

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1480/Add.1
31 December 1981
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-eighth session
1 February-12 March 1982
Item 2 of the provisional agenda

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

1. Election of officers

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

2. Adoption of the agenda

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

The Commission will have before it the provisional agenda (E/CN.4/1480) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure. The Commission will also have before it the present annotations relating to the items included in the provisional agenda. In this context, it may be noted that the provisional agenda as contained in document E/CN.4/1480 has been modified as follows:

(a) In the present annotations, a subitem entitled "National Institutions for the Promotion and Protection of Human Rights" has been added to item 11 in accordance with Commission resolution 24 (XXXV) of 14 March 1979 by which the Commission decided to consider this question every three years as a subitem on its agenda.

(b) In accordance with General Assembly resolution 36/162 of 16 December 1981, item 22 has been amended to read "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".

3. Organization of the work of the session

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

On 8 May 1981, the Council, noting Commission decision 11 (XXXVII) of 13 March 1981, adopted decision 1981/152 by which it authorized three hours of additional meeting services per day during the Commission's thirty-eighth session.

The thirty-eighth session will be preceded by meetings of open-ended working groups authorized by Council resolutions 1981/37 (concerning the draft convention against torture and other cruel, inhuman or degrading treatment or punishment - see annotations to item 10 (a) below) and 1981/44 (concerning the draft convention on the rights of the child - see annotations to item 13, below). In addition, at its thirty-seventh session, the Commission, by resolution 21 (XXXVII), decided to establish at its thirty-eighth session an open-ended working group in order to continue consideration of the revised draft declaration before the Commission under item 21 entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities". The Commission decided by resolution 23 (XXXVII) to establish another open-ended working group at its thirty-eighth session in connection with item 11 entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" (see annotations on items 21 and 11 below).

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

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

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

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

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

By resolution 1 A (XXXVII) of 11 February 1981 the Commission decided to place this item on the provisional agenda of its thirty-seventh session as a matter of high priority.

In accordance with paragraphs 15, 19 and 20 of resolution 1 A (XXXVII) the Commission will have before it:

- (i) A report of the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1481).
- (ii) A report of the Secretary-General on the measures taken to bring that resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (E/CN.4/1482).

- (iii) A note by the Secretary-General listing all United Nations reports issued since the thirty-seventh session of the Commission that deal with the situation of civilians in the occupied Arab territories, including Palestine (E/CN.4/1483).

In addition, the Commission will have before it any report which may have been received by the Secretary-General from the Government of Israel in accordance with paragraph 18 of resolution 1 A (XXXVII) on the implementation of paragraphs 5, 6, 7, 9, 10, 13 and 14 of the same resolution.

The attention of the Commission is drawn to resolutions 4 (XXXIV) and 9 (XXXIV) adopted by the Sub-Commission on 8 and 9 September 1981 respectively. By resolution 4 (XXXIV) the Sub-Commission requested the Commission to condemn Israeli violations of the Charter and the Universal Declaration of Human Rights particularly as regards mass arrests, collective punishment, administrative detention and ill-treatment of the Arab population, the torture of persons under detention and the inhuman conditions in Israeli prisons. By resolution 9 (XXXIV) the Sub-Commission recommended a number of actions to the Commission in regard to the situation of human rights in the occupied territories. It also recommended the Commission and the Economic and Social Council to take, as a matter of urgency, the necessary measures for the resolution's implementation.

The Commission may wish to note General Assembly resolution 36/15 of 28 October 1981 concerning excavations in Eastern Jerusalem and the report of the Secretary-General pursuant to that resolution (A/36/506-S/14762). Furthermore, on 16 December 1981, the General Assembly adopted resolutions 36/147 A to G. By resolution 36/147 A, the General Assembly reaffirmed the applicability of the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and urgently called upon all States parties to that Convention to exert all efforts to ensure respect for and compliance with its provisions. By resolution 36/147 B, the General Assembly strongly deplored the persistence of Israel in carrying out measures designed to change the legal status, geographical nature and demographic composition of the occupied territories, including Jerusalem and demanded that the Government of Israel desist from taking such action. By resolution 36/147 C, the General Assembly referred to the report of the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, renewed the mandate of that Committee and requested it to report to the Secretary-General as soon as possible and whenever the need arises; the Special Committee was requested to continue to investigate the treatment of civilians in detention in the occupied territories. Resolution 36/147 D referred to articles 1 and 49 of the Fourth Geneva Convention and demanded the rescission by the Government of Israel of the expulsion of the Mayors of Hebron and Halhul and the Sharia Judge of Hebron and facilitate their return. The Secretary-General was requested to report to the Assembly as soon as possible on the implementation of this resolution. By resolution 36/147 E, the Assembly referred to measures being taken by the Israeli authorities tending to bring about changes in the character and status of the Syrian Arab Golan Heights. It determined that all legislative and administrative measures taken or to be taken by Israel purporting to alter the status of the Golan Heights null and void, in flagrant violation of international law and the Fourth Geneva Convention and without legal effect. The Secretary-General was requested to submit a report on the implementation of this resolution to the General Assembly at its thirty-seventh session. By resolution 36/147 F, the Assembly condemned Israeli policies and practices against Palestinian students and faculty in schools, universities and other educational institutions and demanded that Israel comply with the provisions of the Fourth Geneva Convention and rescind all measures taken against educational institutions

to ensure their freedom, in particular to rescind the order closing the universities of Bir-Zeit, Bethlehem and Al-Najah; the Secretary-General was requested to report on the implementation of this resolution before the end of 1981. Resolution 36/147 G referred to the assassination attempt against the mayors of Nablus, Ramallah and El-Bireh and expressed deep concern that Israel had failed so far to apprehend the perpetrators of these attempts. It demanded that Israel inform the Secretary-General of the result of the investigations relevant to these assassination attempts. The Secretary-General was requested to report on the implementation of this resolution not later than 31 December 1981.

The Commission may also note Security Council resolution 497 (1981) adopted on 17 December 1981 by which the Council reaffirmed that the acquisition of territory by force is inadmissible and decided that the decision by Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect. The Council demanded that Israel should rescind its decision and determine that the provision of the Fourth Geneva Convention continues to apply to the Syrian territories occupied by Israel since June 1967. The Security Council requested the Secretary-General to report to it on the implementation of this resolution within two weeks and decided that the Security Council, in the event of non-compliance by Israel, will meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

5. Question of human rights in Chile

This item has been considered by the Commission as a matter of high priority, since its thirty-first session. The Commission, by resolution 8 (XXXI) of 27 February 1975, established an Ad Hoc Working Group of five of its members, appointed in their personal capacity, to inquire into the situation of human rights in Chile. The Group was required to report the results of its inquiries to the Commission on Human Rights and to the General Assembly.

The mandate of the Group was renewed by the Commission at each session until the thirty-fourth. At its thirty-fifth session, the Commission adopted resolution 11 (XXXV) of 6 March 1979 by which it expressed its appreciation to the Chairman and other members of the Ad Hoc Working Group for their work and, in accordance with General Assembly resolution 33/175 of 20 December 1978, appointed Mr. Abdoulaye Diéye as Special Rapporteur on the situation of human rights in Chile on the basis of the mandate contained in Commission resolution 8 (XXXI).

At its thirty-sixth session, the Commission had before it the report of the Special Rapporteur and the report of Mr. Felix Ermacora, Expert on the Question of the Fate of Missing and Disappeared Persons in Chile. It adopted resolution 21 (XXXVI) of 29 February 1980 by which it extended the mandate of the Special Rapporteur for another year. The mandate of the Special Rapporteur was again renewed by the Commission for another year by resolution 9 (XXXVII) of 26 February 1981; the Commission requested the Special Rapporteur to report on further developments in the situation of human rights in Chile to the General Assembly and to the Commission on Human Rights.

At its thirty-sixth session the General Assembly had before it the report of the Special Rapporteur on the situation of human rights in Chile (A/36/594).

On 16 December 1981 the General Assembly adopted resolution 36/157 by which it requested the Commission on Human Rights to study thoroughly the report of the Special Rapporteur at its thirty-eighth session, invited the Commission to extend

the mandate of the Special Rapporteur for another year and requested the Commission to report on the situation of human rights in Chile to the General Assembly at its thirty-seventh session.

The Commission will have before it the report of the Special Rapporteur to the General Assembly (A/36/594) which has been brought up to date by the Special Rapporteur in an additional report contained in document E/CN.4/1484.

The Commission may note that the General Assembly, by resolution 36/151 of 16 December 1981, decided that the United Nations Trust Fund for Chile, which it had established by resolution 33/174 of 20 December 1978, be redesignated as the United Nations Voluntary Fund for Victims of Torture (see annotations to item 10 (a) below).

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

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

By resolution 5 (XXVII) of 23 February 1981, the Commission, having renewed the mandate of the Ad Hoc Working Group of Experts, decided that it should continue to examine policies and practices which violate human rights in South Africa and Namibia.

The Commission also requested the Group, in co-operation with the Special Committee against Apartheid: (a) to investigate the conditions of imprisonment and the state of health of persons captured at Kassinga and imprisoned at the Hardap Dam Camp, near Marienthal, in the South of Namibia; and (b) to study the effects of the policy of apartheid on black women and children in South Africa, in conformity with General Assembly resolution 35/206 G and N of 16 December 1980. Furthermore, the Commission decided that the Group should continue to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or any other serious violation of human rights and to bring the results of those inquiries to the attention of the Commission on human rights.

In this connection, the Group was requested to submit a report on its findings to the Commission at its thirty-ninth session at the latest and to submit a progress report to the Commission at its thirty-eighth session in 1982. The Commission will, therefore, have before it the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1485). In accordance with Economic and Social Council resolution 1981/41 of 8 May 1981, the report also deals with allegations regarding infringements of trade union rights in South Africa. In accordance with Economic and Social Council decision 1981/155 of 8 May 1981, the Commission will also have before it a report analysing allegations regarding infringements of trade union rights in South Africa as submitted by the International Confederation of Free Trade Unions (E/CN.4/1486). Furthermore, the Commission will have before it a special report of the Ad Hoc Working Group of Experts on the effects of the policy of apartheid on black women and children in South Africa in conformity with General Assembly resolution 35/206 N of 16 December 1980 (E/CN.4/1497). (See also annotations to item 16 below).

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racial régimes in southern Africa.

At its thirty-third session, by resolution 7 (XXIII) of 4 March 1977, the Commission requested the Sub-Commission and its Special Rapporteur on the question of the adverse consequences for the enjoyment of human rights of political, military,

economic and other forms of assistance given to colonial and racist régimes in southern Africa, to prepare the necessary material for a provisional general list identifying those individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constituted political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa. In the same resolution the Commission decided to place on the agenda of its thirty-fourth session, as a separate priority item, the question of "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa". At its thirtieth session, by resolution 1 (XXX) of 26 August 1977, the Sub-Commission invited Mr. Khalifa, the Special Rapporteur to prepare the above-mentioned list. The report prepared by the Special Rapporteur is contained in document E/CN.4/Sub.2/425 and Corr.I-3 and Add.I-7.

The question of the adverse consequences for the enjoyment of human rights of assistance given to the colonial and racist régimes in southern Africa continued to be examined at various sessions of the Commission (resolution 11 (XXXVI)) and of the Sub-Commission (resolutions 2 (XXXI), 3 (XXXII), 2 (XXXIII) and 3 (XXXIII)). It will be recalled in particular that by resolution 2 (XXXIII) of 2 September 1980 the Sub-Commission, *inter alia*, decided to mandate the Special Rapporteur, in accordance with Commission resolution 11 (XXXVI), to continue to update, subject to annual review, the list referred to above.

It should be noted that the question of adverse consequences for the enjoyment of human rights of assistance given to the colonial and racist régime in South Africa has been examined by the General Assembly at various sessions. Particular reference may be made to General Assembly resolution 35/32 of 14 November 1980.

At its thirty-seventh session, the Commission, by resolution 8 (XXXVII) of 23 February 1981, welcomed the decision of the Sub-Commission to mandate the Special Rapporteur to continue to update the list and submit, through the Sub-Commission, the revised report to the Commission. The Commission further decided to consider the revised report at its thirty-eighth session within the framework of this item. The decision of the Sub-Commission was also endorsed by the Economic and Social Council in its decision E/1981/141 of 8 May 1981.

At its thirty-fourth session, the Sub-Commission, in resolution 6 (XXXIV) of 9 September 1981, noted with satisfaction the updated report submitted by the Special Rapporteur (E/CN.4/Sub.2/469) and invited Mr. Khalifa to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the colonial and racist régime in South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, and including explanations or responses, if any, and to submit the updated report through the Sub-Commission to the Commission. The Sub-Commission, by resolution 6 (XXXIV), further requested the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, including the possible use of computerized assistance in the preparation of future updated reports.

By the same resolution, the Sub-Commission recommended to the Commission that the Committee which has been set up under the Convention on the Suppression and Punishment of the Crime of Apartheid should be asked to examine whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid, and whether or not some legal action could be taken under the Convention.

At its thirty-eighth session, the Commission will have before it the updated report of the Rapporteur (E/CN.4/Sub.2/469 and Corr.1).

8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
 - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

Background

By its resolution 15 (XXIII) of 22 March 1967 the Commission on Human Rights decided to consider at its twenty-fourth session an item entitled "Study of special problems relating to human rights in developing countries". At its 943rd meeting, on 5 February 1968, the Commission decided to include in its agenda for its twenty-fourth session an item entitled "Study of the question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights" and, by its resolution 11 (XXIV) of 6 March 1968, the Commission placed the item on the agenda of its twenty-fifth session. In accordance with its resolution 1 (XXV) of 18 February 1969 the Commission decided to consider these two agenda items together. By its resolution 2 (XXXI) of 10 February 1975 the Commission decided to keep the combined item on its agenda as a standing item with high priority. By its resolution 6 (XXXVI) of 21 February 1980 the Commission expanded the wording of the item to include subitems (a) and (b). Resolutions adopted by the Commission under this item since 1975 are: 2 (XXXI) of 10 February 1975; 4 (XXXIII) of 21 February 1977; 10 (XXXIV) of 24 February 1978; 4 and 5 (XXXV) of 2 March 1979; 6 and 7 (XXXVI) of 21 February 1980; and 36 (XXXVII) of 11 March 1981.

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

By paragraph 6 of resolution 4 (XXXV) of 2 March 1979 the Commission recommended that the Economic and Social Council should invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to undertake a follow-up study on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, and make it available for consideration by the Commission on Human Rights at its thirty-seventh session. The Economic and Social Council, by decision 1979/29 of 10 May 1979, endorsed the recommendation made by the Commission in its resolution 4 (XXXV).

In its resolution 5 (XXXV) of 2 March 1979 the Commission, inter alia, reiterated that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations; recognized the need to establish a more equitable and just international economic order; called upon all States to take prompt and effective measures to remove all obstacles to the full realization of economic, social and cultural rights; and decided that the concepts contained in the resolution will guide its future work on this item.

1981 Seminar on the relations that exist between human rights, peace and development

In accordance with General Assembly resolution 35/174 of 15 December 1980, Commission on Human Rights resolution 36 (XXXVII) of 11 March 1981 and Economic and Social Council decision 1981/156 of 8 May 1981, a seminar on the relations that exist between human rights, peace and development was held in New York from 3 to 14 August 1981 and a number of conclusions and recommendations were adopted. The report of the seminar (ST/HR/SER.A/10) will be made available to the Commission.

Studies

(i) Study on the regional and national dimensions of the right to development

By its resolution 7 (XXXVI) the Commission on Human Rights requested the Secretary-General, in the study he is invited to undertake pursuant to paragraph 6 of Commission resolution 4 (XXXV) of 2 March 1979 and Economic and Social Council decision 1979/29 of 10 May 1979, to elaborate on the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, paying special attention to the effects on development of several factors, which were enumerated in the paragraph.

At its thirty-seventh session the Commission had before it the first part of the study prepared by the Secretary-General on the regional and national dimensions of the right to development as a human right (E/CN.4/1421). By its resolution 36 (XXXVII) of 11 March 1981 the Commission took note of that part of the study and urged the Secretary-General to complete the whole study as soon as possible before the thirty-eighth session of the Commission.

(ii) Study requested in General Assembly resolution 34/46

It may be further recalled that, by its resolution 34/46 of 23 November 1979, the General Assembly had, in paragraph 12, requested the Secretary-General to prepare and to submit to the General Assembly at its thirty-sixth session, a study on the nature and extent to which the realization of human rights and fundamental freedoms is affected by present international conditions, with particular reference to situations resulting from apartheid, from all forms of racial discrimination, from colonialism, neo-colonialism and imperialism, from policies tending to divide the world into spheres of influence, from the arms race, from foreign domination and occupation, from aggression and threats against national sovereignty, national

unity and territorial integrity, from refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, from intervention and interference in the internal affairs of States, particularly with reference to developing countries, as well as from the existence of the unjust system of international economic relations, taking also into account the conclusions of the Seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living as proclaimed in article 25 of the Universal Declaration of Human Rights.

By its resolution 35/174 of 15 December 1980 the General Assembly, in paragraph 7, requested the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and of the rights of peoples and individuals affected by situations such as those resulting from the evils mentioned in paragraph 1 (e) of resolution 32/130, and to indicate the obstacles to the establishment of the new international economic order, which is an essential element for the effective promotion of human rights and fundamental freedoms. The study was submitted to the General Assembly at its thirty-sixth session (A/36/462) and will be available to the Commission.

The Commission may also note that in its resolution 36/133 of 14 December 1981, the General Assembly requested the Secretary-General to submit to it, from its thirty-eighth session on, a biennial progress report bringing up to date the study on international conditions and human rights.

(iii) Study on the new international economic order and the promotion of human rights

In its resolution 35/174 the General Assembly emphasized the necessity of establishing the new international economic order to ensure the promotion and the full enjoyment of human rights and fundamental freedoms for all and requested the Commission on Human Rights to undertake the necessary measures to promote the right to development as a human right, which is as much a prerogative of nations as of individuals within nations, and to take action for its realization.

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

At its thirty-fourth session the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/477). By its resolution 22 (XXXIV) of 10 September 1981 the Sub-Commission requested him to continue his work with a view to submitting his final report to the Sub-Commission at its thirty-fifth session.

Working Group on the right to development

By its decision 1981/149 of 8 May 1981 the Economic and Social Council, noting resolution 36 (XXXVII) of 11 March 1981 of the Commission on Human Rights, approved the decision of the Commission to establish a Working Group of 15 governmental experts appointed by the Chairman of the Commission, taking into account the need for equitable geographic distribution, to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights; the Council also approved the Commission's request to the Working Group to hold three meetings at Geneva. In accordance with the resolution, the first meeting of the Working Group took place from 20 to 24 July 1981, the second meeting from 23 November to 4 December 1981 and the third meeting from 18 to 22 January 1982.

In its resolution 36/133 of 14 December 1981 the General Assembly requested the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the work of the Ad Hoc Working Group set up under Commission resolution 36 (XXXVII).

Documentation

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

- (i) the remaining parts of the study (E/CN.4/1488) prepared by the Secretary-General on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of this right, in pursuance of Commission resolutions 4 (XXXV), 7 (XXXVI) and 36 (XXXVII), and Economic and Social Council decision 1979/29 of 10 May 1979;
- (ii) the report of the Working Group of governmental experts on the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights (E/CN.4/1489), submitted in accordance with Commission resolution 36 (XXXVII).

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

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

At its thirty-second to thirty-sixth sessions the Commission continued its consideration of the item (resolutions 2 (XXXIV), 3 (XXXIV), 2 (XXXV), 3 (XXXV), 2 (XXXVI), 3 (XXXVI), 4 (XXXVI) and 5 (XXXVI)).

At its thirty-seventh session the Commission adopted resolution 2 (XXXVII) of 11 February 1981 by which as in previous years, it requested the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B of 2 December 1977. These documents will be listed in document E/CN.4/1490.

The Commission, in its resolution 11 (XXXVII) of 6 February 1981, inter alia, reiterated its condemnation of the gross and flagrant violations of human rights in Kampuchea and called on the parties to the present conflict in Kampuchea to cease all hostilities. It further called upon all parties concerned to join in the search for a comprehensive solution to the Kampuchean problems through a United Nations-sponsored international conference and requested the Secretary-General to appoint a Special Representative to assist him in the implementation of General Assembly resolution 35/6. The Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to review, at its thirty-fourth session, any further material on the human rights situation in Kampuchea which becomes available and to submit it with appropriate observations and recommendations to the Commission at its thirty-eighth session. It recommended that the Economic and Social Council consider the situation in Kampuchea at its first regular session in 1981 and decided to keep the situation in Kampuchea under review as a matter of priority at its thirty-eighth session under the present item.

In its resolution 12 (XXXVII) of 6 March 1981, the Commission emphasized the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to enabling the people of Western Sahara to exercise its right to self-determination and independence, in accordance with the relevant resolutions of the United Nations and the Organization of African Unity. It deplored the continuance of the occupation of Western Sahara by Morocco and decided to follow closely the developments in this situation in the light of the recommendations of the Organization of African Unity and the General Assembly of the United Nations, and to consider the question of Western Sahara within the framework of the present item at its thirty-eighth session, as a matter of high priority.

In its resolution 13 (XXXVII) of 6 March 1981, the Commission, inter alia, called for the immediate withdrawal of the foreign troops from Afghanistan and for a political settlement of the situation in that country. It urged all concerned to work towards a settlement which would ensure that the Afghan people would determine

their destiny free from outside interference and which would enable the Afghan refugees to return to their homes. All concerned were further urged to co-operate with the Secretary-General and his Special Representative in their efforts to resolve the situation in Afghanistan. The Commission appealed to all States and national and international organizations to extend humanitarian relief assistance, with a view to alleviating the hardship of Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees. The Commission decided to consider this matter at its thirty-eighth session with high priority.

In its resolution 14 (XXXVII) of 6 March 1981, the Commission, inter alia, called upon all States to implement fully and faithfully the resolutions of the United Nations concerning the exercise of the right to self-determination by peoples under colonial or alien domination and foreign occupation. It reaffirmed once more the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle. The Commission condemned South Africa's wanton acts of criminal aggression and flagrant violations of the territorial integrity of the frontline States. It also condemned the expansionist policy of Israel. It condemned in particular the policy of those States which, in disregard of United Nations resolutions, continue to maintain political, economic, military and other relations with the racist régime in southern Africa, thus supporting, protecting and encouraging them to persist in their suppression of the aspirations of peoples for self-determination and independence. The Commission welcomed with satisfaction the convening of the first session of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. It decided to continue to give the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-eighth session.

At its first regular session of 1981, the Economic and Social Council, by its decision 1981/154 of 8 May 1981, endorsed resolution 11 (XXXVII) of the Commission on Human Rights. The Council welcomed the continuing efforts of the Secretary-General aimed at achieving a peaceful solution to the situation in South-East Asia and endorsed the Commission's call to all parties concerned to join in the search for a peaceful solution to the Kampuchean problem through an international conference sponsored by the United Nations in accordance with General Assembly resolution 35/6 of 22 October 1980. The Council noted with appreciation the recent visit to the area by the Special Representative of the Secretary-General.

At its thirty-fourth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 11 (XXXIV) of 9 September 1981, inter alia, called on the Commission on Human Rights to reaffirm the need for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty and territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference. It invited the Commission to urge all concerned to work towards a settlement which would ensure that the Afghan people would determine their destiny free from outside interference and which would enable the Afghan refugees to exercise their right to return to their homes in safety and honour. The Commission was further invited to urge all concerned to

co-operate with the Secretary-General of the United Nations and his personal representative in efforts to bring about such a political settlement of the situation in Afghanistan. The Sub-Commission requested the Commission to address an urgent appeal to all States and national and international organizations to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees. It recommended that the Commission on Human Rights continue to give special attention and high priority to the situation in Afghanistan at its thirty-eighth session.

By its resolution 13 (XXXIV) of 10 September 1981, the Sub-Commission, having considered the review of further materials on the human rights situation in Kampuchea which was undertaken by Mr. A. Eide (E/CN.4/Sub.2/L.780), requested the Secretary-General to transmit to the Commission on Human Rights at its thirty-eighth session the further materials reviewed by Mr. Eide, together with the summary records of the Sub-Commission's consideration of the matter at its thirty-fourth session. The Sub-Commission reiterated its recommendation to the Commission to keep the situation of human rights in Kampuchea under continuing review with a view to restoring full respect for human rights and fundamental freedoms as speedily as possible in Kampuchea.

The attention of the Commission is drawn to resolution 36/9 adopted by the General Assembly on 28 October 1981 entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" and Assembly resolution 36/10 of 28 October 1981 entitled "Universal realization of the right of peoples to self-determination".

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

At its thirtieth session, in 1975, the General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX)). At its thirty-second session, the General Assembly requested the Commission on Human Rights to study the question of torture and any steps for ensuring the effective observance of the Declaration and to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles embodied in the Declaration (resolution 32/62 of 7 December 1977).

The question of the drafting of a convention has been examined by the Commission at each of its sessions since the thirty-fourth session in 1978. At each session, as authorized by the Economic and Social Council (decision 1978/24 of 5 May 1978; resolution 1979/35 of 10 May 1979; resolution 1980/32 of 2 May 1980), the Commission established an open-ended working group which met for one week prior to the session with a view to completing the work on the draft convention including provisions for its effective implementation.

At its thirty-seventh session in 1981, the Commission on Human Rights noted with satisfaction the progress made by the open-ended Working Group and, recognizing that it was advisable to continue the work on the draft convention in a working group meeting before the thirty-eighth session of the Commission, recommended, in resolution 25 (XXXVII), the Economic and Social Council to authorize such a group to meet. The Economic and Social Council endorsed this recommendation by resolution 1981/37.

At its thirty-sixth session, the General Assembly adopted resolution 36/60 of 25 November 1981, by which it welcomed the Council's endorsement of the Commission's recommendation and requested the Commission to complete, as a matter of highest priority, at its thirty-eighth session, the drafting of a convention on the subject with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the Assembly at its thirty-seventh session.

The Working Group has so far adopted the following articles or paragraphs of the Draft Convention: article 1 (paras. 1-2); article 2; article 3 (para. 1); article 4; article 5 (paras. 1, 3); article 6 (paras. 1, 2, 3, 5); article 8 (paras. 1, 3, 4); articles 9 to 16.

The text of these articles may be found in the annex to the report of the Working Group which is contained in chapter VIII of the Report of the Commission on Human Rights on its thirty-seventh session (E/1981/25).

At its thirty-fourth session, the Sub-Commission considered the question of the human rights of persons subjected to any form of detention or imprisonment and adopted three resolutions on the matter (1 (XXXIV); 4 (XXXIV) and 15 (XXXIV)). In resolution 1 (XXXIV) the Sub-Commission recommended the Commission to request the Economic and Social Council to call upon Governments to abolish capital punishment for political offences and requested the Secretary-General to inform the Sub-Commission, at its thirty-fifth session, of the consideration given to this matter by the Commission on Human Rights. Sub-Commission resolutions 4 (XXXIV) and 15 (XXXIV), which contain recommendations to the Commission, are referred to under items 4 and 10 (b) of the provisional agenda of the Commission.

The attention of the Commission is drawn to General Assembly resolution 36/61 of 25 November 1981 entitled "Draft Code of Medical Ethics" to which are annexed Draft Principles of Medical Ethics relevant to the role of health personnel in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment. The Commission may also note General Assembly resolution 36/22 of 9 November 1981 referring to arbitrary or summary executions.

As has been noted above, in the annotations to item 5, the General Assembly, by resolution 36/151 of 16 December 1981 decided to redesignate the United Nations Trust Fund for Chile as a United Nations Voluntary Fund for Victims of Torture.

The following documents will be made available to the Commission:

Drafts for the preamble and final clauses of the draft convention against torture submitted by Sweden (E/CN.4/1427);

Draft optional protocol submitted by Costa Rica (E/CN.4/1409).

(b) Question of missing and disappeared persons

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

The Commission on Human Rights at its thirty-sixth session, by its resolution 20 (XXXVI) of 29 February 1980, decided, inter alia, to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, for the examination of matters relevant to enforced or involuntary disappearances of persons. It requested the Chairman of the Commission to appoint the members of the Group. The Commission decided that the Working Group, in carrying out its mandate, should seek and receive information from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources. The Secretary-General was requested to appeal to all Governments to co-operate with and assist the Working Group in the performance of its tasks and to furnish all information required.

The Commission on Human Rights at its thirty-seventh session had before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1435 and Add.1) and information, views and comments on enforced or involuntary disappearances of persons submitted by Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status pursuant to Sub-Commission resolution 18 (XXXIII) (E/CN.4/1434 and Add.1-2). At its thirty-seventh session the Commission adopted, on 26 February 1981, its resolution 10 (XXXVII) by which it decided to extend for one year the term of the Working Group's mandate, as laid down in Commission resolution 20 (XXXVI), and requested the Working Group to submit to the Commission at its thirty-eighth session, a report on its work together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as inter alia to protect persons providing information or to limit the dissemination of information provided by Governments. The Commission in its resolution 10 (XXXVII) also renewed its request to the Secretary-General to appeal to all Governments to co-operate in a spirit of complete confidence with the Working Group and it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-eighth session. The Commission further decided to consider this question at its thirty-eighth session under the subitem of the agenda entitled "Question of missing and disappeared persons". The Economic and Social Council, by its decision 1981/139 approved the Commission's decision, in resolution 10 (XXXVII), to extend the mandate of the Working Group.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-second session considered, at the request of the Economic and Social Council in its resolution 1979/38, the subject of disappeared persons and in resolution 5 B (XXXII) of 5 September 1979 made proposals to the Commission on Human Rights for action with regard to enforced or involuntary disappearances. The Sub-Commission at its thirty-third session continued studying, at the request of the Commission on Human Rights in its resolution 20 (XXXVI), the most effective measures

for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-seventh session. In its resolution 18 (XXXIII) of 11 September 1980 the Sub-Commission expressed deep concern over the fact that people were still disappearing in a number of countries, and urged the Commission on Human Rights to extend the mandate of its Working Group on Enforced or Involuntary Disappearances. It emphasized that the extreme gravity of the situation necessitated emergency action by the Working Group of the Commission and by other organs in the United Nations system as well as by the Secretary-General.

The Sub-Commission continued to consider the question of enforced or involuntary disappearances at its thirty-fourth session and on 10 September 1981 it adopted resolution 15 (XXXIV) in which it, inter alia, reiterated the right of families to know the fate of their relatives and strongly appealed for the reappearance of all detainees currently held in secret detention. The Sub-Commission also in that resolution expressed its conviction to the Commission that, in view of the persistence of violations resulting from the many cases of disappearance of persons which are still occurring in the world, the extension of the mandate of the Working Group on Enforced or Involuntary Disappearances was indispensable. The Sub-Commission in its resolution 15 (XXXIV) and, pursuant to the Commission's request to it in Commission resolution 10 (XXXVII) recommended to the Commission that it give consideration to a number of courses of action aimed at improving the prevention and elimination of enforced or involuntary disappearances of persons. Those courses of action are set out in paragraph 6 of Sub-Commission resolution 15 (XXXIV).

At its thirty-fifth session the General Assembly adopted resolution 35/193 on 15 December 1980 in which it welcomed the establishment by the Commission of the Working Group on Enforced or Involuntary Disappearances and requested the Commission to continue to study the question of involuntary or enforced disappearances of persons as a matter of priority and to take any steps it may deem necessary to the pursuit of its work on this question when it considered the report to be submitted to it by the Working Group at its thirty-seventh session. The Assembly also appealed to all Governments to co-operate with the Working Group and the Commission on Human Rights and to enable them to perform their task effectively and in a humanitarian spirit.

At its thirty-sixth session the General Assembly adopted resolution 36/163 on 16 December 1981 by which it states its conviction 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. The Assembly also expressed its emotion at the anguish and sorrow of the families of victims of involuntary or enforced disappearances, welcomed the Commission's decision to extend the term of the Working Group's mandate and expressed its appreciation to the Working Group for the work done and to those Governments which co-operated with it. The Assembly further requested the Commission to continue to study the question of enforced or involuntary disappearances 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 considered the report to be submitted by the Group at its thirty-eighth session. The Assembly also appealed 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, and it renewed its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

The report of the Working Group on enforced or involuntary disappearances will be before the Commission in document E/CN.4/1492.

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

Over-all analysis

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

By its resolutions 33/104, 34/46 and 35/174 the Assembly requested the Commission to continue the over-all analysis with high priority. By resolution 33/105 it requested the Commission to take into account in that work the views expressed on the various proposals during the general debate at the thirty-second and thirty-third sessions of the General Assembly, including the proposal for the establishment of a post of United Nations High Commissioner for Human Rights.

By its resolution 35/174, the Assembly requested the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and the rights of people and individuals affected by situations such as those resulting from the evils mentioned in subparagraph (e) of paragraph 1 of resolution 32/130 and to indicate the obstacles for the establishment of the new international economic order which is an essential element for the effective promotion of human rights and fundamental freedoms.

In accordance with Commission on Human Rights resolution 28 (XXXVI), an open-ended sessional working group was established at the Commission's thirty-seventh session to continue its ongoing work on the over-all analysis.

By its resolution 23 (XXXVII) of 10 March 1981, the Commission noted that the report of the open-ended working group (E/CN.4/L.1577) contained a number of ideas which merited further study by the Commission. It decided to continue, at its next session, its ongoing work on the over-all analysis and to establish at its thirty-eighth session an open-ended working group to continue the analysis and to make appropriate recommendations thereon to the Commission. The Secretary-General was requested to place before this working group the report of the working group, together with any other information relevant to this item.

By its decision 6 (XXXVII) of 10 March 1981, the Commission decided to inform the General Assembly, through the Economic and Social Council, that the Commission on Human Rights had not reached a decision on the establishment of a United Nations High Commissioner for Human Rights at its thirty-seventh session.

By its resolution 12 (XXXIV) of 9 September 1981, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to inform the Commission on Human Rights of the Sub-Commission's conviction that the number and scale of gross violations of human rights occurring in many parts of the world require urgent and effective forms of action by the United Nations and, to this end, decided to inform the Commission that in the view of the Sub-Commission the establishment of a post of United Nations High Commissioner for Human Rights would be highly valuable in advancing the promotion and protection of human rights in the world. It requested the Secretary-General to inform the Sub-Commission at its thirty-fifth session of the deliberations of the Commission on Human Rights on this question at its thirty-eighth session.

The Commission may also note Sub-Commission's decision 2 (XXXIV) of 4 September 1981 by which the Sub-Commission decided to introduce in the agenda of its thirty-fifth session a new item entitled "Review of the status and activities of the Sub-Commission and its relationships with the Commission on Human Rights and other United Nations bodies" and to give this new item high priority on the agenda.

By its decision 3 (XXXIV) of 10 September 1981, the Sub-Commission decided to consider at its thirty-fifth session the positive role a High Commissioner for Human Rights as a United Nations official should play in the full enjoyment of human rights, and requested the Secretary-General to provide to the Sub-Commission all relevant information on the establishment of the Office of the High Commissioner for Human Rights.

The Commission may also take note of Sub-Commission decision 4 (XXXIV) of 10 September 1981 by which the Sub-Commission decided to include in its agenda for its thirty-fifth session a new item entitled "The effects of gross violations of human rights on international peace and security".

National institutions for the promotion and protection of human rights

In accordance with General Assembly resolution 32/123 and Commission resolution 23 (XXXIV), the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights was held in Geneva from 18 to 29 September 1978.

By its resolution 33/46, the Assembly took note with appreciation of the report of this Seminar (ST/HR/SER.A/2 and Add.1) and invited Member States to communicate to the Secretary-General their comments on the guide-lines for the structure and functioning of national institutions, as suggested by the Seminar, together with all relevant information relating to their own experience in the functioning of national and local institutions in the field of human rights. The Commission on Human Rights was requested to consider the guidelines and to send its recommendations in this regard to the General Assembly at its thirty-fourth session.

At its thirty-fifth session, the Commission on Human Rights adopted resolution 24 (XXXV) of 14 March 1979 by which it endorsed the guidelines suggested by the Seminar and requested the Secretary-General to transmit them to all Member States as well as to concerned specialized agencies and non-governmental

organizations in consultative status with the Economic and Social Council, and to invite Governments to inform the Commission, through the Secretary-General, of the extent to which such national institutions already existed or were planned in the future. The Commission invited all Member States where such national institutions did not yet exist to take appropriate steps for the establishment of such institutions bearing in mind the guidelines of the Seminar. It recommended to all Member States to request from their respective national institutions, as appropriate, reports at regular intervals for presentation to competent bodies at the national level and to consider arrangements for the discussion of such reports. Member States were invited to transmit relevant information regarding the activities of their national institutions including, wherever possible, a summary of the reports received from them to the Commission through the Secretary-General, once every three years, beginning in the first half-year of 1981. The Secretary-General was requested to compile the information received and to submit this information, together with a summary of the above reports, to the General Assembly at its thirty-sixth session and to the Commission every three years. The Commission decided to consider the question of national institutions for the promotion and protection of human rights every three years, as a subitem on its agenda.

By its resolution 34/49, the General Assembly requested the Secretary-General, in submitting to the Assembly at its thirty-sixth session the report requested in paragraph 6 of Commission resolution 24 (XXXV), to draw also upon other relevant sources, such as the reports and documents of the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights and the Seminar on Recourse Procedures Available to Victims of Racial Discrimination and Activities to be Undertaken at the Regional Level, and, in presenting his report to the Assembly, to describe the various existing types of national institutions for the promotion and protection of human rights reflected in the documentation received by him and in the above-mentioned sources.

Development of public information activities in the field
of human rights

By its resolution 24 (XXXVII) of 10 March 1981, the Commission, inter alia, requested all Governments to continue their consideration of action to facilitate publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights on the setting and implementation of human rights standards. It requested the Secretary-General to continue to implement the programmes referred to in his reports to the Commission on this subject and to keep the Commission informed thereon. The Commission invited the Secretary-General to consider ways and means of facilitating the stimulation of public interest in the promotion and protection of human rights and to report thereon to the Commission at its thirty-eighth session. It recommended that the Secretary-General consider establishing small reference libraries containing material of scholarly and public interest in the field of human rights in United Nations offices, giving priority to such offices in developing countries.

By its decision 1981/143 of 8 May 1981, the Economic and Social Council noted resolution 24 (XXXVII) of the Commission and approved the Commission's request

to the Secretary-General to continue to implement the programmes referred to in his report to the Commission on measures taken to enhance public information activities in the field of human rights and to keep the Commission informed thereon.

Relevant resolutions adopted by the General Assembly at its
thirty-sixth session

The attention of the Commission is drawn to the following resolutions adopted by the General Assembly at its thirty-sixth session:

Resolution 36/133 of 14 December 1981, to which reference has been made in the annotations to item 8 above, by which the Assembly requested the Commission on Human Rights to continue its work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods and in the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provision and concepts of General Assembly resolution 36/130 bearing in mind other relevant texts. General Assembly resolution 36/134 of 14 December 1981, referring to national institutions for the promotion and protection of human rights, invited all Member States to take appropriate steps for the establishment or strengthening of such national institutions. The Assembly requested the Secretary-General in carrying out public information activities in the field of human rights to give due attention to the role of national institutions and non-governmental organizations concerned with the promotion and protection of human rights. The Secretary-General was requested to provide the assistance necessary to Member States, on their request, to enable them to implement the Assembly's invitations to them to take appropriate steps to give the widest possible publicity to the texts of human rights instruments in their respective national and local languages. The Secretary-General was also requested to submit to the General Assembly at its thirty-eighth session, a report providing detailed information on the various types of national institutions and the contributions that such institutions could make towards the implementation of the international human rights instruments. By resolution 36/135 of 14 December 1981, the Assembly requested the Commission on Human Rights at its thirty-eighth session to consider, with the attention it deserves, the question of the establishment of a post of United Nations High Commissioner for Human Rights, and to submit a report on its deliberation and the result to the General Assembly at its thirty-seventh session through the Economic and Social Council. The Assembly decided to resume consideration of this question at its thirty-seventh session, taking into account the report of the Commission on Human Rights and the views expressed by Member States at the thirty-sixth session of the General Assembly and to examine what steps may be taken in this regard.

At its thirty-eighth session the Commission will have before it a report by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1496) submitted under Commission resolution 24 (XXXVII) and the report by the Secretary-General on national institutions for the promotion and protection of human rights (A/36/440) submitted under Commission resolution 24 (XXXV).

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
- (a) Question of human rights in Cyprus
 - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-seventh session

Chapter VI of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session (E/CN.4/1512) is relevant to the item as a whole.

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

Bolivia

At its thirty-third session in 1980, the Sub-Commission considered the question of Bolivia and adopted resolution 23 (XXXIII) of 12 September 1980, by which it recommended that the Commission at its thirty-seventh session study the reported violation of human rights in Bolivia and take urgent measures aimed at their restoration. It requested Governments, specialized agencies, other intergovernmental organizations and non-governmental organizations in consultative status to submit to the Secretary-General recent and reliable information on violations of human rights in Bolivia for transmittal to the Commission on Human Rights. It requested Mrs. Halima Embarek-Warzazi to make an analysis of the information received, and to present this analysis together with such recommendations as she deemed appropriate to the Commission.

The Commission took note, at its thirty-seventh session, of the report prepared by Mrs. Warzazi (E/CN.4/1441), and noted that the General Assembly, at its thirty-fifth session, had considered the question of human rights in Bolivia by taking note of the letter from the Government of Bolivia addressed to the General Assembly in which that Government indicated its readiness to receive a delegation from the Commission on Human Rights to visit the country. In its resolution 35/185, the General Assembly requested the Commission to accept this invitation.

On 11 March 1981 the Commission adopted resolution 34 (XXXVII) by which it requested its Chairman to appoint, after consultation with the Bureau, a Special Envoy of the Commission to make a thorough study of the human rights situation in Bolivia and to report on his findings to the Commission at its thirty-eighth session in a manner which would give the Bolivian Government adequate opportunity to comment in writing on the contents of the report.

The Commission will have before it a report on the human rights situation in Bolivia prepared by the Special Envoy, Mr. Hector Gros Espiell, and the response from the Government of Bolivia (E/CN.4/1500) for its consideration.

El Salvador

The Commission considered this question for the first time at its thirty-seventh session in response to General Assembly resolution 35/192 in which the Assembly expressed its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador and requested the Commission on Human Rights to examine at its thirty-seventh session the situation of human rights in that country.

The Commission on Human Rights adopted resolution 32 (XXXVII), whereby it requested its Chairman, after consultations within the Bureau, to appoint a special representative of the Commission on Human Rights with a mandate to investigate reports about murders, abductions, disappearances, terrorist acts and all other grave violations of human rights and fundamental freedoms which have taken place in El Salvador, based on information from all relevant sources, and to report on his findings to the Commission on Human Rights at its thirty-eighth session. By this resolution, the Special Representative was also requested to submit an interim report to the General Assembly at its thirty-sixth session.

The interim report prepared by the Special Representative, Mr. José Antonio Pastor Ridruejo, is contained in document A/36/608.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fourth session, adopted by 23 votes to 1 resolution 10 (XXXIV) concerning the situation of human rights in El Salvador. In its resolution, the Sub-Commission recommended to the Commission on Human Rights that it continue to consider the situation of human rights violations in El Salvador as long as the necessary conditions for a just solution are not present; requested the Secretary-General to bring to the attention of the Commission and its Special Representative the information received by the Sub-Commission concerning grave violations of human rights and fundamental freedoms; took note of the co-operation shown the International Committee of the Red Cross, and requested the Secretary-General to inform the Sub-Commission at its thirty-fifth session of the action of the Special Representative of the Commission and of the deliberations of the Commission on this matter as well as of any consideration which may be given to it by the General Assembly, the Economic and Social Council or the Security Council.

At its thirty-sixth session, the General Assembly adopted resolution 36/155 of 16 December 1981 by which it referred to the human rights situation in El Salvador and requested the Commission on Human Rights at its thirty-eighth session thoroughly to examine the situation in that country on the basis of the final report of its Special Representative.

The Commission on Human Rights will have before it the final report of the Special Representative as contained in document E/CN.4/1502.

Guatemala

The Commission considered the situation of human rights in Guatemala at its thirty-sixth session. It had before it a number of documents concerning the situation, including the response of the Government of Guatemala to Commission decision 12 (XXXV) which concerns the assassination in Guatemala of Dr. Alberto Fuentes Mohr. The Commission expressed its profound concern at the situation of human rights in Guatemala and urged the Government to take the necessary measures to ensure full respect for the human rights of the people of Guatemala; it decided to keep the situation of human rights in Guatemala under review.

At its thirty-seventh session the Commission had before it a document (E/CN.4/1439) containing information received from Governments, non-governmental organizations in consultative status, and private sources; it adopted resolution 33 (XXXVII) by which it requested the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala and to present to the General Assembly at its thirty-sixth session an interim report of his contacts with the Government. This interim report is contained in document A/36/705. The Commission on Human Rights further requested the Secretary-General to provide it, at its thirty-eighth session, with a report of his contacts with the Government of Guatemala together with all information collected on the human rights situation in that country. Accordingly, the Commission will have before it the report of the Secretary-General in document E/CN.4/1501.

The attention of the Commission is drawn to a decision adopted by the General Assembly on 16 December 1981 by which it requested the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala and the Government to co-operate further with the Secretary-General in his efforts to establish these contacts.

Human rights and massive exoduses

This question was first brought to the attention of the Commission on Human Rights during its thirty-fifth session when it had before it a draft proposal and amendments thereto. Consideration of the question was postponed until the thirty-sixth session.

At its thirty-sixth session, the Commission adopted resolution 30 (XXXVI) by which it requested the Secretary-General, in cases where large-scale exoduses became a matter of international concern, to consider establishing direct contacts with Governments in order to assess the relationships between the situation and full enjoyment of human rights.

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

At its thirty-seventh session, the Commission on Human Rights adopted resolution 29 (XXXVII) by which it invited the Chairman of the Commission to appoint an individual of recognized international standing as special rapporteur for a period of one year. The Secretary-General was requested to provide the special rapporteur with all necessary assistance, in particular staff and resources, in order to carry out his study. The special rapporteur was requested to submit his study to the Commission on Human Rights at its thirty-eighth session, together with conclusions and recommendations.

The Commission on Human Rights will have before it the report of the Special Rapporteur, Prince Sadruddin Aga Khan, in document E/CN.4/1503. The Commission may take note of General Assembly resolution 36/148 of 16 December 1981 entitled: "International Co-operation to avert new flows of refugees" by which

the Assembly decided to establish a group of governmental experts and called upon these groups to take into account, inter alia, the study which is before the Commission on Human Rights pursuant to Commission resolution 29 (XXXVII) and the deliberations on this study by the Commission.

Other matters

The Commission will note that by its resolution 31 (XXXVII) on 11 March 1981 it decided to keep the situation of human rights in Equatorial Guinea under review at its thirty-eighth session. In this connection, the Economic and Social Council adopted a resolution recommended by the Commission, resolution 1981/38. By that resolution, the Council requested the Secretary-General to draw up a draft plan of action for implementing those recommendations of Professor Fernando Volio Jiminez, the expert appointed by the Secretary-General under Commission resolution 38 (XXXVI), which he deemed feasible. The Secretary-General was requested, in drawing up the draft plan of action, to consult Governments, other United Nations organs, the relevant parts of the United Nations Secretariat, specialized agencies, non-governmental organizations, in consultative status, and the Organization of African Unity, with the view to determining in what ways they may be able to contribute towards implementing the plan. The Commission will have before it a report by the Secretary-General (E/CN.4/1495) concerning the draft plan of action referred to in Council resolution 1981/38.

The attention of the Commission is drawn to its resolution 27 (XXXVII) of 11 March 1981 entitled "Question of hostage-taking", and in particular paragraph 3 of that resolution by which the Commission resolved that it will accord due consideration to violations of human rights occasioned by hostage-taking.

At its thirty-seventh session, the Commission also adopted resolution 28 (XXXVII) concerning the role of the individual and organs of society in promoting respect for human rights and freedoms contained in the Universal Declaration of Human Rights and requested that the Sub-Commission study this subject without omitting the indivisibility and interdependence of civil and political rights as well as economic, social and cultural rights with a view to considering what further action may be desirable in this connection.

Furthermore, in connection with this item, the Commission may note that the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 8 (XXXIV) on 9 September 1981 by which it drew the attention of the Commission to the situation of the Baha'i community of Iran and requested the Secretary-General to submit all relevant information about the treatment of the Baha'is in Iran to the Commission at its thirty-eighth session. This information will be before the Commission in document E/CN.4/1517.

(a) Question of human rights in Cyprus

It will be recalled that the Commission decided at its thirty-sixth session in 1980 to postpone debate of this question to its thirty-seventh session (Commission decision 13 (XXXVI)), it being understood that action required by previous resolutions of the Commission on this subject continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. At its thirty-seventh session, the Commission had before it a report by the Secretary-General (E/CN.4/1442); the Commission, by decision 5 (XXXVII), again decided to postpone debate on the question in the same terms as at the previous session. The Commission will have before it a document containing the report of the Secretary-General.

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

(i) Origin and basic resolutions

The sub-item has its origin in Commission resolution 8 (XXIII) of 16 March 1967 and Economic and Social Council resolution 1235 (XLII) of 6 June 1967. By its resolution 8 (XXIII), the Commission, inter alia, requested authority from the Council: (a) to examine, with the assistance of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, information relevant to gross violations of human rights and fundamental freedoms, contained in communications received by the United Nations and listed by the Secretary-General in confidential lists of communications pursuant to Council resolution 728 F (XXVIII); and, (b) to make a thorough study, on the basis of the information made available to it, of situations which reveal a consistent pattern of violations of human rights. By its resolution 1235 (XLII) the Economic and Social Council granted the authority sought by the Commission.

By its resolution 1503 (XLVIII) of 27 May 1970, entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms", the Council further regulated the process for dealing with communications. The resolution lays down a two-stage screening process of the relevant material (undertaken by the Sub-Commission's Working Group on Communications and the Sub-Commission itself) before a particular situation is referred to the Commission for consideration. (Provisional criteria for determining the admissibility of communications are set out in Sub-Commission resolution 1 (XXIV) of 13 August 1971.) The Commission on Human Rights is then called on to determine whether a particular situation thus referred to it by the Sub-Commission requires a thorough study or, with the consent of the Government concerned, an investigation by an ad hoc committee. The Sub-Commission's Working Group on Communications met for the first time in 1972. Particular situations referred to it by the Sub-Commission under Council resolution 1503 (XLVIII) were for the first time before the Commission at its thirtieth session in 1974. According to paragraph 8 of Council resolution 1503 (XLVIII), all actions envisaged in the implementation of the resolution shall remain confidential until such time as the Commission may decide to make recommendations to the Council.

(ii) Procedural developments

At its thirtieth session in 1974, the Commission decided, subject to the approval of the Economic and Social Council, to set up a working group of five of its own members, due account being taken of considerations of geographical distribution, to examine the particular situations referred to the Commission under Council resolution 1503 (XLVIII). The working group met prior to the Commission's thirty-first session in 1975 and submitted its recommendations confidentially to the Commission. A working group of this nature, has since then been set up annually, with the approval of the Council, to examine the particular situations referred each year to the Commission and the situations with which the Commission is seized from earlier sessions.

At its thirty-first session the Commission decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (Commission decision 3 of 6 March 1974).

Since 1976 the Secretary-General has also annually been requested to place before the Commission, as other relevant information, summaries of further communications received that relate to the particular situations referred to the Commission by the Sub-Commission.

At its thirty-fourth session in 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned to send representatives to address the Commission and to reply to any questions put by the members of the Commission.

At its thirty-fifth session in 1979, the Commission decided to authorize its working groups in future, if they have been established to assist the Commission in examining documents reaching it in virtue of Council resolution 1503 (XLVIII), to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (Commission decision 14 (XXXV)).

At its thirty-sixth session in 1980, the Commission decided, having regard to its decision 5 (XXXIV), that the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (Commission decision 9 (XXXVI)).

As in earlier years, the Commission decided at its thirty-seventh session in 1981 to set up a working group of its own to meet for one week prior to its thirty-eighth session to examine such particular situations as might be referred to the Commission by the Sub-Commission at its thirty-fourth session under Council resolution 1503 (XLVIII) and those situations with which the Commission is seized (Commission decision 4 (XXXVII) of 6 March 1981). The establishment of the Working Group, which meets from 25 to 29 January 1982, was approved by Economic and Social Council decision 1981/150).

(iii) Documents before the Commission

The Commission will have before it the report of its Working Group on Situations (E/CN.4/R.83), as well as other confidential documents pertaining to the sub-item, including the confidential report of the thirty-fourth session of the Sub-Commission (E/CN.4/R.78 and addenda), observations received from Governments (E/CN.4/R.79 and addenda) as well as any relevant Government replies received under Council resolution 728 F (XXVIII) (issued in document series E/CN.4/GR....) and summaries of further communications of relevance to the situations which the Commission has before it (E/CN.4/R.82). In addition, the Commission will have before it confidential reports pertaining to the implementation of decisions adopted at its last session under Council resolution 1503 (XLVIII) (E/CN.4/R.80 and addenda and E/CN.4/R.81). The above-mentioned confidential documents will be handed to the members of the Commission personally.

Chapter VII of the public report of the Sub-Commission on the work of its thirty-fourth session (E/CN.4/1512) is also relevant to this sub-item.

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

At its thirty-fourth session, the Commission decided to include in its agenda the question of a Convention on the rights of the child. In resolution 1978/18 of 5 May 1978 adopted at its first regular session in 1978, the Economic and Social Council took note with satisfaction of the initiative taken by the Commission with a view to the conclusion of a convention on the rights of the child and to its adoption by the General Assembly. Since that time, the question of a convention of the rights of the child has been examined at each session of the General Assembly (resolutions 33/166 of 20 December 1978; 34/4 of 18 October 1979; 35/131 of 11 December 1980 and 36/57 of 25 November 1981) and of the Commission (resolutions 20 (XXXIV) of 8 March 1978; 19 A (XXXV) of 14 March 1979; 36 (XXXVI) of 12 March 1980 and 26 (XXXVII) of 10 March 1981).

Particular mention should be made of Commission resolution 20 (XXXIV) which contains, in an annex, the text of a draft convention on the rights of the child submitted by Poland. It should also be noted that since 1979, as authorized by the Economic and Social Council, an open-ended working group of the Commission has met with a view to facilitating the work on the draft convention. The working groups have so far adopted the preamble and seven operative paragraphs of a draft convention on the rights of the child. The text of the articles already adopted may be found in the annex to the report of the working group contained in chapter XII of the report of the Commission on its thirty-seventh session (E/1981/25), which is before the Commission.

At its thirty-seventh session, in resolution 26 (XXXVII) of 10 March 1981, the Commission on Human Rights decided to continue its work on the draft convention on the rights of the child as a matter of priority. By decision 1981/144 of 8 May 1981, the Economic and Social Council authorized the establishment of an open-ended working group to meet for one week prior to the Commission's thirty-eighth session to facilitate the completion of the work on the draft convention.

At its thirty-sixth session, the General Assembly, by resolution 36/57 of 25 November 1981 welcomed Council decision 1981/144 and requested the Commission, at its thirty-eighth session, to continue to give high priority to the question of completing the draft convention.

It will be recalled in this connection that in paragraph 4 of resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission recommended to the Commission on Human Rights to take into account the relevant documentation submitted to the Working Group on Slavery and the Sub-Commission, and their debates on this question, in drafting the appropriate articles of the Convention on the Rights of the Child. In accordance with that resolution, the following documents will be made available to the Commission:

- (i) The reports of the Working Group on Slavery on its fifth, sixth and seventh sessions (E/CN.4/Sub.2/434, E/CN.4/Sub.2/447 and E/CN.4/Sub.2/486 and Corr.1);
- (ii) The Study on the Exploitation of Child Labour, prepared by Mr. A. Boudhiba, the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/479);
- (iii) The summary records of the relevant debates which took place at the thirty-fourth session of the Sub-Commission (E/CN.4/Sub.2/SR.908-911, 921-22).

The following additional documents will be made available to the Commission:

- (i) The draft convention annexed to Commission resolution 20 (XXXIV), (E/1978/34, chapter XXVI);
- (ii) The report of the Secretary-General on the views, observations and suggestions on that draft convention submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324 and Corr.1 and Add.1-5);
- (iii) The text of a draft convention submitted by Poland on 5 October 1979 (E/CN.4/1349);
- (iv) Written statements submitted to the Commission for consideration by non-governmental organizations in consultative status (E/CN.4/NGO/265 and 276).

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

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

In its resolution 21 B (XXXIV) of 8 March 1978, the Commission on Human Rights requested the Secretary-General to prepare a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned, preferably including proposals which would enable the Commission to define the scope of its future action. The report of the Secretary-General prepared pursuant to this resolution is contained in document E/CN.4/1325.

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

By resolution 33/163 of 20 December 1978, the General Assembly requested the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the ILO, the possibility of drawing up an international convention on the rights of migrant workers. The report of the Secretary-General prepared pursuant to this resolution is contained in document A/34/535 and Add.1.

By its resolution 25 (XXXV) of 14 March 1979, the Commission on Human Rights, inter alia, invited the Governments of host countries to take certain measures to improve the situation of migrant workers and their families. The Commission requested the United Nations bodies, the specialized agencies and the other

world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers, to communicate to the Commission the model agreements and agreements which they formulate on the various aspects of inter-State relations in so far as they concern migrant workers. The report of the Secretary-General on this question is contained in document E/CN.4/1374.

Also by resolution 25 (XXXV), the Commission decided to give **priority**, at its thirty-sixth session, to the following three questions: (i) protection of the children of migrant workers against any form of discrimination and measures to be taken in order to facilitate their adaptation to the culture of the host country while maintaining and developing their knowledge of the language and national culture of the country of origin; (ii) violations of the human rights of migrant workers resulting from the illicit traffic in such workers; (iii) access of migrant workers to remedies in enterprises, from the administration, in courts and against all forms of arbitrary expulsion.

By its resolution 1979/13 of 9 May 1979, the Economic and Social Council requested the Commission on Human Rights, at its thirty-sixth session, to give all necessary attention to the provisions of its resolution 25 (XXXV) with a view to their implementation. The Council requested the Secretary-General to invite the ILO, UNESCO, WHO and other interested United Nations bodies to continue their co-operation towards the preparation by the General Assembly of an international convention on protection of the rights of all migrant workers in accordance with the relevant recommendations contained in the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination and to submit to the Council at its first regular session of 1980 a report on the results of this co-operation covering the activities being conducted by them in their respective spheres of competence. The report of the Secretary-General prepared pursuant to this resolution is contained in document E/1980/16.

The General Assembly, by its resolution 34/172 of 17 December 1979, decided to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families.

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

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

By its resolution 35/198 of 15 December 1980, the General Assembly, inter alia, decided that the working group should hold an intersessional meeting of two weeks' duration in New York in May 1981, immediately after the first regular session of the Economic and Social Council. It invited the Secretary-General to communicate to Governments the report of the Chairman of the Working Group and the documents annexed to it in order to enable the members of the Working Group, in the light of instructions from their respective Governments, to undertake during the second phase of its activities, at the intersessional meeting, the preparation of a preliminary draft convention for consideration by the General Assembly at its thirty-sixth session. It also invited the Secretary-General to communicate, for information purposes, the

above-mentioned documents to the competent organs of the United Nations system and to the interested international organizations, in order to enable them to participate in the work of the Working Group and to co-operate in the preparation of the draft convention. The Assembly further invited the Secretary-General to communicate to Governments, to the competent organs of the United Nations system and to the interested international organizations the report and the preliminary draft convention to be drawn up by the Working Group at its intersessional meeting, in order to ensure effective preparation of the work of the thirty-sixth session of the General Assembly on the elaboration of a draft convention on the protection of the rights of all migrant workers and their families. Finally, the Assembly decided that the Working Group should meet during the thirty-sixth session of the General Assembly in order to continue its work.

In its resolution 37 (XXXVII) of 12 March 1981, the Commission on Human Rights welcomed the fact that the Working Group had begun its work with a view to the elaboration of an international convention on the protection of the rights of all migrant workers and their families and expressed the hope that the General Assembly would complete the elaboration of this convention at its thirty-sixth session. It decided to give careful consideration to the progress achieved in that regard at its thirty-eighth session under the present item.

In its resolution 1981/35 of 8 May 1981, the Economic and Social Council welcomed the fact that the Working Group had begun its work during the thirty-fifth session of the Assembly and expressed the hope that substantial progress would be made by the Working Group during the intersessional meeting scheduled for May 1981, in order that it might best carry out its mandate and complete the elaboration of the convention during the thirty-sixth session of the Assembly. The Council decided to consider this item at its first regular session of 1982 and to monitor the status of work done with a view to the protection of the rights of all migrant workers and their families.

Pursuant to General Assembly resolution 35/198, an intersessional meeting of the working group was held in New York from 11 to 22 May 1981.

At the thirty-sixth session of the General Assembly, the Working Group on the Drafting of an International Convention on the Protection of the Rights of all Migrant Workers and Their Families met again to continue its work in accordance with Assembly resolution 35/198.

At that session, the Assembly adopted resolution 36/160 of 16 December 1981 by which it decided that the Working Group should hold a two-week intersessional meeting in New York in May 1982 immediately after the first regular session of the Economic and Social Council, to enable the Working Group to complete its task as soon as possible, and that the Working Group should meet again at the thirty-seventh session of the General Assembly to continue and, if possible to complete the elaboration of the international convention on the protection of the rights of all migrant workers and their families.

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

15. Human Rights and scientific and technological developments

Background

At its twenty-seventh session, by resolution 10 (XXVII) of 18 March 1971, the Commission on Human Rights decided to retain the question of human rights and scientific and technological developments as a standing item on its agenda.

That question continued to be examined at subsequent sessions of the General Assembly (resolutions 2721 (XXV) of 15 December 1970, 3026 (XXVII) of 18 December 1972, 3149 (XXVIII) and 3150 (XXVIII) of 14 December 1973, 3268 (XXIX) of 10 December 1974, 3384 (XXX) of 10 November 1975, 33/53 of 14 December 1978 and 35/130 of 11 December 1980) and of the Commission (resolutions 14 (XXVI) of 26 March 1970, 10 (XXVII) of 18 March 1971, 2 (XXX) of 12 February 1974, 11 (XXXI) of 5 March 1975, 11 (XXXII) of 5 March 1976, 10 (XXXIII) of 11 March 1977, and 38 (XXXVII) of 12 March 1981). Particular mention should be made of General Assembly resolution 3384 (XXX) of 10 November 1975 which contains the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

It will also be noted that by resolution 38 (XXXVII), adopted on 12 March 1981, the Commission on Human Rights instructed the Sub-Commission to undertake a study on the use of the results of scientific and technological progress for the realization of the rights to work and development. The Commission further decided to examine that study at its thirty-ninth session under the present item. The Sub-Commission has not yet acted upon this request.

The Commission may note that the General Assembly at its thirty-sixth session, adopted resolution 36/56 A of 25 November 1981 referring to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind; the Assembly requested the Commission on Human Rights to give special attention, in its consideration of the present item, to the question of the implementation of the provisions of the Declaration. The Assembly decided to include the item on the agenda of its thirty-seventh session.

The question of persons detained on the grounds of mental ill-health

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

The General Assembly considered the question at its thirty-third and thirty-fifth sessions. By resolution 33/53 of 14 December 1978, the Assembly, inter alia, requested the Commission to urge that the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken

as a matter of priority by the Sub-Commission and to present a progress report on the question to the General Assembly at its thirty-fifth session. By resolution 35/130 B, the General Assembly requested the Economic and Social Council and the Commission to consider the draft guidelines requested in its resolution 33/53, with a view to their submission to the Assembly at its thirty-seventh session.

In this connection, it will be recalled that at its thirty-third session the Sub-Commission adopted resolution 11 (XXXIII) of 10 September 1980 in which it entrusted one of its members, Mrs. Erica-Irene Daes, as Special Rapporteur, with the task of elaborating guidelines and principles for the protection of the mentally ill. At the thirty-fourth session of the Sub-Commission, in 1981, a preliminary report was submitted by the Special Rapporteur (E/CN.4/Sub.2/474). By resolution 20 (XXXIV) of 10 September 1981, the Sub-Commission requested the Rapporteur to submit her final report, including a draft body of (a) guidelines related to procedures for determining whether adequate reasons exist for detaining persons on the grounds of mental ill-health or mental disorder, (b) principles for the treatment and protection, in general, of persons suffering from mental disorder, and (c) guarantees for the protection of the human rights of persons suffering from mental disorder, to the Sub-Commission at its thirty-fifth session. The Special Rapporteur's preliminary report will be made available to the Commission on Human Rights.

At its thirty-sixth session, the General Assembly adopted resolution 36/56 B on 25 November 1981, by which it requested the Commission to continue its consideration of this question in the light of the action taken by the Sub-Commission with a view to submitting a report to the General Assembly at its thirty-eighth session through the Economic and Social Council.

Study on relevant guidelines in the field of computerized personal files, particularly as they affect the privacy of the individual

Bearing in mind Commission on Human Rights resolution 10 B (XXXIII) and the numerous studies carried out at the request of the General Assembly, in particular the report of the Secretary-General dated 31 January 1974 on the uses of electronics which may affect the rights of the person and the limits which should be placed on such uses in a democratic society, (E/CN.4/1142 and Corr.1 and Add.1-2) the Sub-Commission adopted resolution 12 (XXXIII) of 11 September 1980 in which it requested its Chairman to designate a member of the Sub-Commission to undertake a study on the relevant guidelines in this area. The Chairman of the Sub-Commission designated Mrs. Questiaux as Special Rapporteur for the study.

Other action by the General Assembly at its thirty-sixth session

The Commission may note that the Assembly adopted a decision at its thirty-sixth session by which the Secretary-General was requested to instruct the Department of Public Information to prepare, using available resources, a booklet in the working languages of the United Nations, outlining the main points of the studies on the subject prepared by the Secretary-General in pursuance of General Assembly resolution 2450 (XXIII) of 19 December 1968 and other relevant resolutions and were submitted to the Assembly and the Commission on Human Rights.

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

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

By resolution 6 (XXXVII) of 23 February 1981, the Commission, having considered the report of the Group of Three members of the Commission appointed in accordance with Article IX of the Convention (E/CN.4/1417), took note with appreciation of the report of the Group, and in particular the recommendations contained in it; appealed once again to those States that had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid without delay; commended those States parties that had submitted their reports, in particular those that had submitted their second reports, and appealed to those States parties that had not yet done so to submit their reports as soon as possible; reiterated its recommendation that States parties should take into consideration, when submitting their reports, the guidelines (E/CN.4/1286) laid down by the Group of Three in 1978 for the submission of reports; requested the Secretary-General to invite the States parties to submit their views and comments on the interim study (E/CN.4/1426) prepared by the Ad Hoc Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI) on the ways and means of ensuring the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid; and decided that the Group of Three members of the Commission appointed in accordance with Article IX of the Convention should meet for a period of no more than five days before the thirty-eighth session of the Commission to consider the reports submitted by States parties in accordance with Article VII of the Convention.

The Group, composed of the representatives of Bulgaria, Mexico and Zaire, appointed by the Chairman of the Commission at its thirty-seventh session, is scheduled to meet in Geneva from 25 to 29 January 1982.

By resolution 5 (XXXVII) of 23 February 1981, the Commission, inter alia, invited every Member State of the United Nations to make observations on the interim report, and on the draft statutes of the International Penal Tribunal, as contained in document E/CN.4/1426, so as to enable the Ad Hoc Working Group of Experts on southern Africa to continue its study. The Commission also decided that the Ad Hoc Working Group of Experts on southern Africa should continue to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or any other serious violation of human rights and to bring the results of those inquiries to the attention of the Commission on Human Rights. In this context, it may be noted that the Ad Hoc Working Group of Experts is scheduled to meet from 4 to 15 January 1982. (See also the annotations relating to item 6.)

The General Assembly in its resolution 36/13 of 28 October 1981, inter alia, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay; called upon all States parties to the Convention to implement fully Article IV of the Convention by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in Article II of the Convention; again called upon all States parties

to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Group of Three contained in its reports and to submit their views and comments to the Secretary-General; requested the Secretary-General to intensify his efforts through appropriate channels to disseminate information on the Convention and its implementation with a view to further promoting ratification of or accession to the Convention; requested the Commission on Human Rights to continue to undertake the functions set out in Article X of the Convention and invited the Commission to intensify in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in Article II of the Convention, as well as those against whom or which legal proceedings have been undertaken; requested the Commission on Human Rights to take into account General Assembly resolutions 33/23 of 29 November 1978 and 35/32 of 14 November 1980 as well as relevant documents of the Commission and its suborgans reaffirming, inter alia, that States giving assistance to the racist régime of South Africa become accomplices in the inhuman practices of racial discrimination and apartheid; called upon all States parties and United Nations organs to continue to provide the Commission, through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid; and requested the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication. The Commission may also note that by the same resolution, the Secretary-General was requested to include in his next annual report under General Assembly resolution 3380 (XXX) a special section concerning the implementation of the Convention.

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

(a) A note by the Secretary-General (E/CN.4/1505) concerning the status of the Convention and of the submission of reports by States parties in accordance with Article VII. The reports received from States parties after the thirty-seventh session of the Commission will be made available to the Commission in addenda to document E/CN.4/1505;

(b) The report of the Group of Three on its 1982 session (E/CN.4/1507).

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

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

At its thirty-seventh session, the Commission, in resolution 39 (XXXVII) of 12 March 1981, called upon States Members to take the necessary action to encourage and ensure the active participation of young people in the formulation and implementation of programmes for the economic and social development of their countries and in the efforts to surmount obstacles to that development. Further, the Commission decided to consider at its thirty-eighth session the question of the role of youth in the promotion of the social and economic progress of peoples.

The attention of the Commission is drawn to General Assembly resolution 36/29 of 13 November 1981 entitled "Efforts and measures for securing the implementation and the enjoyment by youth of human rights, particularly the right to education and to work" by which the Assembly called upon all States, in view of the forthcoming International Youth Year, to adopt appropriate legislative administrative and other measures for the implementation and the enjoyment by youth of human rights, particularly the right to education and to work. In that resolution, the Assembly, inter alia, requested the Commission on Human Rights to give continuous attention to the problems of the unemployment of youth and to resolving them. The Assembly further requested the Advisory Committee for the International Youth Year to ensure that, in the context of the preparations for the Year, systematic and continuous attention be given to the efforts aimed at the promotion of human rights and their enjoyment by youth.

The Commission may also note General Assembly resolutions 36/17 and 36/28 of 9 and 13 November 1981, respectively. By resolution 36/17, on channels of communication between the United Nations and youth and youth organizations, the Assembly adopted the additional guidelines for the improvement of the channels of communication between the United Nations and youth and youth organizations set forth in the annex to the resolution and requested Member States, specialized agencies and other intergovernmental organizations to implement these guidelines together with those adopted by the Assembly in its resolution 32/135. By resolution 36/28 on International Youth Year: Participation, Development, Peace, the Assembly endorsed the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year, as adopted by the Advisory Committee for the International Youth Year, and invited all States, United Nations bodies, specialized agencies, regional commissions and international intergovernmental and non-governmental organizations concerned, as well as youth organizations, to exert all possible efforts for the implementation of the specific Programme in accordance with their experience, conditions and priorities.

It may be recalled that the question of conscientious objection to military service was discussed by the Commission at its thirty-second session. The Commission, in its resolution 1 A (XXXII), noted the report on the question of conscientious objection to military service prepared by the Secretary-General pursuant to its resolution 11 B (XXVII) (E/CN.4/1118 and Corr.1 and Add.1-3). In this connection attention may be paid to resolution 33/165 of 20 December 1978, by which the General Assembly recognized the right of all persons to refuse service in military or police forces which are used to enforce apartheid.

At its thirty-sixth session, the Commission, by resolution 38 (XXXVI) of 12 March 1980, requested the Secretary-General to seek once again from Member States up-to-date information on national legislation and other measures and practices relating to conscientious objection to military service and alternative service and

to prepare a report on the information provided, for submission to it at its thirty-seventh session. The report of the Secretary-General (E/CN.4/1419 and addenda) was issued pursuant to that resolution.

At its thirty-seventh session, the Commission in resolution 40 (XXXVII) of 12 March 1981, requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of conscientious objection to military service in general, and in particular the implementation of the above-mentioned Assembly resolution 33/165, with a view to making recommendations to the Commission. At its thirty-fourth session, the Sub-Commission, by resolution 14 (XXXIV) of 10 September 1981, requested two members of the Sub-Commission, Mr. Mubanga-Chipoya and Mr. Eide, to make an analysis of the various dimensions of conscientious objection to military service and its interrelationships with the promotion and protection of human rights, and to present to the Sub-Commission at its thirty-fifth session a concise report together with their conclusions and recommendations.

The Commission will again have before it the report of the Secretary-General requested in resolution 38 (XXXVI) (E/CN.4/1419 and Add.1-4 and addenda to that report which are being issued in document E/CN.4/1509).

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

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

By resolution 14 D (XXXVI) of 26 February 1980, the Commission on Human Rights requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare this study and submit it together with its conclusions to the Commission at its thirty-eighth session.

By its resolution 4 D (XXXIII) of 5 September 1980 the Sub-Commission decided to discuss at its thirty-fourth session the preparation of this study, taking into account the relevant documents previously submitted to the Sub-Commission and the

experience of other United Nations organs such as the Special Committee against Apartheid, the Committee on the Elimination of Racial Discrimination and the Group of Three Members of the Commission on Human Rights entrusted with the examination of reports submitted under the International Convention on the Suppression and Punishment of the Crime of Apartheid. In this connection it should be recalled that in resolution 3 (XXX) of 31 October 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General to prepare a preliminary document setting forth information from all available sources on how various United Nations instruments, including declarations and resolutions, have been used in national courts, administrative tribunals and domestic forums, including legislative forums, with suggestions for their effective future use in the specific field of racial discrimination. It also requested the Secretary-General to prepare a preliminary document reporting on the use of those United Nations instruments, declarations and resolutions in private forums as well. The two documents requested under the resolution were submitted to the Sub-Commission at its thirty-first session (E/CN.4/Sub.2/L.679, E/CN.4/Sub.2/L.680).

The Secretary-General submitted to the Sub-Commission at its thirty-fourth session a note (E/CN.4/Sub.2/468) containing references to documents which the Sub-Commission might wish to take into consideration while discussing the preparation of the study. The discussion of this matter at the thirty-fourth session of the Sub-Commission is reflected in the report of the Sub-Commission on its thirty-fourth session (E/CN.4/1512, chapter IV, para. 54).

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

By resolution 14 B (XXXVI) of 26 February 1980, the Commission, bearing in mind the four-year programme of activities to be undertaken during the second half of the Decade, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, decided to organize a seminar in 1981 with a view to studying the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist régimes of southern Africa. By same resolution, the Commission requested its chairman, in co-operation with the Special Committee against Apartheid, to make necessary arrangements for the organization of this seminar. Pursuant to that resolution and in the light of consultations between the Chairmen of the Commission on Human Rights and the United Nations Special Committee against Apartheid, the seminar was held at the United Nations Office at Geneva from 29 June to 3 July 1981. The report of the seminar (ST/HR/SER.A/9) will be made available to the Commission.

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

indicated, inter alia, that he deemed it advisable to await the report of the seminar referred to above, before making proposals regarding the study referred to in paragraph 18 of the Programme of activities. In its resolution 7 (XXXVII) of 23 February 1981, the Commission took note of the note of the Secretary-General contained in document E/CN.4/1447 and requested him to expedite consultations with all the bodies referred to in its resolution 14 C (XXXVI) and to submit specific proposals regarding the preparation of the study and the outline thereof. The Secretary-General will submit to the Commission at its thirty-eighth session a note (E/CN.4/1510) in accordance with resolution 7 (XXXVII).

At its thirty-fourth session, the Sub-Commission considered the question of the implementation of the Programme for the Decade under the item "Measures to combat racism and racial discrimination and the role of the Sub-Commission". It had before it, among other things, a note prepared by the Secretary-General in accordance with paragraph 3 of its resolution 3 (XXXIII) on information on measures taken with a view to eliminating racism and racial discrimination, if any, in employment and with respect to voting and election to public office (E/CN.4/Sub.2/466); a note prepared by the Secretary-General pursuant to its resolution 4 B (XXXIII) on pertinent materials relating to causes to racism and action for eradicating them (E/CN.4/Sub.2/467); and a draft report (E/CN.4/Sub.2/L.766) by Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur, prepared in accordance with its resolution 4 A (XXXIII) on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at various levels in the administration of criminal justice. At the conclusion of its discussion on the item, which is reflected in chapter IV of its report (E/CN.4/1512), the Sub-Commission adopted, on 9 September 1981, resolution 5 (XXXIV).

By resolution 5 (XXXIV) the Sub-Commission, inter alia, having discussed the preliminary draft report (E/CN.4/Sub.2/L.766) of the study on discriminatory treatment against members of racial, ethnic, religious or linguistic groups at various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to all forms of racism in the administration of criminal justice, expressed its thanks to the Special Rapporteur, and requested him to continue his work and to submit the final report to the Sub-Commission at its thirty-fifth session.

The General Assembly at its thirty-sixth session adopted resolution 36/8 on 28 October 1981 dealing with the implementation of the Programme for the Decade. In this resolution, the Assembly, inter alia, proclaimed that the elimination of all forms of racism and of discrimination based on race and the attainment of the objectives of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and of the programme of activities to be undertaken during the second half of the Decade are matters of high priority for the international community and, therefore, for the United Nations; once again invited all Member States, United Nations organs, specialized agencies, intergovernmental organizations, national liberation movements, anti-apartheid and anti-racist organizations and other solidarity groups to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade; again requested the Security Council to consider, as a matter of urgency, the imposition of full mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa, including, in particular, an embargo on the delivery of oil and oil products to South Africa and the strengthening of the embargo on arms, with a view to putting an end to all military and nuclear collaboration with South Africa; called once again upon all Governments which have not yet done

so to take legislative, administrative and other measures in respect of their nationals and the bodies corporate under their jurisdiction that own enterprises in southern Africa in order to put an end to such enterprises; decided that the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination, established by the President of the Economic and Social Council in accordance with Council decision 1981/130 of 6 May 1981, shall hold its first session in New York during the first quarter of 1982, for a period of two weeks, and shall report to the Council at its first regular session of 1982, the Council being the Preparatory Committee for the Conference; further requested the Secretary-General to appoint, in 1982, after consultation with the regional groups, a Secretary-General for the Second World Conference to Combat Racism and Racial Discrimination, who shall have the rank of Assistant Secretary-General and shall be responsible for the organization of the Conference and co-ordination with Member States, organs and bodies of the United Nations, specialized agencies and intergovernmental and non-governmental organizations; invited Member States to continue to co-operate with the Secretary-General as part of the Programme for the Decade and the preparations for the Conference; invited the appropriate organs and bodies of the United Nations system to contribute to the preparations for the Conference; and expressed its satisfaction to the Committee on the Elimination of Racial Discrimination, the Special Committee against Apartheid, the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Commission on Human Rights, through its Ad Hoc Working Group of Experts on Southern Africa, for their contribution to the Implementation of the Programme for the Decade and invited them to include in their activities the preparations for the Conference.

Pursuant to General Assembly resolutions 33/100 and 34/24, a seminar for States members and associated States of the Economic Commission for Latin America was held in Managua, Nicaragua, from 14 to 22 December 1981, within the context of the Decade. It dealt with the following subject: "Recourse Procedures and other forms of Protection available to victims of Racial Discrimination and activities to be undertaken at the National and Regional levels".

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

19. Status of the International Covenants on Human Rights

By its resolution 16 (XXXVII), of 10 March 1981, the Commission requested the Secretary-General to submit to it at its thirty-eighth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. In this connection the Commission will have before it a report by the Secretary-General (E/CN.4/1511).

The Commission may wish to note that the General Assembly at its thirty-sixth session adopted resolution 36/58 of 25 November 1981 concerning the International Covenant on Human Rights, in which it took note, inter alia, of the Human Rights Committee's decisions on the question of periodicity and on guidelines regarding the form and contents of reports from States parties under Article 40, paragraph 1 (b), of the Covenant as well as the adoption by the Committee of general comments under Article 40, paragraph 4, of the Covenant; took note of the decisions adopted by the Economic and Social Council on 8 May 1981 concerning review of the composition, organization, and administrative arrangements of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights and looked forward to further results in this regard at the first regular session of the Economic and Social Council in 1982; invited all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol; requested the Secretary-General to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and also to transmit the annual reports of the Human Rights Committee to these bodies; welcomed the measures taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and requested him to consider the most appropriate steps for the publication of the Committee's documentation and to report to the General Assembly on this question at its thirty-seventh session.

20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fourth session

At its thirty-seventh session, by resolution 17 (XXXVII) of 10 March 1981, the Commission requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission, including all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action. The report of the Sub-Commission on the work of its thirty-fourth session (E/CN.4/1512) has been prepared in accordance with that resolution. It contains 22 resolutions and 5 decisions. The resolutions and decisions that require action or consideration by the Commission are contained in chapter I of the report of the Sub-Commission.

Part A of this chapter contains draft resolutions recommended by the Sub-Commission for adoption by the Commission. They are:

Draft resolution I entitled, "Study of the problem of discrimination against indigenous populations" (Sub-Commission resolution 2 (XXXIV));

Draft resolution II entitled, "Question of Slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism" (Sub-Commission resolution 16 (XXXIV)); and

Draft resolution III entitled, "Exploitation of Child Labour" (Sub-Commission resolution 18 (XXXIV)).

By its resolution 18 (XXXIV) the Sub-Commission: inter alia,

Decided to transmit the study prepared by Mr. A. Bouhdiba on the Exploitation of Child Labour (E/CN.4/Sub.2/479) to the Commission on Human Rights at its thirty-eighth session and to draw the attention of the Commission to the conclusions and recommendations of the Special Rapporteur, which the Sub-Commission fully endorsed:

Requested the Special Rapporteur to present the study to the Commission on Human Rights at its thirty-eighth session;

Recommended to the Commission on Human Rights that it transmit the study to the ILO, UNESCO, WHO, UNICEF, the Commission on Social Development and the Commission on the Status of Women, drawing particular attention to the conclusions and recommendations, and requested those bodies to submit any comments they may wish to make to the Secretary-General for transmission to the Special Rapporteur;

Decided to consider at its thirty-fifth session the drawing up of a concrete programme of action to combat violations of human rights of children through the exploitation of child labour, and to this end invited the Special Rapporteur to present to the Sub-Commission at its thirty-fifth session, any recommendations or observations which he may wish to furnish; and,

Strongly recommended that the Division of Human Rights devote a seminar under the Programme of Advisory Services in the Field of Human Rights to the topic "Violations of human rights through the exploitation of child labour" and consider holding this seminar as soon as possible.

Part B of chapter I contains the resolutions and decisions that call for action or consideration by the Commission. They are referred to in these annotations under the appropriate item as follows:

- (i) Resolution 1 (XXXIV) referred to under item 10
- (ii) Resolution 4 (XXXIV) referred to under item 4
- (iii) Resolution 6 (XXXIV) referred to under item 7
- (iv) Resolution 8 (XXXIV) referred to under item 12
- (v) Resolution 9 (XXXIV) referred to under item 4
- (vi) Resolution 10 (XXXIV) referred to under item 12
- (vii) Resolution 11 (XXXIV) referred to under item 9
- (viii) Resolution 12 (XXXIV) referred to under item 11
- (ix) Resolution 13 (XXXIV) referred to under item 9
- (x) Resolution 15 (XXIV) referred to under item 10
- (xi) Decisions 2, 3 and 4 (XXXIV) referred to under item 11.

The Commission may note that, at its thirty-fourth session, the Sub-Commission, recalling the "Study of Discrimination in Respect of the Right of Everyone to Leave Any country, Including His own, and to Return to His Country" (United Nations publication, Sales No. 64.XIV.2), presented to the Sub-Commission at its fifteenth session in 1963 by the Special Rapporteur, Mr. Jose D. Ingles, and the draft principles and recommendations adopted by the Sub-Commission and transmitted to the Commission on Human Rights at that same session, adopted resolution 7 (XXXIV). By this resolution the Sub-Commission requested the Secretary-General to submit to it at its thirty-fifth session a concise note informing the Sub-Commission of the consideration which has been given by the Commission on Human Rights and the Economic and Social Council to the report of the aforementioned study and decided to discuss this matter further at its thirty-fifth session.

The Commission will also note that, by its resolution 19 (XXXVII) of 10 March 1981, entitled, "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights - A contribution to the freedom of the individual under law" it decided to consider the question of setting further standards in this field at its thirty-eighth session.

The Commission will have before it the report of the Sub-Commission on its thirty-fourth session (E/CN.4/1512). The confidential part of the report of the Sub-Commission (E/CN.4/R.78) which will also be before the Commission, has been referred to under item 12 above.

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

In resolution 5 (XXX) of 31 August 1977, the Sub-Commission recommended that the Commission consider drafting a Declaration on the rights of members of minority groups, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights.

The Commission considered this question at its thirty-fourth session and at each of its subsequent sessions (resolutions 14 A (XXXIV) of 6 March 1978; 21 (XXXV) of 14 March 1979; 37 (XXXVI) of 12 March 1980 and 21 (XXXVII) of 10 March 1981). At each of these sessions, the Commission established an informal, open-ended working group to consider the drafting of a declaration on the rights of members of minorities.

It should be recalled that at the thirty-fourth session of the Commission, a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, meant to serve as a standing point for an exchange of views, was proposed by Yugoslavia (E/CN.4/L.1367/Rev.1).

Pursuant to Commission resolutions 21 (XXXV) and 37 (XXXVI), the Sub-Commission considered the question at its thirty-second and thirty-third sessions (decisions 1 (XXXII) and 1 (XXXIII)). By resolution 37 (XXXVI), the Commission further requested the Chairman-Rapporteur of the Working Group to prepare a revised and consolidated text of the draft declaration. The text prepared by the Chairman-Rapporteur in accordance with that resolution may be found in document E/CN.4/L.1579.

At its thirty-seventh session, the open-ended Working Group established by the Commission during that session reached preliminary agreement on six preambular paragraphs of a draft declaration, the text of which may be found in paragraph 406 of the report of the Commission on its thirty-seventh session (E/CN.4/1475).

At its thirty-eighth session, the Commission will have before it the relevant chapter of the report of the Commission on its thirty-seventh session (E/CN.4/1475). The following documents will also be made available to the Commission: (1) a note by the Secretary-General on the provisions of international instruments relevant to the problem of the rights of persons belonging to national, ethnic, religious or linguistic minorities (E/CN.4/Sub.2/L.735); (2) the revised draft declaration on minorities prepared by the Chairman-Rapporteur of the Working Group in accordance with Commission resolution 37 (XXXVI) (E/CN.4/Sub.2/L.734).

22. 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

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

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

At its thirty-fifth session the General Assembly adopted resolution 35/200 of 15 December 1980, entitled "Measures to be taken against nazism, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror". In that resolution the Assembly inter alia urged all States to give due consideration to implementing the provisions laid down in United Nations General Assembly resolution 2839 (XXVI) in accordance with the provisions of the Universal Declaration of Human Rights and especially to take the necessary measures against activities of groups and organizations practising nazism, fascism, neo-fascism or other ideologies based on racial intolerance, hatred and terror, in accordance with the national constitutional systems, and requested all States to provide the Secretary-General with their comments on those problems and on measures that should be taken on the national and international levels to eradicate nazism, fascism, neo-fascism and related ideologies based on racial intolerance, hatred and terror. By the same resolution, the Assembly (a) requested the Commission on Human Rights to consider this subject at its thirty-seventh session under the item of its agenda "Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred"; requested the Secretary-General to submit through the Economic and Social Council to the General Assembly at its thirty-sixth session a report in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States.

At its thirty-seventh session, the Commission considered this question and adopted resolution 3 (XXXVII) of 23 February 1981. In this resolution, the Commission, inter alia, condemned 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; appealed to States which have not yet done so to become parties 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 International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments; and decided to consider this question, including the possibility of elaborating a draft declaration, at its thirty-eighth session.

In accordance with General Assembly resolution 35/200, the Secretary-General submitted, through the Economic and Social Council, to the General Assembly at its thirty-sixth session a report drawn up in the light of the discussion that took place in the Commission on Human Rights and on the basis of comments provided by States (A/36/209 and add.1).

At its thirty-sixth session, the General Assembly adopted resolution 36/162 of 16 December 1981, by which it welcomed Commission resolution 3 (XXXVII) of 23 February 1981 and requested the Commission to continue consideration of this subject at its thirty-eighth session under the title appearing above. The Assembly requested the Secretary-General to submit a report through the Economic and Social Council to the Assembly at its thirty-seventh session in the light of the discussion that would take place in the Commission and on the basis of comments provided by States and international organizations.

23. Advisory Services in the Field of Human Rights

In accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXVII), the Commission will have before it the report of the Secretary-General on the Programme of Advisory Services in the Field of Human Rights for 1981 (E/CN.4/1513).

The Commission will also have before it the report of the Seminar on the Relations that exist between Human Rights, Peace and Development, held at United Nations Headquarters, New York, from 3 to 14 August 1981 (ST/HR/SER.A/10). At the request of the Seminar its report was also submitted for information to the General Assembly at its thirty-sixth session and to other relevant bodies of the United Nations concerned with human rights.

The attention of the Commission is drawn to General Assembly resolution 36/154 of 16 December 1981 by which the Assembly commended the Organization of African Unity on the adoption of the African Charter of Human and People's Rights, noted 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 and requested the Secretary-General to organize this seminar in Colombo in 1982 and to report to it at its thirty-seventh session on the seminar's deliberations.

The Commission's attention is also drawn to General Assembly resolution 36/169 of 16 December 1981 concerning the observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights and the annex to the resolution, containing suggested measures for the celebration of the thirty-fifth anniversary.

24. Communications concerning human rights

The Commission will have before it confidential lists of communications and confidential documents containing the replies of Governments thereto, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 723 F (XXVIII), 1235 (XLII) and 1503 (XLVIII). In accordance with Economic and Social Council decision 79 (LVIII) of 6 May 1975, these lists and documents are furnished to the members of the Commission every month. The Commission will also have before it a confidential document of a statistical nature prepared by the Secretary-General in accordance with Commission resolution 14(XV).

The attention of the Commission is drawn to Economic and Social Council resolution 1980/39 of 2 May 1980 by which the Commission was requested to submit to the Council, at its first regular session of 1982, its views on how communications relating to the status of women should be handled, taking into account the procedures of the Commission. The Council decided to consider this matter at its first regular session in 1982.