

mendations⁷³ submitted by the expert appointed pursuant to resolution 33 (XXXVI) of 11 March 1980 of the Commission on Human Rights:⁷⁴

2. *Regrets* the delay in the implementation of the measures envisaged in the plan of action;

3. *Requests* the Secretary-General, with expert assistance if necessary, to discuss the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action;

4. *Invites* the Government of Equatorial Guinea to co-operate with the Secretary-General in this respect;

5. *Requests* the Secretary-General to inform the Economic and Social Council at its second regular session of 1982 of the steps taken to implement the present resolution and to report further to the Commission on Human Rights at its thirty-ninth session;

6. *Requests* the Commission on Human Rights to review this question at its thirty-ninth session.

*28th plenary meeting
7 May 1982*

1982/37. Question of a convention on the rights of the child

The Economic and Social Council,

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979 and 35/131 of 11 December 1980, as well as resolution 36/57 of 25 November 1981, by which the Assembly requested the Commission on Human Rights to continue to give the highest priority to the question of completing the draft convention on the rights of the child, and Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978 and decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981, by which the Council authorized a one-week session of an open-ended working group prior to the thirty-eighth session of the Commission to facilitate completion of the work on a draft convention on the rights of the child,

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

Taking note of resolution 1982/39 of 11 March 1982 of the Commission on Human Rights,⁷⁵

1. *Authorizes* a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to facilitate the completion of the work on a draft convention on the rights of the child;

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

*28th plenary meeting
7 May 1982*

1982/38. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council,

Recalling General Assembly resolution 36/60 of 25 November 1981, by which the Commission on Human Rights was requested to complete as a matter of highest priority, at its thirty-eighth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1981/37 of 8 May 1981 by which the Council authorized 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,

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

Taking note of resolution 1982/44 of 11 March 1982 of the Commission on Human Rights,⁷⁶

1. *Authorizes* a meeting of an open-ended working group for a period of one week prior to the thirty-ninth 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;

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

*28th plenary meeting
7 May 1982*

1982/39. Protection of the rights of children and parents in cases of removal or retention of children

The Economic and Social Council,

Bearing in mind the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959,

Recalling that, under the terms of principle 2 of that Declaration, the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

Concerned about the proliferation of conflicts between couples of different nationalities and at the consequences which result therefrom for children, concerned particularly by their removal from the country of one spouse to the country of the other without the consent of one of the two spouses, and without or in violation of a judicial or administrative decision, and, lastly, concerned about the cases of child retention in which such situations sometimes end,

Ibid.

⁷³ E/CN.4/1439 and Add.1.

⁷⁴ See *Official Records of the Economic and Social Council, 1980, Supplement No. 3* (E/1980/13 and Corr.1), chap. XXIV.

⁷⁵ *Ibid.*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XXVI.

Noting the existence of a common interest in the elaboration of a full and detailed international convention on the rights of the child, as already evinced by the representatives of many countries and international organizations,

Recalling that the universally acknowledged standards and principles in the field of human rights impose on States the obligation to protect all individuals under their jurisdiction from infringements of their freedom and dignity by any private person,

1. *Calls the attention* of States to the proliferation of cases of removal and retention of children and invites them to co-operate actively with a view to preventing the occurrence of such cases and to solving them speedily, out of concern for the interest of the child;

2. *Invites* States to organize such co-operation through the conclusion of bilateral arrangements or through accession to regional conventions or international conventions such as the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980, which is open to all States;

3. *Invites* the Commission on Human Rights, when drafting the convention on the rights of the child, to take into consideration the protection of the rights of the child in cases of unauthorized international removal;

4. *Requests* the Secretary-General to consult with Governments on this problem and to report to the Commission on Human Rights at its thirty-ninth session under the agenda item entitled "Question of a convention on the rights of the child".

*28th plenary meeting
7 May 1982*

1982/40. Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations of infringements of trade union rights in the Republic of South Africa

The Economic and Social Council,

Recalling its resolution 1981/41 of 8 May 1981,

Recalling its decision 1981/155 of 8 May 1981, by which it transmitted to the Ad Hoc Working Group of Experts of the Commission on Human Rights, for consideration, the allegations regarding infringements of trade union rights in South Africa submitted by the International Confederation of Free Trade Unions,

Having examined the reports of the Ad Hoc Working Group of Experts,⁷⁷

Noting that the Government of South Africa continues to violate, by its legislation, international standards concerning trade union rights.

Noting further with grave concern that police and State interference in industrial disputes and repression against the independent black trade union movement has persisted.

1. *Takes note* of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council resolution 1981/41;⁷⁸

2. *Takes note with appreciation* of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council decision 1981/155,⁷⁹ and of the conclusions contained therein;

3. *Demands* the immediate recognition of the unimpeded exercise of freedom of association and trade union rights by the entire population of South Africa, without discrimination of any kind;

4. *Calls once again* for the immediate release of all the imprisoned trade unionists and the lifting of all banning orders imposed on persons engaged in trade union activities;

5. *Demands* the lifting of the ban on fund-raising drives by the Federation of South African Trade Unions;

6. *Reiterates* its demand for the cessation of all government and police interference in labour disputes;

7. *Requests* the Ad Hoc Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Council, as appropriate;

8. *Also requests* the Ad Hoc Working Group of Experts, in the discharge of its mandate, to consult with the International Labour Organisation and the Special Committee against Apartheid, as well as with international and African trade union confederations;

9. *Decides* to consider at its first regular session of 1983 the question of allegations of infringements of trade union rights in South Africa as a subitem under the item entitled "Human rights questions".

*28th plenary meeting
7 May 1982*

⁷⁷ E/1982/31, annex, and E/1982/47, annex.

⁷⁸ E/1982/31, annex.

⁷⁹ E/1982/47, annex.