

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. The practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

#### Article VI

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, *inter alia*, the following freedoms:

(a) To worship or assembly in connexion with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, to publish and to disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, to appoint, to elect or to designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

#### Article VII

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

### 1981/37. Draft convention against torture and other cruel, inhuman or degrading treatment or punishment

#### *The Economic and Social Council,*

*Recalling* General Assembly resolution 35/178 of 15 December 1980, by which the Assembly requested the Commission on Human Rights to complete as a matter of urgency, at its thirty-seventh session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1980/32 of 2 May 1980, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-seventh session of the Commission to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

*Considering* that it was not found possible to complete the work on the draft convention during the thirty-seventh session of the Commission,

*Taking note* of resolution 25 (XXXVII) of 10 March 1981 of the Commission on Human Rights,<sup>64</sup>

1. *Authorizes* a meeting of an open-ended working group for a period of one week prior to the thirty-eighth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

<sup>64</sup> *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr. 1), chap. XXVIII, sect. A.*

2. *Requests* the Secretary-General to transmit to the Commission on Human Rights at its thirty-eighth session all relevant material relating to the draft convention.

*18th plenary meeting  
8 May 1981*

### 1981/38. Assistance to the Government of Equatorial Guinea in its efforts to guarantee the enjoyment of human rights and fundamental freedoms

#### *The Economic and Social Council,*

*Recalling* its decision 1980/137 of 2 May 1980 on the situation of human rights in Equatorial Guinea, as well as resolutions 15 (XXXV) of 13 March 1979,<sup>65</sup> 33 (XXXVI) of 11 March 1980<sup>66</sup> and 31 (XXXVII) of 11 March 1981<sup>64</sup> of the Commission on Human Rights,

*Taking note with appreciation* of the report submitted by Professor Fernando Volio Jiménez,<sup>67</sup> expert appointed by the Secretary-General in pursuance of resolution 33 (XXXVI) of the Commission on Human Rights,

*Bearing in mind* General Assembly resolutions 34/123 of 14 December 1979 and 35/105 of 5 December 1980 on assistance to Equatorial Guinea,

*Conscious* of the need to ensure that such assistance should include a response to the human rights requirements of the situation,

*Mindful* of the efforts being made by the Government of Equatorial Guinea to ensure respect for human rights and fundamental freedoms in that country,

*Noting* that the Government of Equatorial Guinea would be prepared to accept the working plan submitted by the expert to assist it in its efforts to restore the full enjoyment of human rights in the country,

1. *Expresses its appreciation* to Professor Fernando Volio Jiménez, expert appointed in accordance with resolution 33 (XXXVI) of the Commission on Human Rights, for his efforts to provide advice and assistance to the Government of Equatorial Guinea and also for his report;

2. *Expresses its appreciation also* to the Government of Equatorial Guinea for its efforts towards the restoration of human rights in Equatorial Guinea and for the co-operation extended to the expert, and invites the Government to continue its efforts to restore the democratic freedoms abolished by the former Government and to encourage the participation of the citizens in the restoration of the democratic system in the country;

3. *Reiterates* its readiness to assist the Government of Equatorial Guinea, at its request, in the task of restoring human rights in Equatorial Guinea and, to that end, requests the Secretary-General to invite the expert to continue to place his advice and assistance at the disposal of the Government of Equatorial Guinea, particularly with a view to the implementation of his recommendations to that Government, taking into account the political, economic and social conditions of the country;

4. *Requests* the Secretary-General, bearing in mind the need for co-ordination with other assistance ac-

<sup>65</sup> *Ibid.*, 1979, Supplement No. 6 (E/1979/36), chap. XXIV.

<sup>66</sup> *Ibid.*, 1980, Supplement No. 3 (E/1980/13 and Corr. 1), chap. XXVI.

<sup>67</sup> E/CN.4/1439 and Add. 1.

tivities, to draw up, in consultation with the expert and the Government, and to submit to the Economic and Social Council for consideration at its second regular session of 1981, a draft plan of action for implementing those recommendations of the expert which he deems feasible;

5. *Further requests* the Secretary-General, in drawing up the draft plan of action, to consult Governments, other United Nations organs and the relevant parts of the United Nations Secretariat, specialized agencies, non-governmental organizations in consultative status and the Organization of African Unity, with a view to determining in what ways they may be able to contribute towards implementing the plan, and to inform the Council of the results of those consultations.

*18th plenary meeting  
8 May 1981*

#### **1981/39. United Nations voluntary fund for victims of torture**

*The Economic and Social Council,*

*Taking note* of resolution 35 (XXXVII) of 11 March 1981 of the Commission on Human Rights,<sup>68</sup>

1. *Recommends* to the General Assembly the adoption of the following draft resolution:

*"The General Assembly,*

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

*"Recalling also* its resolution 35/190 of 15 December 1980, by which it requested the Commission on Human Rights to study the possibility of extending the mandate of the Fund,

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

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

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

*"Considering* the plight of victims of torture wherever it takes places,

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

*"1. Decides:*

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

<sup>68</sup> *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr. 1), chap. XXVIII, sect. A.*

either the General Assembly, the Economic and Social Council or the Commission on Human Rights;

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

*"(c)* To redesignate the United Nations Trust Fund for Chile as a United Nations voluntary fund for victims of torture;

*"(d)* To adopt the arrangements for the management of the fund set forth in the annex to the present resolution;

*"(e)* To authorize the board of trustees to promote and solicit contributions and pledges;

*"(f)* To request the Secretary-General to give the board of trustees all the assistance it may require;

*"2. Appeals* to all Governments to respond favourably to requests for contributions to the United Nations voluntary fund for victims of torture."

2. *Requests* the Secretary-General to submit to the General Assembly at its thirty-sixth session specific proposals for the arrangements for the management of the fund in accordance with the principles set forth in paragraph 1 (a) of the draft resolution recommended for adoption by the General Assembly.

*18th plenary meeting  
8 May 1981*

#### **1981/40. Combating the traffic in persons and the exploitation of the prostitution of others**

*The Economic and Social Council,*

*Recalling* its resolution 1980/4 of 16 April 1980, in which it requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,<sup>69</sup>

*Recalling also* resolution 1 (XXVII) of 4 April 1978 of the Commission on the Status of Women,<sup>70</sup>

*Considering* the provisions of resolution 43 on the exploitation of the prostitution of others and traffic in persons, adopted by the World Conference of the United Nations Decade for Women,<sup>71</sup>

*Considering* that slavery may be defined as the condition of a person who is entirely under the domination of another,

*Having been informed* that, for these reasons, the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been invited to collaborate in the preparation of a study on procuring,

*Considering further* that these practices, frequently condemned by various United Nations bodies, constitute a flagrant violation of human rights,

<sup>69</sup> General Assembly resolution 317 (IV), annex.

<sup>70</sup> See *Official Records of the Economic and Social Council, 1978, Supplement No. 2 (E/1978/32/Rev. 1), chap. IX.*

<sup>71</sup> See *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980* (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. I.