their biological family.
10. Foster family care should be a planned, temporary service as a bridge to permanency for a child, which includes but is not limited to restoration to the biological family or adoption.

45/ Previously issued under the symbol E/CN.5/574.

11. Planning for the child in foster family care must involve the biological family, foster family and child, if appropriate, under the auspices of a competent authorized agency.

C. Adoption

12. The primary purpose of adoption is to provide a permanent family for a child who cannot be cared for by his/her biological family.

13. Adoption procedures should be flexible enough to meet the child's needs in various situations.

14. In considering possible adoption placements, those responsible for the child should select the most appropriate environment for the particular child concerned.

15. Sufficient time and adequate counselling should be given to the biological parents to enable them to reach a decision on their child's future, recognizing that it is in the child's best interest to reach this decision as early as possible.

16. Legislation and services should ensure that the child becomes an integral part of the adoptive family.

17. The need of adult adoptees to know about their background should be recognized.

18. There should be recognition, in the law, of traditional adoption within the family, to ensure the protection of the children and to assist the family by counselling.

19. Governments should determine the adequacy of their national services for children, and recognize those children, whose needs are not being met by existing services. For some of these children, intercountry adoption may be considered as a suitable means of providing them with a family.

20. When intercountry adoption is considered, policy and legislation should be established to protect the children concerned.

21. In each country, placements should be made through authorized agencies competent to deal with intercountry adoption services and providing the same safeguards and standards as are applied in national adoptions.

22. Proxy adoptions are not acceptable in consideration of the child's legal and social safety.

23. No adoption plan should be considered before it has been established that the child is legally free for adoption and the pertinent documents necessary to complete the adoption are available. All necessary consents must be in a form which is legally valid in both countries. It must be definitely established that

the child will be able to immigrate into the country of the prospective adopters and can subsequently obtain their nationality.

24. In intercountry adoption, legal validation of the adoption should be assured in the countries involved.

25. The child should at all times have a name, nationality and legal guardian.

DRAFT RESOLUTION XVIII

International Drug Abuse Control Strategy

The General Assembly,

Having received from the Economic and Social Council the report containing the proposed international drug abuse control strategy that was requested by the General Assembly in resolutions 32/124 of 16 December 1977, 33/168 of 20 December 1978, 34/177 of 17 December 1979 and 35/195 of 15 December 1980,

Considering that the scourge of drug abuse continues to spread and has reached epidemic proportions in many parts of the world, and that, as specified in the request for the inclusion of an item entitled "International Campaign against Traffic in Drugs" in the agenda of the thirty-sixth session of the General Assembly, 46/ it is necessary to adopt scientific, technical and political measures commensurate with the gravity of the problem,

Emphasizing the conclusion of Commission on Narcotic Drugs resolution 1 (XXIX) of 11 February 1981 that, in order for any international action in the field of drug abuse to be successful, the full and active co-operation and dedication of all countries must be forthcoming,

Recognizing the urgent need for an effective, comprehensive, co-ordinated global strategy to prevent and control drug trafficking, illicit demand and drug abuse, as well as for comprehensive, co-ordinated strategies at regional and national levels,

1. Adopts the International Drug Abuse Control Strategy and basic five-year programme of action to resolution 1 (XXIX) of the Commission transmitted by the Economic and Social Council in its decision 1981/113 of 6 May 1981;

2. Urges that the International Drug Abuse Control Strategy and the programme of action be given priority by all Governments and be implemented as quickly as possible by the relevant bodies of the United Nations and other international organizations;

3. Requests the Commission on Narcotic Drugs, within available resources, to establish a task force, in consultation with the Directors-General of the appropriate specialized agencies and other United Nations drug-related bodies, composed of representatives of these agencies and representatives of the Member States most interested in and affected by the production, trafficking and consumption of and demand for illegal drugs, as well as those interested in and affected by the licit production of drugs, to review, monitor and co-ordinate the implementation of the international control strategy and the programme of action and to submit a report to each session or special session of the Commission on the progress made in implementing the drug strategy and programme, and to provide any recommendations it deems necessary regarding future revision of such strategy and programme of action;

4. Requests the Commission on Narcotic Drugs to review the report of its task force and to report thereon, through the Economic and Social Council, to the General Assembly at its thirty-eighth session and annually thereafter;

5. Urges all Member States and non-member States parties to the international drug control treaties, specialized agencies and other international organizations and private institutions concerned with the drug abuse problem to participate in and support activities related to international drug control strategy and policies;

6. Also urges, in order to ensure success of the international drug control strategy and to give a firm impetus to the battle of the world community against international drug traffickers, that Member States initiate or increase contributions to the United Nations Fund for Drug Abuse Control;

7. Requests the Secretary-General to transmit the text of the present resolution and related documents to all Member States and non-member States parties to the international drug control treaties and to all relevant international, intergovernmental and non-governmental organizations.

DRAFT RESOLUTION XIX

Observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Considering that the year 1983 will mark the thirty-fifth anniversary of the Universal Declaration of Human Rights 47/ which, conceived "as a common standard of achievement for all peoples and all nations", has been and rightly continues to be a fundamental source of inspiration for national and international efforts for the protection and promotion of human rights and fundamental freedoms,

47/ General Assembly resolution 217 A (III).

Aware that for their full observance human rights must be ensured to all human beings and that this aim cannot be attained unless human rights are made known to them, particularly through teaching and education,

Recalling, in this respect, that the General Assembly in proclaiming the Declaration, demanded that "every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms",

Recalling also its resolution 32/123 of 16 December 1977 concerning the observance of the thirtieth anniversary of the Declaration,

Appealing to Member States, the specialized agencies and all international organizations, governmental and non-governmental, concerned with the protection and promotion of human rights, to take appropriate measures to ensure that the thirty-fifth anniversary of the Declaration of Human Rights is the occasion of special efforts to promote international understanding, co-operation and peace as well as the universal and effective respect for human rights, particularly by laying stress on the educational approach both within and outside formal school systems,

Desiring to give appropriate significance to the thirty-fifth anniversary of the Declaration,

Taking note with appreciation of the suggestions contained in the note by the Secretary-General concerning the observance of the thirty-fifth anniversary of the Declaration, 48/

1. Invites Member States, the specialized agencies, and regional intergovernmental organizations and non-governmental organizations to take appropriate measures, such as those contained in the annex to the present resolution, to celebrate the thirty-fifth anniversary of the Universal Declaration of Human Rights;
2. Requests the Secretary-General to initiate appropriate activities at the United Nations level, such as those indicated in the annex to the present resolution, to celebrate the thirty-fifth anniversary of the Declaration;
3. Invites the United Nations Postal Administration to consider issuing commemorative postage stamps on the occasion of the thirty-fifth anniversary of the Universal Declaration of Human Rights;
4. Decides to include in the provisional agenda of its thirty-eighth session an item entitled "thirty-five years of the Universal Declaration of Human Rights: international co-operation for the promotion and observance of civil, political, economic, social and cultural rights" and recommends that this item should be considered in plenary meeting;

5. Further decides to hold a special commemorative meeting to celebrate the thirty-fifth anniversary of the Declaration, which falls on 10 December 1983, and requests the Secretary-General to make the necessary preparations for the programme of this meeting.

ANNEX

Suggested measures for the celebration of the thirty-fifth anniversary of the Universal Declaration of Human Rights

1. The following suggestions are made for possible action at the national level:
 - (a) The formal proclamation of 10 December 1983 as Human Rights Day;
 - (b) The issuing of special messages on 10 December 1983 by Heads of State or Government or other prominent civil personalities;
 - (c) Special meetings of parliamentary and other public and private institutions on Human Rights Day;
 - (d) The undertaking of special efforts by States that have not yet ratified or acceded to the international instruments of the United Nations in the field of human rights, including those instruments specifically related to the rights of women, to become parties to these international instruments;
 - (e) The establishment of strengthening of national or local institutions for the promotion and the protection of human rights;
 - (f) The encouragement of teaching programmes on human rights at the various levels of education;
 - (g) The dissemination of the Universal Declaration of Human Rights in national language, including languages of minorities;
 - (h) The issuing of human rights stamps, first-day covers and special cancellations during 1983;
 - (i) The encouragement of non-governmental organizations to participate fully in the celebration and to organize activities of their own;
 - (j) The undertaking of activities in the framework of and in support of current Decades and International Years being prepared on human rights issues;
 - (k) The organization of a special essay competition for secondary or high school children on the topic "What the Universal Declaration of Human Rights should mean to our generation".

2. It is recommended that the following measures, among others, should be taken at the United Nations level:

(a) Organization of commemorative events at United Nations Headquarters, at the United Nations Office at Geneva and at the Vienna International Centre on or around 10 December 1983;

(b) Organization in 1983 at Geneva of a special international seminar to discuss the experiences of different countries in the implementation of international standards on human rights;

(c) Dissemination by the Department of Public Information of the Secretariat of appropriate public information, broadcasting and audio-visual material designed to draw attention to and emphasize the importance of the Universal Declaration of Human Rights and the role played and work done by the United Nations to ensure the effective enjoyment of human rights and fundamental freedoms;

(d) Issuance of updated versions in all official languages of the United Nations of the publications Human Rights: A Compilation of International Instruments of the United Nations and United Nations Action in the Field of Human Rights;

(e) The design and distribution of an appropriate United Nations poster to commemorate the thirty-fifth anniversary of the Universal Declaration of Human Rights.

DRAFT RESOLUTION XX

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 35/184 of 15 December 1980, in which it, inter alia, requested the Secretary-General in co-operation with the United Nations High Commissioner for Refugees to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who had taken asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the Secretary-General 49/ containing the review by the United Nations High Commissioner for Refugees of the assistance programmes for student refugees from Namibia and South Africa,

Satisfied that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

Noting with concern the continued influx into Botswana, Lesotho, Swaziland and Zambia of student refugees from South Africa as well as from Namibia,

Convinced that the discriminatory policies and repressive measures being applied in South Africa and Namibia will lead to a further exodus of student refugees from these countries,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the presence of those student refugees,

Appreciating the efforts of host countries to deal adequately with their present student refugee populations and also to be prepared to meet any new emergency by sharing the responsibilities and obligations with the international community,

Noting with satisfaction that provisions were made to allow former student refugees from Zimbabwe to complete their education in the country of asylum or to continue with their studies until alternative arrangements can be made for the completion of their education in their own country,

1. Endorses the assessments and recommendations contained in the report of the Secretary-General and commends him and the United Nations High Commissioner for Refugees for their efforts to mobilize resources and organize the programme of assistance to student refugees in the host countries of southern Africa;

2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for continuing to grant asylum and make educational and other facilities available to the student refugees in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;

3. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the Secretary-General and to the United Nations High Commissioner for Refugees on matters concerning the welfare of these refugees;

4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have taken asylum in Botswana, Lesotho, Swaziland and Zambia;

6. Urges all Member States and intergovernmental and non-governmental organizations to contribute generously to the assistance programmes for the student refugees, through financial support of the regular programmes of the United Nations High Commissioner for Refugees of the projects identified in the report of the Secretary-General, and of the projects and programmes submitted to the International Conference on Assistance to Refugees in Africa;

7. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the World Bank and the United Nations Children's Fund, as well as other international and non-governmental bodies, to provide humanitarian and development assistance to expedite the resettlement and integration of refugee families from South Africa who have been given asylum in Botswana, Lesotho, Swaziland and Zambia;

8. Calls upon all agencies and programmes of the United Nations system to co-operate with the Secretary-General and the United Nations High Commissioner for Refugees in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

9. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to keep the matter under review and apprise the Economic and Social Council, at its second regular session of 1982, of the current status of the programmes, and to report to the General Assembly at its thirty-seventh session on the implementation of the present resolution.

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85. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Welfare of migrant workers and their families

The General Assembly, recalling Economic and Social Council resolution 1981/21 of 6 May 1981 and taking note of the views expressed in the Second Regular Session of Economic and Social Council of 1981 as indicated in the summary records of the 15th meeting, on 16 July 1981 50/ with respect to the report of the Committee for Programme and Co-ordination on the work of its twenty-first session, reaffirms the request in Council resolution 1981/21 to include in the programme budget of the United Nations for 1982-1983 studies on the questions concerned with the welfare of migrant workers and their families which would take account of, and complement the studies already undertaken by, the International Labour Organisation.

DRAFT DECISION II

Situation of human rights and fundamental freedoms in Guatemala

The General Assembly, taking note of the report of the Secretary-General on the situation of human rights and fundamental freedoms in Guatemala 51/ and of Commission on Human Rights resolution 33 (XXXVII) on the human rights situation in Guatemala:

(a) Requests the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala;

(b) Requests the Government of Guatemala to co-operate further with the Secretary-General in his efforts to establish these contacts.
