

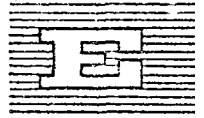
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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities

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

Geneva, 12 August-1 September 1976

Rapporteur: Mrs. Kezia Njeri Egeria Kinyanjui

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## I. ORGANIZATION OF THE SESSION

### Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its twenty-ninth session at the United Nations Office at Geneva from 12 August to 1 September 1976.
2. The session was opened (743rd meeting) by Mrs. Nicole Questiaux (France), Chairman of the Sub-Commission at its twenty-eighth session, who made a statement.
3. The Director of the Division of Human Rights made an introductory statement.

### Attendance

4. The session was attended by members of the Sub-Commission, by rapporteurs of the Sub-Commission not members thereof, by observers from Member States and by representatives of specialized agencies, regional intergovernmental organizations, a national liberation movement and non-governmental organizations. Details of attendance appear in annex I.
5. Some members informed the Secretary-General that they were unable to attend the whole or part of the session and, in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates were therefore granted during the session the same status as members of the Sub-Commission, including the right to vote.

### Election of officers

6. At its 743rd meeting, the Sub-Commission unanimously elected the following officers:

<u>Chairman:</u>	Mr. José R. Martínez Cobo
<u>Vice-Chairmen:</u>	Mr. Erik Nettel Mr. Syed Sharifuddin Pirzada Mr. Sergey N. Smirnov
<u>Rapporteur:</u>	Mrs. Kezia Njeri Egeria Kinyanjui

### Agenda

7. At its 743rd meeting the Sub-Commission unanimously adopted the following agenda:
  1. Election of officers
  2. Adoption of the agenda
  3. Review of further developments in fields with which the Sub-Commission has been concerned

4. The problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live
5. Updating of the special study of racial discrimination in the political, economic, social and cultural spheres
6. 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
7. The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms
8. Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)
9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)
10. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
11. Question of the human rights of persons subjected to any form of detention or imprisonment
12. 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
13. The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination; study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters
14. Draft general principles on equality and non-discrimination in respect of persons born out of wedlock
15. Exploitation of labour through illicit and clandestine trafficking.
16. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirtieth session of the Sub-Commission
17. Report on the twenty-ninth session

Organization of work

8. The Sub-Commission took up the items of its agenda in the following order: 1, 2, 3, 9, 14, 8, 11, 5, 13, 10, 7, 6, 4, 12, 15, 16 and 17.

Meetings, resolutions and documentation

9. The Sub-Commission held 29 meetings (743rd to 771st). The views expressed during the discussion on substantive items are summarized in the records of the 743rd to 769th meetings (E/CN.4/Sub.2/SR.743-769). The Sub-Commission attaches considerable importance to these records, which are very valuable for its work and that of the Commission on Human Rights. In pursuance of Economic and Social Council decision 153 (LV) of 14 May 1976, the Sub-Commission decided to dispense with summary records on agenda items 1, 2, 16 and 17. In view of the continuing provision of summary records of the discussion on substantive items, it has been possible to keep this report to the Commission concise by making references to the records.

10. At the 762nd meeting, on 26 August 1976, the Chairman made a statement on the occasion of the commemoration of Namibia Day. After recalling General Assembly resolution 3295 (XXIX), he stated that the Sub-Commission wished to join the other United Nations organs in celebrating that day and to express its full support to the people of Namibia in its struggle for independence.

11. The Sub-Commission heard statements by the observers for Argentina (754th, 767th and 771st meetings), Chile (754th and 768th meetings), Cyprus (752nd and 754th meetings), Turkey (753rd meeting) and Morocco (769th meeting).

12. The representatives of the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) made statements at the 769th meeting.

13. The Sub-Commission heard statements by the representatives of the following non-governmental organizations in consultative status: category I: International Youth and Student Movement for the United Nations (753rd, 758th, 760th, 763rd and 765th meetings); category II: Amnesty International (753rd, 754th, 757th, 764th and 769th meetings), Anti-Slavery Society (752nd and 760th meetings), International Commission of Jurists (743rd, 753rd, 755th and 763rd meetings), International Federation for Human Rights (763rd meeting), International Federation of Women Lawyers (755th meeting), International League for Human Rights (755th and 760th meetings), International Movement for Fraternal Union among Races and Peoples (760th and 764th meetings), Women's International League for Peace and Freedom (758th meeting); Roster: Minority Rights Group (763rd meeting).

14. At the opening meeting the members of the Sub-Commission found on their desks a document which had been placed there by the representative of a non-governmental organization without the knowledge of the Secretariat. Some members of the Sub-Commission felt strongly that this was an improper method of action by that non-governmental organization running counter, in their opinion, to a number of resolutions of the Economic and Social Council relating to the distribution of documents prepared by non-governmental organizations. The representative of the Secretary-General made a statement in which he reaffirmed the Secretariat practice concerning the circulation of documents to members of organs. The Secretariat was exclusively responsible for distributing documents submitted for consideration by

all United Nations organs, and any document not bearing a United Nations symbol could not be considered as an official document. When the Secretariat knew of the unofficial distribution of a document inside a conference room, its practice was to remove it.

15. The Sub-Commission adopted resolutions 1 (XXIX) to 7 (XXIX) and took several decisions. The texts of these resolutions and decisions appear in chapter XVII below. The Sub-Commission also adopted a confidential resolution relating to agenda item 9.

16. Statements of the financial and administrative implications of resolutions 3 A (XXIX), 4 (XXIX), 5 (XXIX) and 7 (XXIX) and of the Sub-Commission's decisions, prepared by the Secretary-General, are reproduced in annex II. Annex III contains a list of the documents submitted for the Sub-Commission's consideration.



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

17. The Sub-Commission considered agenda item 3 at its 744th and 745th meetings, held on 13 August 1976.

18. It had before it a note by the Secretary-General reviewing developments between 16 June 1975 and 15 June 1976 (E/CN.4/Sub.2/366), a memorandum by the International Labour Office concerning events since the submission of the ILO's previous memorandum to the Sub-Commission at its twenty-eighth session (E/CN.4/Sub.2/367) and a memorandum submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/Sub.2/368) covering new activities since June 1975 in the fields of education, communication and social services. The representative of ILO circulated copies of the Twelfth Special Report of the Director-General on the Application of the Declaration concerning the Policy of Apartheid of the Republic of South Africa.

19. After hearing an introductory statement by the Director of the Division of Human Rights (E/CN.4/Sub.2/SR.744), speakers expressed their satisfaction at the entry into force of the International Covenants on Human Rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid, which represented important milestones in the work of the United Nations in the field of human rights. It was to be hoped that those States which had not yet ratified the Covenants and the Convention would do so without delay. The three instruments could play a dynamic role in the protection of human rights at the national and international level. The Sub-Commission had played an important role in the preparation of the Covenants and would now make a continuous effort to ensure their full implementation.

20. Some speakers emphasized that there was an increasing awareness of the relevance of human rights in human and political relations. Public opinion was now much less willing than it had been in the past to turn a blind eye to violations of human rights.

21. It was maintained that in recent years human rights had acquired greater importance in international relations. In 1975, for instance, the Helsinki Declaration, issued at the conclusion of the Conference on European Security and Co-operation, had given fresh impetus to a human rights dialogue and to human rights expectations in Europe. Human rights should become an integral part of the domestic and foreign policy of States and of the work of the United Nations.

22. It was also said that, despite the elaboration of an impressive body of human rights philosophy and doctrine, despite the establishment of equally impressive human rights legal machinery in the form of covenants ratified and agreements concluded and despite the wishes and aspirations of mankind, it had not yet been possible to secure a sufficiently wide enjoyment of those rights. Particular attention was drawn to the situations in southern Africa and Chile.

23. Several members of the Sub-Commission felt the necessity for the Sub-Commission to modify its approach to questions concerning human rights and

fundamental freedoms. If the Sub-Commission concerned itself merely with the effects of violations of human rights and neglected the causes of the violations, it would fail to accomplish the task entrusted to it.

24. Members of the Sub-Commission stressed the great importance of the activities of UNESCO, which had an important role to play with respect to educative and preventive action in the field of human rights.

25. Attention was drawn to the importance of appropriate co-ordination between the work of the Sub-Commission and that of the Human Rights Committee to be set up under the International Covenant on Civil and Political Rights.

III. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

26. The Sub-Commission considered item 9 of its agenda in close session at its 745th, 748th to 751st, 766th and 767th meetings, held on 13, 17, 18 and 30 August 1976. A confidential report on the consideration of this item is contained in document E/CN.4/R.15.

27. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council had authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, and any other relevant information, which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

28. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

29. The members of the Working Group, Mr. Carter, Mr. Navarro Richardson, Mr. Sekyiamah, Mr. Pirzada and Mr. Smirnov, met from 26 July 1976 to 6 August 1976 for the fifth annual session of the Working Group, to consider communications, together with replies of Governments, received by the Secretary-General.

30. The Sub-Commission had before it a confidential report of the Working Group (E/CN.4/Sub.2/R.22 and addenda). Following an introduction by the Chairman-Rapporteur of the Working Group, Mr. Sekyiamah, a detailed examination of the report took place.

31. At its 767th (closed) meeting the Sub-Commission adopted a confidential resolution on the item, by which it communicated its findings to the Commission on Human Rights.

32. At its 766th (closed) meeting, the Sub-Commission considered a draft resolution relating to communications concerning human rights, which was submitted in a confidential document (E/CN.4/Sub.2/R.25). After the debate and the adoption of the resolution, the Sub-Commission decided by consensus that the resolution should not retain its confidential character but should become public and further decided, by 14 votes to none, with 7 abstentions, to make public the summary record of the 766th meeting.

33. The draft resolution relating to communications concerning human rights (E/CN.4/Sub.2/R.25) was sponsored by Mr. Caicedo Perdomo, Mr. Cristescu, Mr. Despotović, Mr. Ganji, Mr. Eshun, Mr. Jimeta, Mrs. Jotidilok, Mr. Khalifa, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Pachachi, Mr. Pirzada, Mr. Singh and Mr. Smirnov.

34. An amendment (E/CN.4/Sub.2/R.26) was submitted by Mr. Nettel. A sub-amendment was proposed orally, on behalf of the sponsors of the draft resolution, by Mr. Khalifa.

35. Some of those members who were not sponsors of the draft resolution felt that neither the text as it stood nor the proposed sub-amendment expressed clearly enough the wish of the majority of the Sub-Commission's members, as evidenced in the debate, to improve the existing procedure. They were further of the opinion that requesting the Commission at this stage to review the procedure laid down in Council resolution 1503 (XLVIII) was at least premature and that in any case the Sub-Commission should have made specific proposals in that respect. Paragraph 10 of that resolution, which called for such a review, had been intended by its drafters only to avoid duplication. The coming into force of the International Covenants did not in itself necessarily lead to duplication because little overlapping between the two procedures was to be expected. Under the International Covenant on Civil and Political Rights a communication could only be dealt with if the State allegedly violating the applicant's right had also ratified the Optional Protocol to that Covenant and if he himself was the victim of the alleged violation of human rights, whereas the procedure under Council resolution 1503 (XLVIII) permitted an actio popularis.

36. The sponsors of the draft resolution, on the other hand, were of the opinion that the coming into force of the Covenants automatically called for a review of the procedure under Council resolution 1503 (XLVIII), and the majority of them felt that their desire to improve that procedure was sufficiently reflected in the proposed sub-amendment.

37. The sub-amendment was adopted by 15 votes to 6, with 2 abstentions. The amendment, as thus amended, was adopted by 15 votes to 5, with 2 abstentions.

38. The draft resolution (E/CN.4/Sub.2/R.25), as amended, was adopted by 15 votes to 6, with 2 abstentions. The vote was taken by roll-call at the request of Mr. Pachachi. The voting was as follows:

In favour: Mr. Caicedo Perdomo, Mr. Cristescu, Mr. Despotović, Mr. Eshum, Mr. Jimeta, Mrs. Jotidilok, Mr. Khalifa, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Ortiz Martín, Mr. Pachachi, Mr. Saleem, Mr. Singh, Mr. Smirnov, Miss Tahmasseb

Against: Mr. Bouhdiba, Mr. van Boven, Mr. Carter, Mr. Nettel, Mrs. Questiaux, Mr. Whitaker

Abstentions: Mr. Cassese, Mr. Tovar

39. The text of the resolution, as adopted, appears in chapter XVII, as resolution 1 (XXIX).

40. At the 765th meeting, the Chairman of the Sub-Commission, in accordance with Sub-Commission resolution 2 (XXIV), selected the following five members of the Sub-Commission to constitute the Working Group for the next session: Mr. B. Carter, Mr. E. Navarro Richardson, Mr. S. Pirzada, Mr. E.K. Sekyiamah, Mr. S.N. Smirnov.

41. In accordance with the wish of the Sub-Commission, which had been apprised of certain difficulties facing the Working Group when not all of its members have been able to attend its sessions, the Chairman selected the following five members of the Sub-Commission as alternates, to ensure full attendance at the Working Group's forthcoming session: Mr. Th. van Boven (alternate for Mr. Carter), Mr. B.M. Janković (alternate for Mr. Smirnov), Mr. F.A. Short (alternate for Mr. Sekyiamah), Mrs. R. Jotidilok (alternate for Mr. Pirzada) and Mr. G. Ortiz Martín (alternate for Mr. Navarro Richardson).

IV. DRAFT GENERAL PRINCIPLES ON EQUALITY AND NON-DISCRIMINATION  
IN RESPECT OF PERSONS BORN OUT OF WEDLOCK

42. The Sub-Commission considered agenda item 14 at its 746th and 747th meetings, held on 16 August 1976.

43. In its resolution 1787 (LIV) of 18 May 1973, the Economic and Social Council requested the Secretary-General to transmit to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, for their comments and observations, the draft general principles on equality and non-discrimination in respect of persons born out of wedlock drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its nineteenth session in 1967. The Council requested the Commission to consider the matter at its thirty-first session. It also invited the Commission for Social Development and the Commission on the Status of Women to consider, as appropriate, the Study of Discrimination against Persons Born out of Wedlock 1/ prepared by Mr. Voitto Saario, Special Rapporteur of the Sub-Commission, and the draft general principles relating thereto, 2/ in the light of the comments received by the Secretary-General.

44. By its resolution 1 (XXXI) of 7 February 1975, the Commission requested the Sub-Commission to consider further the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, in the light of replies from Governments, of the comments made by other United Nations bodies, the specialized agencies and non-governmental organizations and of the summary records of the discussion of this question by the Commission on Human Rights at its thirty-first session, and to submit the results of its work to the Commission at its thirty-second session in such form (recommendations, statements) as it considered appropriate.

45. At its twenty-eighth session, the Sub-Commission decided to establish an informal working group consisting of five of its members to undertake the examination and review of the draft general principles on equality and non-discrimination in respect of persons born out of wedlock. During the course of its work, that group examined the preamble and parts I, II and III of the draft principles as contained in annex I of document E/CN.4/1157/Add.1. The Sub-Commission considered the report of the group (E/CN.4/Sub.2/L.637) at its 740th meeting. It was agreed that the report of the group should be submitted to the Commission on Human Rights, as a provisional account of the Sub-Commission's work, for any comments the Commission might wish to make thereon, and that the item would be placed on the agenda of the twenty-ninth session of the Sub-Commission to permit further consideration of the working group's report at that session, taking into account recent legislative developments on the subject in the various countries.

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1/ United Nations publication, Sales No. E.68.XIV.3.

2/ Ibid., annex VII.

46. In decision 9 (XXXII), adopted at its 1379th meeting on 5 March 1976, the Commission decided to postpone the consideration of the item to its thirty-third session.

47. The Sub-Commission had before it the summary records of the relevant meetings of the thirty-first session of the Commission on Human Rights (E/CN.4/SR.1294-1297), the report of the informal working group (E/CN.4/Sub.2/L.637) and documents E/CN.4/1157 and 'dd.1.

48. In the course of the Sub-Commission's discussion several representatives referred to the legislative measures taken by their countries for the protection of children born out of wedlock. It was generally felt that many new problems in regard to children born out of wedlock were surfacing as a consequence of changes in society, and of new moral standards and sexual ethics, and that the document drafted should be as comprehensive as possible.

49. One member expressed the view that to make the principles of equality and non-discrimination in respect of persons born out of wedlock effective, there was a need for legal protection of the child, mass education on the subject, positive and effective action by Governments and the promotion of the adoption of children born out of wedlock.

50. The Sub-Commission, after discussion, approved a recommendation to retain the original title of the principles as "Draft general principles on equality and non-discrimination in respect of persons born out of wedlock".

51. It approved the elimination of the divisions in the main body of the text.

52. After a lengthy discussion, in the course of which a number of changes were made in the text, the Sub-Commission adopted the draft principles, on the understanding that the item would be taken up again by the Commission on Human Rights at its thirty-third session.

53. The draft principles as adopted read as follows:

"DRAFT GENERAL PRINCIPLES ON EQUALITY AND NON-DISCRIMINATION  
IN RESPECT OF PERSONS BORN OUT OF WEDLOCK

"Whereas the peoples of the world have, in the Charter of the United Nations, proclaimed their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small, and to promote social progress and better standards of life in larger freedom,

"Whereas the Charter sets forth, as one of the purposes of the United Nations, the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Whereas the Universal Declaration of Human Rights proclaims that all human beings are equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind,

"Whereas the same social protection for all children, whether born in or out of wedlock, has been proclaimed in the Declaration of the Rights of the Child of 1959 and in article 25, paragraph 2, of the Universal Declaration of Human Rights and confirmed by article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights and by article 24 of the International Covenant on Civil and Political Rights,

"Whereas efforts should be made, through all possible means, to enable all persons to enjoy the equal and inalienable rights to which they are entitled,

"Whereas a sizable portion of the population of the world is composed of persons born out of wedlock, many of whom, because of the nature of their birth, are the victims of legal or social discrimination in violation of the principles of equality and non-discrimination set out in the Charter of the United Nations, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and the Declaration of the Rights of the Child.

"Now therefore, with a view to eliminating this form of discrimination, the following general principles are proclaimed:

"1. Every person born out of wedlock shall be entitled to legal recognition of his maternal and paternal filiation.

"2. The fact of birth of a child shall by itself establish maternal filiation to the woman who gives birth to the child.

"3. The establishment of paternal filiation shall be provided for by law through a variety of means, including acknowledgement, recognition of legal presumptions and judicial decision. Judicial proceedings to establish paternal filiation shall not be subject to any time-limits.

"4. The husband shall be presumed to be the father of any child born to his wife if it is conceived or born during the marriage. This presumption may be overcome only by a judicial decision based upon evidence that the husband is not the father.

"5. Any person born of parents who marry each other after the birth of that person shall be considered to be born of that marriage.

"6. Every person born in wedlock, or considered so as a result of the subsequent marriage of his parents, shall retain his status notwithstanding the invalidity or annulment of the matrimonial link.

"7. Every person born out of wedlock, once his filiation has been established, shall have the same legal status as a person born in wedlock.

"8. Every person born out of wedlock whose filiation is established in relation to both parents shall have the right to bear a surname determined as in the case of a person born in wedlock. If his filiation is established in relation only to his mother, he shall be entitled to bear her surname, modified, if necessary, in such a manner as not to reveal the fact of birth out of wedlock.

"9. The rights and obligations pertaining to parental authority shall be the same whether the child is born in wedlock or out of wedlock, provided filiation has been established. Unless otherwise decided by the court in the best interest of the child born out of wedlock, parental authority shall be exercised according to the same rules as for a child born in wedlock if his filiation is established in relation to both parents, or by his mother alone if his paternal filiation is not established.

"10. The domicile of any child born out of wedlock whose filiation is established in relation to both parents shall be determined according to the same rules as for children born in wedlock. If the filiation is established in relation to the mother alone, appropriate rules shall ensure in any case that the child has a domicile.

"11. Every person born out of wedlock shall, once his filiation has been established, have the same maintenance rights as persons born in wedlock. Birth out of wedlock shall not affect the order of priority of claimants.

"12. Every person born out of wedlock shall, once his filiation has been established, have the same inheritance rights as persons born in wedlock. Legal limitations or restrictions on the freedom of a testator to dispose of his property shall afford equal protection to persons entitled to inheritance, whether they are born in wedlock or out of wedlock.

"13. The nationality or citizenship of a person born out of wedlock shall be determined by the same rules as those applicable to persons born in wedlock.

"14. Information in birth and other registers containing personal data which might disclose the fact of birth out of wedlock shall be available only to persons or authorities having a legitimate interest with respect to filiation. In referring to persons born out of wedlock, any designation which might carry a derogatory connotation shall be avoided.



"15. When national legislation provides for adoption, the adoption of children born out of wedlock shall not be subject to any additional restrictions beyond those applicable to the adoption of children born in wedlock. Adoption shall have the same consequences in both cases.

"16. Every person born out of wedlock shall enjoy the same political, social, economic and cultural rights as persons born in wedlock. The State shall render material and other assistance to children born out of wedlock."

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

54. The Sub-Commission considered agenda item 8 at its 752nd, 753rd, 754th, 767th, 768th and 769th meetings, on 19, 20, 30 and 31 August 1976.

55. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights had requested the Sub-Commission to give annual consideration to the item.

56. In accordance with Economic and Social Council resolution 1991 (LX), the Sub-Commission had before it a report of the Commission's Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1187).

57. Some views were exchanged on the meaning and scope of Commission resolution 8 (XXIII) and on the Sub-Commission's role in its implementation. It was pointed out that the Commission had, in paragraph 2 of the resolution, requested the Sub-Commission to prepare, for the Commission's use, a report containing information on violations of human rights and fundamental freedoms from all available sources and, in paragraph 3, requested the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing this task. So far the Sub-Commission had not submitted any such separate report to the Commission except in the form of a chapter in its report to the Commission, and had not requested from the Secretary-General any special assistance or facilities to enable it to prepare such a report. In paragraph 6 of resolution 8 (XXIII), the Commission had invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

58. On the other hand, it was pointed out that, whereas a procedure had been established, under Economic and Social Council resolution 1503 (XLVIII), to deal with communications concerning human rights received by the Secretary-General, no special procedures had been elaborated which would guide the Sub-Commission in implementing resolution 8 (XXIII), that is, in preparing for the use of the Commission a report containing information on violations of human rights and fundamental freedoms from all available sources. The Sub-Commission had therefore to confine its consideration of item 8 of its agenda to a general debate, which would be reflected in a chapter in the Sub-Commission's report to the Commission and be open for discussion by the Commission.

59. There was some discussion as to whether working groups should be set up to investigate alleged violations of human rights in specific parts of the world.

60. Several members expressed their concern about the continuing violation of human rights in South Africa and Southern Rhodesia, which was a consequence of the policy of racial discrimination and apartheid. The Sub-Commission was asked to

draw the attention of the Commission on Human Rights and the Economic and Social Council to this situation, which posed a threat to peace and security. This unresolved problem had recently led to the massacre of refugees in Mozambique by Rhodesian forces.

61. Several members pointed out that gross violations of human rights and fundamental freedoms were continuing in Chile, despite the recommendations of United Nations bodies and the serious condemnation of such violations contained in the report of the Ad Hoc Working Group of the Commission on Human Rights.

62. Several members expressed serious concern about reported gross violations of human rights in a number of countries; their statements are reflected in the summary records of the 752nd, 753rd and 754th meetings. All members recognized that situations where basic human rights were infringed regrettably existed in various regions of the world; several speakers referred to reported violations of human rights in Argentina, Bolivia, Brazil, the German Democratic Republic, Paraguay, the USSR, Uruguay, Uganda, Western Sahara and the Arab territories occupied by Israel. Profound distress was expressed concerning the tragic situation in Lebanon. Some members pointed out that information emanating solely from isolated newspaper reports should not be the basis for criticism of Governments.

63. The observers for Argentina and Chile were heard by the Sub-Commission, and the observers for Cyprus and Turkey made statements regarding the situation of the Cyprus refugees and missing persons.

64. In accordance with the decision taken by the Sub-Commission at its 767th meeting, the statement of the observer for Argentina was circulated as document E/CN.4/Sub.2/L.664.

65. On 26 August 1976, a draft resolution (E/CN.4/Sub.2/L.646) concerning the massacre of refugees by troops of the illegal régime of Southern Rhodesia at Nyazonia camp in Mozambique was submitted by Mr. Bouhdiba, Mr. Despotović, Mrs. Jotidilok, Mr. Khalifa, Mrs. Kinyanjui, Mr. Pirzada, Mrs. Questiaux and Mr. Whitaker. The draft resolution was introduced by Mr. Whitaker at the 767th meeting.

66. After discussion, the draft resolution, as orally revised and amended, was adopted unanimously at the 767th meeting. 3/

67. The text of the resolution, as adopted, appears in chapter XVII as resolution 2 A (XXIX).

68. On 25 August 1976, a draft resolution (E/CN.4/Sub.2/L.647) concerning the situation in Uganda was submitted by Mr. van Boven, Mr. Caicedo Perdomo, Mr. Carter, Mr. Nettel and Mr. Ortiz Martín. Mr. van Boven introduced the draft resolution at the 767th meeting.

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3/ For details, see the summary record of the 767th meeting (E/CN.4/Sub.2/SR.767/Add.1).

69. After debate, the draft resolution was adopted at the 767th meeting by 14 votes to none, with 3 abstentions. 4/ Two members stated that their intention had been to vote against the draft resolution.

70. The text of the resolution, as adopted, appears in chapter XVII, as resolution 2 B (XXIX).

71. On 26 August 1976, a draft resolution (E/CN.4/Sub.2/L.649) concerning the situation in Argentina was submitted by Mr. Bouhdiba, Mr. Carter, Mr. Cassese and Mrs. Questiaux. Subsequently, Mr. van Boven and Mr. Whitaker joined the sponsors. The draft resolution was introduced by Mr. Cassese at the 767th meeting.

72. After debate, the draft resolution was adopted at the 767th meeting by 8 votes to 1, with 8 abstentions. 5/

73. The text of the resolution, as adopted, appears in chapter XVII as resolution 2 C (XXIX).

74. On 26 August 1976, under item 7 of the agenda, a draft resolution concerning the situation in Western Sahara (E/CN.4/Sub.2/L.652) was submitted by Mr. Caicedo Perdomo, Mr. Cassese, Mr. Ortiz Martín and Mr. Whitaker. It was introduced at the 768th meeting by Mr. Whitaker.

75. At the 769th meeting the sponsors agreed that the draft resolution should be dealt with under item 8 of the agenda.

76. After discussion, the draft resolution, as orally revised and as orally amended, was adopted by consensus at the 769th meeting. 6/

77. The text of the resolution, as adopted, appears in chapter XVII as resolution 2 D (XXIX).

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4/ Idem.

5/ Idem.

6/ For details, see the summary records of the 768th and 769th meetings (E/CN.4/Sub.2/SR.768 and 769).

VI. QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED  
TO ANY FORM OF DETENTION OR IMPRISONMENT

78. The Sub-Commission considered agenda item 11 at its 754th, 755th and 768th meetings, on 20 and 31 August 1976.

79. By resolution 4 (XXVIII), the Sub-Commission, in view of its next annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment, had invited Governments, the specialized agencies, regional intergovernmental organizations and interested non-governmental organizations in consultative status to provide reliably attested information on this matter. In resolution 3453 (XXX), the General Assembly had requested the Commission on Human Rights to study steps for: (a) ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by General Assembly resolution 3452 (XXX), and (b) [the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment.] The Commission on Human Rights by resolution 10 (XXXII) recommended that the Sub-Commission, when conducting its annual review, should take into account the principles contained in the above-mentioned Declaration, and further requested the Sub-Commission to draw up at its twenty-ninth session and transmit to the Commission at its thirty-third session a body of principles for the protection of all persons under any form of detention or imprisonment. The Economic and Social Council, by resolution 1993 (LX), urged the Sub-Commission to give adequate attention to the task entrusted to it by Commission resolution 10 (XXXII).

80. The Sub-Commission had before it information submitted by Governments, specialized agencies and regional intergovernmental organizations under Sub-Commission resolution 4 (XXVIII) (E/CN.4/Sub.2/359/Add.2; E/CN.4/Sub.2/374 and Add.1 and 2); a synopsis, prepared by the Secretary-General, of the material received from non-governmental organizations under the same resolution (E/CN.4/Sub.2/L.643); a report prepared by the Secretary-General under Commission on Human Rights resolution 10 B (XXXII) (E/CN.4/Sub.2/376); a report prepared by the Secretary-General on the activities of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.4/1190); and a note by the Secretary-General on the work of the Committee on Crime Prevention and Control at its fourth session (E/CN.4/Sub.2/L.644). It also had before it a written statement submitted by the International Youth and Student Movement for the United Nations (E/CN.4/Sub.2/NGO/57).

81. Concerning the Sub-Commission's annual review, appreciation was expressed for the quality of the documentation which had been prepared by the Secretariat, under the relevant resolutions, to facilitate such a review. Some speakers regretted that more Governments had not submitted information, and that the information submitted concerned legislative rather than factual developments. These members stressed that, in their view, the Sub-Commission should continue to ask for, and review, the facts concerning torture and other ill-treatment of detained persons as well as the relevant laws.

82. Several members voiced concern regarding the serious threats to the human rights of detained persons which appeared to arise from detention practices under a state of emergency or siege or under martial law; prolonged or indefinite detention without formal charge seemed to prevail, and motions of habeas corpus and other forms of judicial review were often denied. It was suggested that the Sub-Commission should study closely practices under a state of emergency in relation to torture and ill-treatment of prisoners. It was considered of great importance that the activities of secret police and paramilitary organizations, which often tended to violate the rights of detained persons, should be placed under effective judicial or parliamentary control. The Sub-Commission, it was suggested, should also give further attention to these matters.

83. <sup>line of thought</sup> Some members felt that, where the Government concerned had shown its willingness to remedy situations violating the human rights of detainees, the United Nations should seek ways of assisting the Government rather than condemn it. It was suggested, for instance, that some United Nations funds or possibly an expanded programme of advisory services in the field of human rights could be used to alleviate the shortage of trained lawyers and judges in certain countries.

84. It was recognized that the family and relatives of arrested or detained persons usually faced serious psychological, financial and social problems, and should receive increased assistance. Some speakers suggested that the Sub-Commission should again request the Commission on the Status of Women to consider at its next session the question of the human rights of women in detention, with specific reference to the problems of pregnant women and the care of infants.

85. Some members noted with satisfaction that the Committee on Crime Prevention and Control had recommended that the protection provided for in the Standard Minimum Rules for the Treatment of Prisoners be extended to persons arrested or imprisoned without having been charged with a criminal offence. Some other speakers, however, felt that the Standard Minimum Rules, while a valuable instrument, did not provide adequate safeguards against violations of the human rights of detainees, and that further measures remained necessary to protect these rights and implement the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

86. Some members were of the view that the annual review which the Sub-Commission conducted under its resolution 7 (XXVII) could be considered as one of the means of implementing that Declaration. Some other speakers further suggested that the Sub-Commission should work towards the establishment of appropriate machinery for the implementation of the Declaration. One view was that the Sub-Commission should ask the Commission on Human Rights to establish a working group which would regularly examine developments possibly involving non-observance of the Declaration. It was suggested as an alternative that the Sub-Commission could either establish a new working group to review such developments or request its existing Working Group on Communications to pay special attention to communications in which torture was alleged.

87. Regarding the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment, some members expressed the view that this task was an urgent and important one, so that one of the members of the Sub-Commission, or a working group, should be appointed with a view to initiating this work during the present session. Other members were, however, of the opinion that the Sub-Commission should at its present session hold only a general debate on the subject and appoint one of its members or a working group to prepare a draft text in time for the next session.

88. Some members stressed that, in their view, the Charter of the United Nations constituted the main legal foundation for the formulation of the body of principles. The relevant articles of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment were also referred to as important guidelines for the drafting of such principles. It was felt that, as indicated in General Assembly resolution 3453 (XXX) and Commission resolution 10 B (XXXII), the Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile 7/ and the draft principles contained therein, as well as the Governments' comments on them, could serve as the main basis of the Sub-Commission's task. Some other members considered, however, that the said study and draft principles appeared to be somewhat different in scope from the body of principles which the Sub-Commission was requested to formulate. The view was expressed that the rapporteur or working group to be appointed for drafting the body of principles should also prepare a collection of relevant provisions of existing United Nations instruments. It was further stressed that, in formulating the body of principles, the Sub-Commission should take fully into account the internal legislation and legal systems of each country.

89. At its 755th meeting, the Sub-Commission decided to appoint Mr. Erik Nettel as Rapporteur to formulate, in co-operation with the Secretariat, the first draft of a body of principles for the protection of all persons under any form of detention or imprisonment for consideration at the thirtieth session of the Sub-Commission.

90. At the 768th meeting, Mr. van Boven introduced a draft resolution (E/CN.4/Sub.2/L.648) sponsored by Mr. Bouhdiba, Mr. van Boven, Mr. Khalifa, Mr. Martínez Báez, Mr. Pirzada and Mrs. Questiaux.

91. A statement of the administrative and financial implications of the draft resolution was circulated as document E/CN.4/Sub.2/L.662.

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7/ United Nations publication, Sales No. 65.XIV.2.

92. At the 768th meeting, the draft resolution, as orally revised, was adopted by 14 votes to none, with 3 abstentions. 8/
93. The text of the resolution appears in chapter XVII, as resolution 3 A (XXIX).
94. At the 768th meeting, Mrs. Questiaux introduced a draft resolution (E/CN.4/Sub.2/L.650) sponsored by Mr. Bouhdiba, Mr. van Boven, Mr. Cassese, Mr. Despotović, Mr. Jimeta, Mrs. Jotidilok, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Nettel, Mr. Pachachi, Mr. Pirzada, Mrs. Questiaux, Mr. Singh, Mr. Smirnov and Mr. Whitaker.
95. In the course of the debate, the observer for Chile made a statement.
96. At the same meeting, the draft resolution, as orally revised, was adopted by 15 votes to 2. 9/
97. The text of the resolution appears in chapter XVII, as resolution 3 B (XXIX).

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8/ For details, see the summary record of the 768th meeting (E/CN.4/Sub.2/SR.768).

9/ Idem.



VII. UPDATING OF THE SPECIAL STUDY OF RACIAL DISCRIMINATION  
IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SPHERES

98. The Sub-Commission considered agenda item 5 at its 756th, 757th, 758th and 768th meetings, on 23, 24 and 31 August 1976.

99. The Sub-Commission had before it the study (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1) submitted by the Special Rapporteur, Mr. Hernán Santa Cruz, in accordance with a decision taken by the Economic and Social Council at its 1858th meeting, on 18 May 1973. It also had before it a written statement submitted by the International Youth and Student Movement for the United Nations (E/CN.4/Sub.2/NGO/56).

100. In introducing his study, 10/ the Special Rapporteur said that it differed from other studies considered by the Sub-Commission in that it had not been prepared on the instructions of the Sub-Commission but on those of the Economic and Social Council, and that he had not had the benefit of guidelines established by the Sub-Commission or of advice from its members. The only instruction that he had been given was that the updated study, unlike the previous one, 11/ should concentrate on discrimination based on colour. Three topics which were dealt with in the earlier study were excluded from the present one. The protection of indigenous peoples was now the topic of a separate study. The danger of the revival of nazism was not essentially a question of colour. The question of African territories under Portuguese administration had become irrelevant as a result of the achievement of independence by those territories.

101. The Special Rapporteur said that the current work retained the structure of the previous study and inevitably reproduced much of its text. He had amplified and corrected some of the views expressed on "Historical background" and "The meaning and causes of racial discrimination" and had updated the chapters on international and national action taken to eliminate racial discrimination and on the various types of discrimination prevalent in the world. The most serious, widespread and dangerous manifestation of racial discrimination based on colour was the policy of apartheid practised in South Africa, Namibia and Southern Rhodesia. The study devoted two long chapters to that problem, including the most recent events and situations. The first section of chapter XI, "Conclusions and recommendations", presented a balance sheet of the present situation with regard to racial discrimination in the world. Despite significant advances in many countries, racial discrimination in the political, economic, social and cultural spheres still persisted, whether de jure or de facto. Apartheid was the crudest manifestation of this discrimination, and without positive international action, its elimination would be long in coming.

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10/ A fuller account of the Special Rapporteur's statement appears in the summary record of the 756th meeting (E/CN.4/Sub.2/SR.756).

11/ Racial Discrimination (United Nations publication, Sales No. E.71.XIV.2).

102. All speakers warmly congratulated the Special Rapporteur on his study, which they termed an excellent work and a valuable addition to his outstanding personal contribution to the promotion of human rights.

103. Speakers thought that the study was timely in the light of recent developments in southern Africa and urged speedy measures for its publication and distribution on a wide scale. Many of them further suggested the publication of an abbreviated edition for public circulation throughout the world.

104. It was maintained that whenever United Nations action at the governmental level failed to bring an end to practices of racial discrimination, the United Nations was duty bound to make contact with the oppressed people themselves and with their liberation movements. Some non-governmental organizations and action groups played an important role in this respect and a reference to that fact might have been made in the chapter dealing with apartheid.

105. Many speakers remarked that the study correctly uncovered the truth about South Africa's alleged policy of dialogue and detente with African States and dismissed that policy as a tactical approach designed to delay or obstruct concerted action by the international community against that régime's policy of apartheid.

106. Many speakers agreed with the Special Rapporteur in criticizing some major Powers for maintaining trade and other relations with the minority régimes in defiance of the decisions of the various United Nations bodies concerning those régimes' policies of racial discrimination.

107. Some of the views expressed concerning steps which might be taken by the Special Rapporteur in preparing the printed version of his report were the following:

(a) Reference might be made to the decision adopted at the Conference of Heads of State or Government of Non-Aligned Countries held in August 1976 in Colombo, Sri Lanka, calling for an oil embargo against certain States which furnish arms to the racist régimes of southern Africa;

(b) Mention might be made of certain documents, such as those relating to the seminar on apartheid held in Havana in May 1976 and relevant resolutions adopted by the General Assembly at its thirtieth session;

(c) There should also be more specific references to the Programme for the Decade for Action to Combat Racism and Racial Discrimination proclaimed by the General Assembly in its resolution 2919 (XXVII) and to the world conference to combat racism and racial discrimination included in that Programme and due to be held in Ghana in 1978.

108. In his concluding remarks, the Special Rapporteur indicated a number of points and suggestions made during the debate which he would take into account in revising the study for printing and publication. 12/

109. On 24 August 1976, a draft resolution (E/CN.4/Sub.2/L.645) was submitted by Mr. van Boven, Mr. Cristescu, Mr. Ganji, Mrs. Kinyanjui, Mr. Khalifa, Mr. Singh and Mr. Whitaker. At the 768th meeting, Mr. Whitaker introduced the draft resolution.

110. On 27 August 1976, an amendment (E/CN.4/Sub.2/L.654) to the draft resolution contained in document E/CN.4/Sub.2/L.645 was submitted by Mr. Martínez Báez and Mr. Ortiz Martín. It was introduced, as orally revised, by Mr. Ortiz Martín at the 768th meeting.

111. A statement on the administrative and financial implications of the draft resolution was circulated as document E/CN.4/Sub.2/L.660.

112. After discussion, the draft resolution, as amended, was adopted without a vote. 13/

113. The text of the resolution, as adopted, appears in chapter XVII as resolution 4 (XXIX).

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12/ For a summary of the Special Rapporteur's reply to the comments and suggestions made, see document E/CN.4/Sub.2/SR.758.

13/ For details, see the summary record of the 768th meeting (E/CN.4/Sub.2/SR.768).

VIII. THE ROLE OF THE SUB-COMMISSION IN THE IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION; STUDY AND SUGGESTIONS ON EFFECTIVE WAYS AND MEANS AND CONCRETE MEASURES FOR SECURING THE FULL AND UNIVERSAL IMPLEMENTATION OF THE UNITED NATIONS RESOLUTIONS AND DECISIONS ON RACISM, RACIAL DISCRIMINATION, APARTHEID, DECOLONIZATION AND SELF-DETERMINATION AND RELATED MATTERS.

114. The Sub-Commission considered agenda item 13 at its 758th and 760th meetings, held on 24 and 25 August 1976.

115. The Sub-Commission had before it (i) the summary records of the meetings held by the General Assembly and the Commission on Human Rights on this question (A/C.3/SR.2114-2124 and 2130-2136; A/PV.2400; E/CN.4/SR.1377 and 1378), and (ii) a written statement submitted by the International Youth and Student Movement for the United Nations (E/CN.4/Sub.2/NGC/58).

116. Members of the Sub-Commission recognized the importance and urgency of the request made by the Commission on Human Rights in its resolution 9 (XXXII) of 5 March 1976 that the Sub-Commission study and prepare suggestions on effective ways and means and concrete measures for securing the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters. It was felt that, though it would be desirable to consider this matter during the present session of the Sub-Commission, the complex nature of the request and the lack of more basic information made such a course of action impossible.

117. It was suggested that, before attempting to formulate any suggestions or recommendations, the Sub-Commission might await the deliberations and recommendations of the Committee on the Elimination of Racial Discrimination, as well as the completion of the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination. It was further suggested that the Sub-Commission would be in a better position in the following year to act on the request of the Commission on Human Rights since it would, at that time, be able to benefit from work done in the course of the year by various United Nations bodies and also since the Sub-Commission would have before it final reports of special rapporteurs which would no doubt contain helpful recommendations and conclusions. On the other hand, the view was expressed that the Sub-Commission should consider at the present session what kind of contribution it could make to the implementation of the Programme for the Decade, since specific instructions on this question had been given by the Commission on Human Rights.

118. At its 760th meeting the Sub-Commission decided by consensus, on the advice of its officers, to recommend that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of three members of the Sub-Commission to meet for a period of four working days prior to its thirtieth session and, with the assistance of the Secretariat, to examine the action to be undertaken by the Sub-Commission in the context of Commission resolution 9 (XXXII). A statement of the administrative and financial implications of this decision was circulated as document E/CN.4/Sub.2/L.663.

IX. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL  
THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE  
SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

119. The Sub-Commission considered agenda item 10 at its 759th, 760th, 768th and 769th meetings, on 24, 25, 30 and 31 August 1976.

120. The Sub-Commission had before it a note by the Secretary-General reproducing information received from the International Criminal Police Organization (INTERPOL) (E/CN.4/Sub.2/372 and Add.1) and the report of the Working Group on Slavery on its second session (E/CN.4/Sub.2/373), submitted by the co-Chairmen-Rapporteurs, Mrs. Kinyanjui and Mr. Whitaker. It also had before it a written statement by the International Youth and Student Movement for the United Nations (E/CN.4/Sub.2/NGO/60).

121. The Working Group, which had been established under Sub-Commission resolution 11 (XXVII), consisted at its second session, following designations by the Chairman of the twenty-eighth session of the Sub-Commission in accordance with the same resolution, of Mr. Caicedo Perdomo (Colombia), Mr. Cristescu (Romania), Mrs. Kinyanjui (Kenya), Mrs. Jotidilok (Thailand) and Mr. Whitaker (United Kingdom). It had held its second session at the Office of the United Nations at Geneva on 9, 10, 11 and 19 August 1976.

122. In introducing the report, <sup>14/</sup> Mr. Whitaker said that the Group noted that not only did slavery continue to exist but new forms of practices analogous to slavery were being discovered or devised and permitted to continue unchecked. The Group suggested that it should, in the future, concern itself with, inter alia, the sale of children for adoption purposes and the elimination of debt bondage, including by land reform. Since the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 covered many institutions and practices other than slavery and the slave trade and since the Sub-Commission and its Working Group were now the principal United Nations bodies responsible for monitoring the enforcement of the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, a new title might with advantage be found for the Working Group which would more accurately reflect its area of work. The coming into force of the International Covenants on Human Rights made it necessary for the Group to consider the need for the continuation of its work. But it was pointed out that so far the Covenants had been ratified by a limited number of States and the Optional Protocol to the International Covenant on Civil and Political Rights by 13 States only. Moreover, the Covenants did not specifically cover some of the subject-matters with which the Working Group was concerned,

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<sup>14/</sup> A fuller account of the introductory statement may be found in the summary record of the 759th meeting (E/CN.4/Sub.2/SR.759).

particularly the traffic in persons and the exploitation of the prostitution of others. It was submitted therefore that the Group should continue its work. Mr. Whitaker paid tribute to the information received from non-governmental organizations and to the excellent classical works on slavery by the late Dr. Mohamed Awad. 15/

123. Mrs. Kinyanjui stressed the need for the Group to continue to work, especially in the light of the information received concerning slavery and slavery-like practices. She specifically referred to the establishment in South Africa of segregated hostels for the working class where husbands and wives were living separately from each other and from their children, thus subjecting family life and ties to virtual destruction.

124. Some speakers did not accept the statement that there existed in four countries in Central America "virtual enslavement of many peasants for agricultural labour" and that Ache Indians were still being sold in Paraguay.

125. Many speakers commended the Group for its work and called for the continuation of its mandate. Objective debate on the subject was required since there was no way of denying categorically the continued existence of slavery and slavery-like practices in many parts of the world. The Sub-Commission was discussing situations, not particular countries or regions.

126. Some members were of the opinion that there was no more need for the Working Group now that the International Covenants on Human Rights had come into force. If it were to stay it should not be required to meet and present its reports annually but could do so every two or three years. This would give the Group enough time to collect sufficient material for its reports.

127. Speakers differed on whether the sale of children for adoption purposes fell within the definitions of slavery and the slave trade in the Conventions of 1926 and 1956 and whether, accordingly, a special study of the question was needed under the terms of reference of the Working Group.

128. Another difference of opinion among some members of the Sub-Commission concerned the recommendation of the Working Group that a special study be undertaken on the problem of the elimination of debt bondage, especially by land reform. Some speakers emphasized that the importance of land reform should in no way be put in doubt by linking it to its effect on debt bondage.

129. Many members stressed the need for wide and effective publicity for and dissemination of any information on existing cases of slavery and the slave trade in all their practices and manifestations.

130. In his concluding remarks, 16/ Mr. Whitaker said that the Working Group was very grateful for the helpful comments made by the members of the Sub-Commission. The Working Group had taken the view that slavery was not a national or regional

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15/ Report on Slavery (United Nations publication, Sales No. 67.XIV.2); and document E/CN.4/Sub.2/322.

16/ For a summary of the co-Chairman's reply to the comments and suggestions made, see the summary record of the 760th meeting (E/CN.4/Sub.2/SR.760).

problem but a human one. He felt that the Working Group could be disbanded when the numerous conventions on slavery had been proved to be effective. Until that time, the efficiency and composition of the Working Group and its ability to tackle the difficult problem of slavery should be improved.

131. On 26 August 1976 a draft resolution (E/CN.4/Sub.2/L.651) was submitted by Mr. Bouhdiba, Mr. Carter, Mr. Cassese, Mr. Ganji, Mr. Jimeta and Mr. Singh. At the 768th meeting the draft resolution was introduced by Mr. Bouhdiba.

132. At the same meeting the representative of the Secretary-General made a statement on the administrative and financial implications of the draft resolution, which was subsequently distributed as document E/CN.4/Sub.2/L.665.

133. The draft resolution, as orally revised and as orally amended, was adopted by 18 votes to none, with 2 abstentions. 17/

134. The text of the resolution, as adopted, appears in chapter XVII as resolution 5 (XXIX).

135. At the 769th meeting of the Sub-Commission, the Chairman, in accordance with paragraph 2 of Sub-Commission resolution 11 (XXVII) and with Council decision 17 (LVI), selected the following five members of the Sub-Commission to constitute the Working Group on Slavery for the next session: Mr. Ganji, Mr. Janković, Mrs. Kinyanjui, Mr. Caicedo Perdomo, Mr. Whitaker. The Chairman selected the following five members of the Sub-Commission to replace if necessary the members of the working group: Mr. Al-Zahawi (alternate for Mr. Ganji), Mr. Cristescu (alternate for Mr. Janković), Mrs. Daddah (alternate for Mrs. Kinyanjui), Mr. Ortiz Martín (alternate for Mr. Caicedo Perdomo), Mr. Nettel (alternate for Mr. Whitaker).

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17/ For details, see the summary record of the 768th meeting (E/CN.4/Sub.2/SR.768).

X. THE HISTORICAL AND CURRENT DEVELOPMENT OF THE RIGHT TO SELF-DETERMINATION ON THE BASIS OF THE CHARTER OF THE UNITED NATIONS AND OTHER INSTRUMENTS ADOPTED BY UNITED NATIONS ORGANS, WITH PARTICULAR REFERENCE TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

136. The Sub-Commission considered agenda item 7 at its 761st, 762nd, 763rd and 769th meetings, on 25, 26 and 31 August 1976.

137. It had before it the draft report (E/CN.4/Sub.2/L.641) submitted by Mr. Aureliu Cristescu, the Special Rapporteur appointed to carry out the study on this question.

138. In introducing his report, <sup>18/</sup> the Special Rapporteur stressed the importance of self-determination as a principle of general international law and as a recognized human right.

139. At the 761st meeting, at the invitation of the Sub-Commission, Mr. Hector Gros Espiell, Special Rapporteur for the study entitled "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination", presented a report on the study (E/CN.4/Sub.2/377 and Add.1-3), the final report on which was to be considered by the Sub-Commission in 1977. At its 763rd meeting the Sub-Commission decided that the Special Rapporteur would update his report before submitting it for final consideration by the Sub-Commission at its thirtieth session. A statement on the administrative and financial implications of that decision was circulated as document E/CN.4/Sub.2/L.656.

140. Speakers expressed their appreciation to Mr. Cristescu for his valuable work. They felt that his report was a considerable contribution to the progressive development of contemporary international law as well as to ensuring the practical implementation of the right to self-determination. They pointed out that the report of Mr. Cristescu and that of Mr. Gros Espiell approached the problem of self-determination from different points of view and complemented each other. At the same time it was emphasized that continued co-ordination between the two special rapporteurs was necessary.

141. It was stressed that a clarification of the legal nature of United Nations resolutions relating to self-determination would be desirable in order to achieve a better implementation of that right. The idea was advanced that the principle of self-determination was gaining recognition as a peremptory norm of general international law and that violation of it entailed the responsibility of States. It was felt that the Special Rapporteur should clarify further his attitude to that question.

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<sup>18/</sup> A fuller account of the Special Rapporteur's statement appears in the summary record of the 761st meeting (E/CN.4/Sub.2/SR.761).



142. It was also said that the interrelationship between the principle of self-determination and other principles of international law, for instance the principle of sovereign equality, was of great importance. Some members felt that, in respect of the principle of the non-use of force, the Special Rapporteur had given inadequate treatment to important United Nations resolutions, which in some cases recognized that the use of force could be legitimate. It was also stressed that the principle of self-determination did not include the right to dismember or impair the territorial integrity of States.

143. Some speakers proposed that the Special Rapporteur should elaborate in his final report upon the interrelationship between self-determination and economic development, as embodied in the establishment of the new international economic order, the permanent sovereignty of States over their natural resources and, in particular, the provisions contained in the Charter of Economic Rights and Duties of States. Furthermore the Special Rapporteur was asked to concentrate on a unified approach to political, economic, social and cultural development.

144. The necessity was stressed of referring to certain historic unilateral declarations and bilateral treaties containing provisions on self-determination.

145. Special attention was paid to self-determination as a human right. It was generally felt that self-determination, being itself a collective right, should contribute to a better protection of individual human rights and should not impair them. It was suggested that gross and massive violations of human rights were a denial of the enjoyment of the right to self-determination. It was also felt that a better definition was needed of the concept of self-determination and, since self-determination was a collective right, of "peoples" and "nations" as being beneficiaries thereof.

146. An opinion was also expressed that, since the right to self-determination had not yet been secured for all peoples and since neo-colonialism attempted to hinder its achievement, the report of the Special Rapporteur should not be purely academic in nature but should include actual data about national liberation struggles.

147. On 27 August 1976, a draft resolution (E/CN.4/Sub.2/L.653) was submitted by Mr. Caicedo Perdomo, Mr. Martínez Báez, Mr. Ortiz Martín, Mr. Nettel, Mr. Whitaker, Mr. Cassese, Mr. Carter and Mr. Pirzada. It was introduced, as orally revised, by Mr. Caicedo Perdomo at the 769th meeting.

148. After debate, the draft resolution, as orally revised, was adopted at the 769th meeting by 12 votes to 3, with 4 abstentions.<sup>19/</sup>

149. The text of the resolution, as adopted, appears in chapter XVII as resolution 6 (XXIX).

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<sup>19/</sup> For details, see the summary record of the 769th meeting (E/CN.4/Sub.2/SR.769).

XI. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS  
OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE  
GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA

150. The Sub-Commission considered agenda item 6 at its 763rd, 764th, 765th and 769th meetings, held on 26, 27 and 31 August 1976.

151. It had before it the report (E/CN.4/Sub.2/371) submitted by Mr. Ahmed Khalifa, Special Rapporteur appointed to make a study of the topic.

152. The Special Rapporteur made an introductory statement 20/ in which he stressed the political importance and complexity of his task.

153. Several speakers expressed their appreciation to the Special Rapporteur for his valuable work. At the same time it was felt by some members that more work had to be done on the report in order to improve and update it.

154. It was pointed out by several speakers that the report provided evidence of continuous assistance, on the part of the United Kingdom, the Federal Republic of Germany, the United States of America, France and other Western countries, to colonial and racist régimes in southern Africa in political, military, economic and other fields. The situation in southern Africa was therefore not a simple accident but the result of an elaborate complex of relations and interests. This was an important reason why, despite many United Nations resolutions and decisions on sanctions, the policy of apartheid had not yet been brought to an end. Special attention was drawn to the supplying of nuclear technology to South Africa, which increased the threat to neighbouring countries and to international peace emanating from South Africa.

155. The opinion was expressed that the report proved that the assistance to the racist régimes in southern Africa had adverse consequences for the enjoyment of human rights. That assistance had not really improved the living conditions of the non-whites in that part of the world. On the contrary, the gap in salaries between white and non-white workers had widened. It was indicated that the contents of the study fully confirmed its title in respect to adverse consequences for the enjoyment of human rights.

156. It was felt by some speakers that the consequence of the assistance given to colonial and racist régimes in southern Africa was the maintenance of the status quo in that part of the world.

157. One speaker pointed out the increasing military and economic co-operation between South Africa and Israel and asked that the Special Rapporteur enlarge upon this question when preparing his final report.

158. It was proposed that, taking into account the situation in southern Africa, a mere analysis of that situation was no longer sufficient and that an entire policy and plan of action should be drawn up in order to bring to an end the assistance to the régimes there that was basic to the system of apartheid.

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20/ An account of the Special Rapporteur's statement appears in the summary record of the 764th meeting (E/CN.4/Sub.2/SR.764).

159. Some other speakers felt that the study could benefit from a more objective approach. It was, for instance, recommended that the Special Rapporteur make more use of official and governmental statements. There was discussion on the question whether assistance in the field of nuclear technology was part of normal commercial activities or had a military purpose.

160. The view was also expressed by some speakers that the situation in southern Africa was very explosive and that important changes were taking place there which were likely to improve the situation faster than any sanctions imposed by the international community.

161. The Special Rapporteur in his concluding remarks 21/ stated that his report was as objective as possible, taking into account the actual situation in southern Africa.

162. On 30 August 1976, a draft resolution (E/CN.4/Sub.2/L.658) was submitted by Mr. Bouhdiba, Mr. van Boven, Mr. Caicedo Perdomo, Mr. Cristescu, Mr. Despotović, Mr. Jimeta, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Ortiz Martín, Mr. Pachachi and Mr. Singh. At the 769th meeting, it was introduced by Mr. Bouhdiba.

163. A statement of the administrative and financial implications of the draft resolution was circulated as document E/CN.4/Sub.2/L.659.

164. At the 769th meeting, the draft resolution was adopted without a vote.22/

165. The text of the resolution, as adopted, appears in chapter XVII as resolution 7 (XXIX).

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21/ A fuller account of the Special Rapporteur's concluding remarks appears in the summary record of the 765th meeting (E/CN.4/Sub.2/SR.765).

22/ For details, see the summary record of the 769th meeting (E/CN.4/Sub.2/SR.769).

XII. THE PROBLEM OF THE APPLICABILITY OF EXISTING INTERNATIONAL PROVISIONS  
FOR THE PROTECTION OF HUMAN RIGHTS TO INDIVIDUALS WHO ARE NOT  
CITIZENS OF THE COUNTRY IN WHICH THEY LIVE

166. The Sub-Commission considered item 4 of its agenda at the 764th meeting, on 27 August 1976. The Sub-Commission had before it the final report on this subject (E/CN.4/Sub.2/369 and Add.1-3) prepared by Baroness Elles, Special Rapporteur, in accordance with Sub-Commission resolution 10 (XXVII) and Sub-Commission decision 5 (XXVIII).

167. The Sub-Commission agreed that, since the subject of the study was complex and required a thorough examination of technical legal problems, for which there was no time available at the twenty-ninth session, the discussion of the report should be postponed to the thirtieth session of the Sub-Commission. A statement of the administrative and financial implications of this decision was circulated as document E/CN.4/Sub.2/L.661.

168. The Sub-Commission heard a brief statement by the Special Rapporteur, in which she presented her report and said that she would take into account any further developments in international law concerning the subject of her study in order to keep her report up to date for appropriate consideration of the Sub-Commission.23/

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23/ A fuller account of the Special Rapporteur's statement appears in the summary record of the 764th meeting (E/CN.4/Sub.2/SR.764).

XIII. 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

169. The Sub-Commission considered item 12 of its agenda at its 765th meeting, on 27 August 1976.

170. The Sub-Commission had before it the draft report (E/CN.4/Sub.2/L.642 and Add.1-3) prepared by Mrs. Erica Irene Daes, Special Rapporteur, in accordance with Sub-Commission resolution 9 (XXVII) and Sub-Commission decision 5 (XXVIII). A written statement by the International Youth and Student Movement for the United Nations was circulated as document E/CN.4/Sub.2/NGO/63.

171. The Special Rapporteur made an introductory statement 24/ in which, after indicating the contents of her draft report, she emphasized that in preparing the study she had been guided essentially by the relevant principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments. She then expressed the intention to present another part of her report to the Sub-Commission at its thirtieth session in 1977 and described the draft outline of her final report, which would be submitted to the Sub-Commission for discussion at its thirty-first session, in 1978. The Sub-Commission so agreed. A statement of the administrative and financial implications of the presentation by the Special Rapporteur of another part of her report to the Sub-Commission at its thirtieth session was circulated as document E/CN.4/Sub.2/L.657.

172. During the debate, the wish was expressed to obtain more clarification on the general aims of the study, especially regarding the scope of the concept of "duties of the individual".

173. The opinion was expressed that the philosophical and ethical aspects of the individual's duties should be examined in the study.

174. Some speakers felt that, besides theoretical aspects, measures that affected the individual's duties in specific situations, such as laws and regulations governing the lives of detained people, should be given more importance.

175. Other members referred to some legal aspects of the study, such as the position of the individual in international law according to the most recent practice and doctrine, and, in particular, the requirements to be met by national liberation movements in order to be considered subjects of international law.

176. Many members expressed their views on different paragraphs of the draft report and offered to the Special Rapporteur some suggestions for the preparation of the final study.

177. The Special Rapporteur stated that in elaborating her final report she would pay great attention to the views and suggestions expressed during the debate.

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24/ A fuller account of the Special Rapporteur's statement appears in the summary record of the 765th meeting (E/CN.4/Sub.2/SR.765).

#### XIV. EXPLOITATION OF LABOUR THROUGH ILLICIT AND CLANDESTINE TRAFFICKING

178. The Sub-Commission considered agenda item 15 at its 769th meeting, on 31 August 1976. It had before it the two reports on "Exploitation of labour through illicit and clandestine trafficking" prepared by Mrs. Halima Embarek Warzazi under Sub-Commission resolutions 6 (XXVI) and 5 (XXVII), as well as the introductory statements of the Special Rapporteur and the draft recommendations which she had prepared with the assistance of a working group of the Sub-Commission (E/CN.4/Sub.2/L.640).

179. Mrs. Warzazi briefly introduced the draft recommendations. 25/

180. Upon the proposal of Mr. Bouhdiba, the Sub-Commission decided by consensus to take note with appreciation of Mrs. Warzazi's reports and of the draft recommendations and to send them to the Commission on Human Rights along with the record of the discussion at the current session of the Sub-Commission. It further decided to draw the attention of the Commission to the report of the United Nations seminar on the human rights of migrant workers, held in Tunis from 12 to 24 November 1975 (ST/TAO/HR/50).

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25/ An account of the Special Rapporteur's statement appears in the summary record of the 769th meeting (E/CN.4/Sub.2/SR.769).

XV. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE THIRTIETH SESSION OF THE SUB-COMMISSION

181. The Sub-Commission considered agenda item 16 at its 769th meeting, on 31 August 1976. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/Sub.2/L.655) containing a draft provisional agenda for the thirtieth session of the Sub-Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Sub-Commission. A written statement by the International League for Human Rights and two written statements by the International Youth and Student Movement for the United Nations were circulated as documents E/CN.4/Sub.2/NGO/59, E/CN.4/Sub.2/NGO/61 and E/CN.4/Sub.2/NGO/62, respectively.

182. The opinion was expressed in the Sub-Commission that it was important that documents be submitted on time in order to ensure better working conditions for the members.

183. One speaker expressed the necessity for studies on administrative detention and on the protection of the human rights of mental patients.

184. The Sub-Commission approved the draft provisional agenda for its thirtieth session contained in document E/CN.4/Sub.2/L.655 and Corr.1, subject to the deletion of items 7 and 14 and to the inclusion of an additional item, "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".

185. The draft provisional agenda, as approved by the Sub-Commission, reads as follows: 26/

1. Election of officers
2. Adoption of the agenda
3. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO.

Legislative authority: Sub-Commission resolution 5 (XIV).

4. The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters

Report of the Working Group set up by the Sub-Commission at its twenty-ninth session (760th meeting).\*

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26/ An asterisk indicates that the document or report is likely to exceed the 32 pages referred to in Economic and Social Council resolution 1894 (LVII).

5. 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

Final report by the Special Rapporteur, Mr. Ahmed Khalifa.\*

Legislative authority: Economic and Social Council resolution 1864 (LVI), Commission resolution 3 (XXIX) and Sub-Commission resolution 2 (XXVII).

6. The problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live

Final report by the Special Rapporteur, Baroness Elles.\*

Legislative authority: Economic and Social Council resolutions 1790 (LIV) and 1871 (LVI) and Sub-Commission resolution 10 (XXVII).

7. Study of the rights of persons belonging to ethnic, religious and linguistic minorities

Final report by the Special Rapporteur, Mr. Francesco Capotorti.\*

Legislative authority: Economic and Social Council resolution 1418 (XLVI) and Sub-Commission resolution 6 (XXIV).

8. The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms

Final report by the Special Rapporteur, Mr. Aureliu Cristescu.\*

Legislative authority: Economic and Social Council resolution 1865 (LVI) and Sub-Commission resolution 3 (XXVII).

9. Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination

Final report by the Special Rapporteur, Mr. Hector Gros Espiell.\*

Legislative authority: Economic and Social Council resolution 1866 (LVI) and Sub-Commission resolution 4 (XXVII).

10. Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

No document may be needed for this item.

Legislative authority: Economic and Social Council resolution 1235 (XLII) and Commission resolution 8 (XXIII).



11. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)  
  
Confidential report of the Working Group and supporting papers.\*  
  
Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).
12. The question of the human rights of persons subjected to any form of detention or imprisonment  
  
A report by the Secretary-General.\*  
  
Legislative authority: Sub-Commission decision 1 (i) taken at its 686th meeting on 19 September 1973 and approved by Commission decision 6 (i) taken at its 1286th meeting on 6 March 1974, and Sub-Commission resolution 7 (XXVII).
13. 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  
  
Progress report by the Special Rapporteur, Mrs. Erica Irene Daes.\*  
  
Legislative authority: Sub-Commission decision 1 (ii) taken at its 686th meeting on 19 September 1973 and approved by Commission decision 6 (ii), taken at its 1286th meeting on 6 March 1974, and Sub-Commission resolution 9 (XXVII).
14. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-first session of the Sub-Commission  
  
A note by the Secretary-General  
  
Legislative authority: Sub-Commission resolution F adopted at its tenth session and Economic and Social Council resolution 1894 (LVII).
15. Report on the thirtieth session\*

XVI. ADOPTION OF THE REPORT

186. The Sub-Commission considered the draft report on its twenty-ninth session at its 770th and 771st meetings, on 1 September 1976, and unanimously adopted the report as amended.

XVII. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION  
AT ITS TWENTY-NINTH SESSION

A. Resolutions

1 (XXIX). Communications concerning human rights<sup>27/</sup>

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

Taking into account the entry into of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Bearing in mind Economic and Social Council resolution 1988 (IX), as well as the forthcoming establishment of the Human Rights Committee in accordance with article 28 of the International Covenant on Civil and Political Rights,

Noting that, as envisaged by Economic and Social Council resolutions 1503 (XLVIII) and 1235 (XLIII), the procedure for consideration of communications regarding alleged violations of human rights and fundamental freedoms is subject to review if any new organ entitled to deal with such communications should be established within the United Nations or by international agreement,

Bearing in mind constant and systematic violations of the rule of confidentiality provided for in paragraph 8 of Economic and Social Council resolution 1503 (XLVIII) and reiterated in Economic and Social Council resolution 1919 (LVIII), which is one of the basic requirements of the procedure under Economic and Social Council resolution 1503 (XLVIII),

Requests the Commission on Human Rights, with a view to improving the effectiveness of the United Nations efforts and machinery for the safeguard of human rights, to recommend to the Economic and Social Council to review the procedure for dealing with communications relating to violations of human rights and fundamental freedoms established by its resolution 1503 (XLVIII) as provided for in paragraph 10 of that resolution.

2 (XXIX). Question of the violation of human rights and  
fundamental freedoms

A<sup>28/</sup>

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

Recalling the statement of the United Nations High Commissioner for Refugees of 20 August 1976 concerning the massacre of unarmed and defenceless refugees by troops of the illegal régime of Southern Rhodesia which took place at Nyazonia camp in Mozambique on 8 August 1976,

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<sup>27/</sup> Adopted at the 767th meeting, on 30 August 1976. See chap. III, para. 38.

<sup>28/</sup> Adopted at the 767th meeting, on 30 August 1976. See chap. V, para. 66.

1. Expresses the gravest concern at the killings, which constitute gross and flagrant violations of human rights;

2. Requests that the fullest investigation of this massacre should be set up as quickly as possible, under the aegis of the United Nations, and that the report thereon should be published.

B<sup>29/</sup>

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

Recalling Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII),

Taking into account alarming reports on the human rights situation in the Republic of Uganda,

Recommends to the Commission on Human Rights that it make a thorough study of the human rights situation in Uganda, based on objective and reliably attested information, and seek the co-operation of the Government of Uganda for this purpose.

C<sup>30/</sup>

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

Deeply concerned at reports from which it appears that basic human rights and fundamental freedoms are at present in jeopardy in Argentina,

Alarmed that the situation disclosed by such reports appears to reveal in particular that in Argentina the life, liberty and security of fugitives from other countries in the region are threatened by groups over which the Government seems to have no control,

Reaffirming the importance of article 3 of the Universal Declaration of Human Rights, which states that "everyone has the right to life, liberty and security of person",

Recalling with respect the leading role traditionally played by Latin American countries in the progressive development at the national and international level of the highest standards for the protection of human rights and fundamental freedoms, in particular the role played by Latin American countries in the development of the notion and practice of the right of asylum,

1. Expresses the hope that international standards on human rights will be respected for the benefit of all now deprived of their human rights and fundamental freedoms;

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29/ Adopted at the 767th meeting, on 30 August 1976. See chap. V, para. 69.

30/ Adopted at the 767th meeting, on 30 August 1976. See chap. V, para. 72.

2. Appeals to Governments to offer resettlement, in conformity with the call made on 22 June 1976 by the United Nations High Commissioner for Refugees, to persons who now have refuge in Argentina;

3. Asks the Secretary-General to request the United Nations High Commissioner for Refugees to make his report to the General Assembly available to the Commission on Human Rights in advance of its next session, with any additional information he may have on developments relating to the matters referred to in the present resolution.

D-31/

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

Guided by the principles and purposes of the Charter of the United Nations,

Mindful of the Universal Declaration of Human Rights and the relevant international instruments, in particular the provisions of the Geneva Conventions of 12 August 1949,

Recalling Security Council resolutions 377 (1975) of 22 October 1975, 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975 on the situation concerning Western Sahara,

Gravely concerned by the continuation of the human suffering of refugees of Western Sahara,

Expressing the hope that the consultations now under way will help alleviate this human suffering,

1. Calls upon all parties interested and concerned to adhere to the principles of the Charter of the United Nations, international instruments in the field of human rights, and the relevant resolutions of the General Assembly and the Security Council, and to work towards the full restoration of human rights to the population of the Territory of Western Sahara;

2. Requests the parties concerned to use all means to ensure to the refugee population of Western Sahara the effective enjoyment of human rights;

3. Expresses its support to the Secretary-General for continuing to lend his good offices to the parties interested and concerned and providing United Nations humanitarian assistance to the population of the Territory;

4. Requests the Secretary-General to bring the present resolution to the attention of all parties interested and concerned, specialized agencies and regional intergovernmental organizations, and to provide information relevant to the implementation of the present resolution.

3 (XXIX). Question of the human rights of persons subjected to any form of detention or imprisonment

A32/

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

Recalling its resolutions 7 (XXVII) and 4 (XXVIII) relating to the annual review of developments in the field of the human rights of persons subjected to any form of detention or imprisonment, which were welcomed by the General Assembly,

Noting with appreciation the unanimous adoption by the General Assembly of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in resolution 3452 (XXX),

Noting also resolution 10 A (XXXII) of the Commission on Human Rights wherein the Commission invited the Sub-Commission, in considering the question of the human rights of persons subjected to any form of detention or imprisonment, to draw also upon the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a guideline for its work, and recommended the Sub-Commission to examine the relevant information in the light of the principles contained in that Declaration,

Deeming it necessary that, in accordance with General Assembly resolution 3453 (XXX), effective steps be taken for ensuring the observance of the Declaration,

Recalling that the International Covenant on Civil and Political Rights, which entered into force on 23 March 1976, contains in its articles 4, 7, 9, 10 and 14 important provisions for the guarantee of the human rights of persons subjected to any form of detention or imprisonment,

Noting with concern from the information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations that, while legal provisions forbidding torture and other cruel, inhuman or degrading treatment or punishment are generally in force, effective implementation according to article 4 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment still requires continuous study and effort,

Stressing the need for continuous and up-to-date information from all those sources in order to carry out its annual review of developments in the field of the human rights of persons subjected to any form of detention or imprisonment pursuant to its resolutions 7 (XXVII) and 4 (XXVIII),

Noting further that many of the communications received under Economic and Social Council resolution 728 F (XXVIII) relate to the human rights of persons subjected to some form of detention or imprisonment,

1. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days prior to each session of the Sub-Commission, beginning with the thirtieth session of the Sub-Commission, to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field;

2. Considers that the question of the human rights of persons subjected to any form of detention or imprisonment in situations of public emergency or the state of siege should be further examined in the light of article 4 of the International Covenant on Civil and Political Rights and article 3 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Emphasizes the necessity of judicial and administrative supervision over arrest, interrogation and detention practices of secret police and other police and military authorities and decides that this question, and in particular the statutory and other rules which govern the authority of the secret police, also deserves further and full attention on the basis of the aforementioned provisions of the International Covenant on Civil and Political Rights and articles 5 and 6 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

4. Requests the Secretary-General to invite, in view of the next annual review in this field at its thirtieth session, Governments, specialized agencies, regional intergovernmental organizations, INTERPOL and non-governmental organizations in consultative status with the Economic and Social Council concerned to provide any reliably attested information, in particular relating to the problems mentioned in paragraphs 2 and 3 above, and further requests the Secretary-General to submit in good time before its next session (or that of its working group if established in pursuance of paragraph 1 above) the information received from Governments, specialized agencies, regional intergovernmental organizations and INTERPOL, together with a synopsis of the material received from non-governmental organizations.

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

Recalling that, in its resolutions 8 (XXVII) and 2 (XXVIII), having expressed its utmost concern about numerous and serious reports of continuing flagrant and mass violations of human rights and fundamental freedoms in Chile, including arbitrary arrests, torture and cruel and inhuman treatment of prisoners and those arrested and kept in prisons and concentration camps without any charge, it urged the Chilean authorities to take without delay all necessary steps to restore and safeguard the basic human rights and fundamental freedoms, to stop torture and cruel, inhuman and degrading treatment and persecution for political reasons and to free all persons detained without a charge being brought against them or arrested for political reasons,

Recalling also that, in its resolution 3448 (XXX), the General Assembly called upon the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile was a party,

Taking into account that in its resolution 3 (XXXII) the Commission on Human Rights called upon the Chilean authorities to take specific measures to restore and safeguard basic human rights and fundamental freedoms and in particular to end the institutionalized practice of torture and other forms of cruel, inhuman and degrading treatment or punishment and to free those who had been detained without charge or were in prison solely for political reasons,

Bearing in mind that United Nations specialized agencies, intergovernmental conferences and organizations have also urged the Chilean authorities to stop violations of human rights and fundamental freedoms,

Mindful that the reports 34/ of the Ad Hoc Working Group of the Commission on Human Rights, prepared in a highly commendable manner, are further evidence that constant and flagrant violations of human rights continue to take place in Chile,

Deploring the refusal of the Chilean authorities to allow the Ad Hoc Working Group of the Commission on Human Rights to visit the country,

1. Expresses once again its profound distress at the constant, flagrant violations of human rights in Chile, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrests, subsequent disappearances, detention and exile;

2. Urges once again the Chilean authorities to take, without delay, all necessary measures to restore and safeguard human rights in full compliance with the International Covenant on Civil and Political Rights, to which Chile is a party, to stop torture and cruel, inhuman or degrading treatment, arbitrary arrests, subsequent disappearances, and persecution for political reasons, and to free all persons still detained without a charge brought against them or arrested for political reasons;

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33/ Adopted at the 768th meeting, on 31 August 1976. See chap. VI para.96.

34/ A/10285 and E/CN.4/1188.



3. Requests the Commission on Human Rights at its thirty-third session, taking into account the report of its Ad Hoc Working Group, to take further steps to put an end to the flagrant and mass violations of human rights in Chile;

4. Deems it also important for the Commission on Human Rights to pay special attention to the serious abuses committed by the State security agencies of Chile, particularly by the DINA, often in collaboration with similar agencies of other countries;

5. Invites the Commission on Human Rights to recommend appropriate measures regarding legal and humanitarian aid that may be made available to political prisoners and other persecuted persons in Chile, as well as measures to render financial support and other relief to alleviate the sufferings of their dependants;

6. Further invites the Commission on Human Rights to consider the adverse consequences for the enjoyment of human rights of the various forms of aid and assistance being given to the Chilean régime;

7. Requests the Secretary-General to invite international organizations, including in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the International Bank for Reconstruction and Development, the Organization of American States and the Inter-Parliamentary Union, to inform the Commission on Human Rights regarding their recent activities that relate to human rights in Chile, so that the Commission may take such information into account when dealing with this question at its thirty-third session.

4 (XXIX). Updating of the special study of racial discrimination in the political, economic, social and cultural spheres 35/

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

Recalling the appropriate provisions of the Charter of the United Nations, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and other relevant international instruments prohibiting all forms of racial discrimination,

Recalling the decision of the Economic and Social Council of 18 May 1973, by which it decided to request Mr. Hernán Santa Cruz, Special Rapporteur for the study on racial discrimination, 36/ to update that study with special emphasis on discrimination based on colour, taking into account the opinions and views expressed in the Sub-Commission at its twenty-fifth session, in the Commission on Human Rights at its twenty-ninth session, and in the Council at its fifty-fourth session, so that the updated study might be considered by the Sub-Commission,

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35/ Adopted at the 768th meeting, on 31 August 1976. See chap. VII, para.112.

36/ Special Study on Racial Discrimination in the Political, Economic, Social and Cultural Spheres (United Nations publication, Sales No. E.71.XIV.2).

Having examined the updated study prepared by the Special Rapporteur (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1),

1. Expresses its appreciation to the Special Rapporteur for his valuable work in updating the special study of racial discrimination in the political, economic, social and cultural spheres;
2. Approves the recommendations contained in the updated study and brings them to the attention of the Commission on Human Rights and of the Economic and Social Council;
3. Requests the Secretary-General, without prejudice to the transmission of the study to the Commission on Human Rights, to consider the possibility of printing and publishing that report as soon as possible, giving it the widest possible dissemination, and of preparing, in co-operation with the Special Rapporteur, a condensed edition of the study containing, among other relevant elements, an account of the historical background, of the meaning and causes of racial discrimination and of the recommendations and conclusions of the study;
4. Requests the Special Rapporteur to take into account when preparing the study for printing and publication the observations made during the discussion on the updated study at the twenty-ninth session of the Sub-Commission;
5. Calls upon States to ratify or accede to, as soon as possible, the International Covenants on Human Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments prohibiting all forms of racial discrimination.

5 (XXIX). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 37/

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

Recalling the goals of the Convention on Slavery of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Noting paragraph 2 of resolution 13 (XXIII) of the Commission on Human Rights of 21 March 1967, requesting the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism, and to report its recommendations to the Commission,

Noting further paragraph 12 of Economic and Social Council resolution 1695 (LII) of 2 June 1972, wherein the Council directed the Sub-Commission to examine the possibility of the establishment of some form of permanent machinery to give advice on the elimination of slavery and on the suppression of the traffic in persons and the exploitation of the prostitution of others, and to make recommendations with a view to seeking better implementation of the United Nations instruments concerned,

Noting further that the Economic and Social Council, by decision 17 (LVI) of 17 May 1974, authorized the Sub-Commission to appoint a working group of five of its members to meet for not more than three working days prior to each session,

Noting with appreciation the report of the Working Group on its second session (E/CN.4/Sub.2/373),

1. Expresses its thanks to the Working Group for its continuing work and brings its report (E/CN.4/Sub.2/373) to the attention of the Commission on Human Rights;
2. Requests the Working Group to continue its study of the problems of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, as well as such manifestations as the sale of children, debt bondage, the traffic in persons and the exploitation of the prostitution of others;
3. Requests the Secretary-General to call upon States parties to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to comply with the reporting procedures envisaged in article 21 of that Convention and also to call upon States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 to report annually to the Secretary-General on the legal, administrative and practical situation within their countries in relation to the abolition of the institutions and practices covered by the Supplementary Convention;
4. Requests the Secretary-General to revive the procedures for the publication of reports received under article 21 of the 1949 Convention;
5. Calls upon States not parties to the two above-named Conventions to ratify or accede to them;
6. Requests the close assistance of other United Nations agencies, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization, as well as other bodies, such as INTERPOL and all relevant non-governmental organizations in consultative status, in compiling information and furthering the Group's work, and requests that world-wide publicity be given to the Group's terms of reference;
7. Requests the Secretary-General to appoint a permanent staff member specializing in slavery and slavery-like practices who should be added to the manning table of the Division of Human Rights to assist the Group in its work;
8. Requests that wide publicity be given to existing slavery-like practices, including in particular those of South Africa and Southern Rhodesia, as set out in the Working Group's report;
9. Decides to consider this item biennially.

- 6 (XXIX). The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms 38/

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

Taking into account the discussion in the Sub-Commission on the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms,

Considering that in the implementation of resolutions and Declarations adopted by the main organs of the United Nations, particularly the General Assembly, in the sphere of human rights, doubts and difficulties which may restrict United Nations action in this sphere often arise concerning their legal nature,

Desirous of strengthening the legal bases of human rights in order to make respect for them increasingly effective at the national and international levels,

Considering that, to be able to make progress and maintain the pace of international standard-setting and codification in this matter, it is important to define the legal nature, impact and scope of Declarations and resolutions of the main organs of the United Nations, particularly the General Assembly, in the field of human rights,

Bearing in mind that under Article 96, paragraph 2, of the Charter of the United Nations, an organ so authorized by the General Assembly may request advisory opinions of the International Court of Justice, the supreme judicial organ of the United Nations, on legal questions arising within the scope of their activities,

Recommends that the Commission on Human Rights, in accordance with the provisions of General Assembly resolution 89 (I), should propose to the Economic and Social Council that it request an advisory opinion of the International Court of Justice on the following legal question: "What is the legal nature, scope and impact of Declarations and resolutions of the main organs of the United Nations, in particular the General Assembly, in the field of human rights?"

- 7 (XXIX). 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 39/

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

Recalling General Assembly resolution 3382 (XXX), by which the Assembly stated that it keenly awaited the conclusion of the study entitled "The adverse consequences

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38/ Adopted at the 769th meeting, on 31 August 1976. See chap. X para.148.

39/ Adopted at the 769th meeting, on 31 August 1976. See chap. XI para.164.

for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa".

Recalling also General Assembly resolution 3383 (XXX), by which the Assembly requested the Secretary-General to give the Special Rapporteur, Mr. Ahmed M. Khalifa, every possible assistance he might need for the completion of his report, which was to be submitted to the Sub-Commission at its twenty-ninth session, and decided to consider this item at its thirty-first session as a matter of high priority, and, in this regard, requested the Secretary-General to submit the final report of the Special Rapporteur, along with the recommendations of the Sub-Commission, to the General Assembly at that session.

Noting, however, that due mainly to lack of time the Special Rapporteur was unable to complete the study,

Taking into consideration the progress already achieved by the Special Rapporteur and the urgent necessity of finalizing his report,

Having examined the study prepared by the Special Rapporteur (E/CN.4/Sub.2/371),

1. Expresses its appreciation to the Special Rapporteur for his valuable work;
2. Requests the Secretary-General to submit the report of Mr. Ahmed M. Khalifa, Special Rapporteur (E/CN.4/Sub.2/371), to the General Assembly at its thirty-first session to be considered as a matter of high priority;
3. Requests the Secretary-General to give the Special Rapporteur every possible assistance for the completion of his report so that it may be submitted in its final version to the Sub-Commission at its thirtieth session and considered, along with the recommendations of the Sub-Commission, by the General Assembly at its thirty-second session as a matter of high priority;
4. Requests the Special Rapporteur to take into account when finalizing his report the comments made on the study during the discussion at the twenty-ninth session of the Sub-Commission.

#### B. Decisions

1. The Sub-Commission adopted the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, on the understanding that the item would be taken up again by the Commission on Human Rights at its thirty-third session. 40/
2. The Sub-Commission decided to appoint Mr. Erik Nettel as Rapporteur to formulate, in co-operation with the Secretariat, the first draft of a body of principles for the protection of all persons under any form of detention or imprisonment, for consideration at the thirtieth session of the Sub-Commission. 41/

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40/ Adopted at the 747th meeting, on 16 August 1976. See chap. IV, paras.52 and 53.

41/ Adopted at the 755th meeting, on 20 August 1976. See chap. VI, para.89.

3. The Sub-Commission decided by consensus to recommend that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of three members of the Sub-Commission to meet for a period of four working days prior to its thirtieth session and, with the assistance of the Secretariat, to examine the action to be undertaken by the Sub-Commission in the context of Commission resolution 9 (XXXII), relating to the Programme for the Decade for Action to Combat Racism and Racial Discrimination. 42/
4. The Sub-Commission decided that Mr. Gros Espiell, the Special Rapporteur for the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, should update the report that he had presented to the Sub-Commission at its twenty-ninth session before submitting it for final consideration by the Sub-Commission at its thirtieth session, in accordance with the five-year programme of work adopted by the Sub-Commission at its twenty-eighth session. 43/
5. The Sub-Commission agreed that, since the subject of the study of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur, Baroness Elles, was complex and required a thorough examination of technical legal problems, for which there was no time available at the twenty-ninth session, the discussion of the report should be postponed to the thirtieth session of the Sub-Commission. 44/
6. The Sub-Commission agreed that its Special Rapporteur for the study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration on Human Rights, Mrs. Erica Irene Daes, should present a further part of her report to the Sub-Commission at its thirtieth session. 45/
7. The Sub-Commission decided by consensus to take note with appreciation of the reports submitted by its Special Rapporteur for the study on the exploitation of labour through illicit and clandestine trafficking, Mrs. Halima Embarek Warzazi, and of the draft recommendations and to send them to the Commission on Human Rights together with the record of the discussion of the question at the twenty-ninth session of the Sub-Commission. It further decided to draw the attention of the Commission to the report of the United Nations seminar on the human rights of migrant workers, held in Tunis from 12 to 24 November 1975 (ST/TAO/HR/50). 46/
8. The Sub-Commission approved the draft provisional agenda for its thirtieth session. 47/

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42/ Adopted at the 760th meeting, on 25 August 1976. See chap. VIII, para.118.  
43/ Adopted at the 763rd meeting, on 26 August 1976. See chap. X, para.139.  
44/ Adopted at the 764th meeting, on 27 August 1976. See chap. XII, para.167.  
45/ Adopted at the 765th meeting, on 27 August 1976. See chap. XIII, para.171.  
46/ Adopted at the 769th meeting, on 31 August 1976. See chap. XIV, para.180.  
47/ Adopted at the 769th meeting, on 31 August 1976. See chap. XV, paras.184-185.

Annex I

ATTENDANCE

Members and Alternates

Mr. Wisam Al-Zahawi, <sup>a/</sup>	Mr. Talal Nadim Pachachi*	(Iraq)
Mr. Bali Ram Bhagat, <sup>a/</sup>	Mr. Kewal Singh*	(India)
Mr. Abdelwahab Bouhdiba		(Tunisia)
Mr. Th. C. van Boven, Mr. Franz Weisglas*		(Netherlands)
Mr. José Joaquín Caicedo Perdomo, Mrs. Angela Herran*		(Colombia)
Mr. Francesco Capotorti, <sup>a/</sup>	Mr. Antonio Cassese*	(Italy)
Mr. Beverly Carter, Jr., Mr. John Carey*		(United States of America)
Mr. Aureliu Cristescu		(Romania)
Mrs. Turkia Ould Daddah <sup>a/</sup>		(Mauritania)
Mr. I.D.J. Durlong, <sup>a/</sup>	Mr. Ibrahim Sulaiman Jimeta*	(Nigeria)
Mr. Manouchehr Ganji, Miss Chirin Tahmasseb*		(Iran)
Mr. Branimir M. Janković, Mr. Milutin Despotović*		(Yugoslavia)
Mrs. Renu Jotidilok, Mrs. Chandra Rabibhana*		(Thailand)
Mr. Ahmed M. Khalifa, Mrs. Leila Emara*		(Egypt)
Mrs. Kezia Njeri Egeria Kinyanjui		(Kenya)
Mr. Antonio Martínez Báez		(Mexico)
Mr. José R. Martínez Cobo, Mr. Eduardo Tovar*		(Ecuador)
Mr. Ernesto Navarro Richardson, <sup>a/</sup>	Mr. Gastón Cajina*	(Nicaragua)
Mr. Erik Nettel, Mr. Heinrich Querner*		(Austria)
Mr. Gonzalo Ortiz Martín		(Costa Rica)
Mr. Syed Sharifuddin Pirzada, Mr. Kalid Saleem*		(Pakistan)
Mrs. Nicole Questiaux		(France)
Mr. E.K. Sekyiamah, Mr. John Ochere Eshun*		(Ghana)
Mr. Freddie A. Short <sup>a/</sup>		(Sierra Leone)
Mr. Sergey N. Smirnov, Mr. Lionel Dadiani*		(Union of Soviet Socialist Republics)
Mr. Benjamin Charles George Whitaker		(United Kingdom of Great Britain and Northern Ireland)

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\* Alternate.

<sup>a/</sup> Did not attend the session.

Rapporteurs not members of the Sub-Commission

Mrs. Erica Irene Daes  
Baroness Elles  
Mr. Héctor Gros Espiell  
Mr. Hernán Santa Cruz  
Mrs. Halima Embarek Warzazi

States Members of the United Nations represented by observers

Argentina, Australia, Belgium, Bulgaria, Chile, Colombia, Cyprus, Greece, Israel, Morocco, Poland, Portugal, Turkey, United States of America.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization.

Regional intergovernmental organizations

League of Arab States, Organization of African Unity.

National liberation movements

Palestine Liberation Organization.

Non-governmental organizations in consultative status

Category I

International Youth and Student Movement for the United Nations, World Federation of United Nations Associations.

Category II

All-India Women's Conference, Amnesty International, Anti-Slavery Society, Bahá'i International Community, Caritas Internationalis (International Confederation of Catholic Charities), Consultative Council of Jewish Organizations, Co-ordinating Board of Jewish Organizations, Friends World Committee for Consultation, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation for Human Rights, International Federation of Social Workers, International Federation of University Women, International Federation of Women Lawyers, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Union for Child Welfare, Pan-Pacific and South-East Asia Women's Association, Women's International League for Peace and Freedom, World Conference on Religion and Peace, World Jewish Congress, World Young Women's Christian Association.

Roster

International Humanistic and Ethical Union, Minority Rights Group, World Peace Council.



Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS  
 ADOPTED BY THE SUB-COMMISSION AT ITS TWENTY-NINTH SESSION

1. In the course of its twenty-ninth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted four resolutions and four decisions having financial implications. Prior to the adoption of these resolutions and decisions, statements of their administrative and financial implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned decisions and resolutions of the Sub-Commission require the Secretary-General to enter into commitments in the current biennium and in the medium-term period 1978-1981, additional credits, as appropriate, would be required.

Resolution 3 A (XXIX). Question of the human rights of persons subjected to any form of detention or imprisonment

3. Under the terms of paragraph 1 of resolution 3 A (XXIX) it is recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to appoint a group of five of its members to meet for not more than five working days, prior to each session of the Sub-Commission, beginning with the thirtieth session of the Sub-Commission, to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field.

4. The financial implications of the resolution are the following:

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
	US\$	US\$	US\$	US\$	US\$
Subsistence of five members of the Sub-Commission during five days prior to each session of the Sub-Commission (\$66 per person per day) .....	1,650	1,650	1,650	1,650	1,650
Conference servicing costs (8 interpreters for interpretation into English, French and Spanish; one sound operator; one meeting room attendant) .....	6,030	6,030	6,030	6,030	6,030

Resolution 4 (XXIX). Updating of the special study of racial discrimination in the political, economic, social and cultural spheres

5. Under the terms of paragraph 3 of resolution 4 (XXIX), the Secretary-General is requested to consider the possibility of printing and publishing the study prepared by the Special Rapporteur (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1) and of preparing a condensed edition of the study containing, among other relevant parts, an account of the historical background, of the meaning and causes of racial discrimination and of the recommendations and conclusions of the study.

6. On the basis of the foregoing, the financial implications of the resolution are the following:

	<u>1977</u> US\$
Editing and preparation of updated version for printing .....	11,600
Printing of the updated version of the study in English, French, Russian and Spanish .....	43,200

7. As regards the preparation, printing and distribution of a condensed edition of the study called for in the resolution, the estimates for a brochure of 40 pages and for a brochure of 64 pages are as follows:

	<u>1977</u> US\$
A brochure of 40 pages in English (10,000 copies), French (5,000 copies) and Spanish (5,000 copies) .....	6,000
[ or	
A brochure of 64 pages in English (10,000 copies), French (5,000 copies) and Spanish (5,000 copies) .....	8,400 ]
Contractual editing .....	3,000

Resolution 5 (XXIX). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

8. Under the terms of paragraph 7 of resolution 5 (XXIX), the Secretary-General is requested to appoint a permanent staff member specializing in slavery and slavery-like practices who should be added to the Manning Table of the Division of Human Rights to assist the Working Group of five members appointed by the Sub-Commission in pursuance of Economic and Social Council decision 17 (LVI).

9. On the basis of the foregoing, the financial implications of the resolution are the following:

	<u>1977</u> US\$	<u>1978</u> US\$	<u>1979</u> US\$	<u>1980</u> US\$	<u>1981</u> US\$
One substantive officer at P.4 level; salary and common staff costs, plus 5 per cent annual inflation factor .....	42,000	44,100	46,300	48,600	51,000

Resolution 7 (XXIX). 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

10. In paragraph 3 of resolution 7 (XXIX), the Secretary-General is requested to give every possible assistance to the Special Rapporteur for the completion of his report so that it may be submitted in its final version to the Sub-Commission at its thirtieth session and considered, along with the recommendations of the Sub-Commission, by the General Assembly at its thirty-second session as a matter of high priority.

11. The Special Rapporteur anticipates that for this purpose he will require to undertake a two-week mission in 1977 to Eastern and Central Africa, accompanied by a substantive officer of the Division. He would further require to spend two weeks in Geneva in 1977 for consultations with the Division of Human Rights.

12. On the basis of the foregoing, the financial implications of the resolution are the following:

	<u>1977</u> US\$
Travel (first class) and subsistence of Special Rapporteur on two-week study tour in 1977 (Cairo/Nairobi/Dar es Salaam/Maputo/Lusaka/Kinshasa/Brazzaville/Cairo).....	3,450
Travel (economy) and subsistence of one substantive officer to accompany Special Rapporteur on two-week study tour in 1977 (Geneva/Nairobi/Dar es Salaam/Maputo/Lusaka/Kinshasa/Brazzaville/Geneva).....	3,150
Travel (first class) and subsistence of Special Rapporteur to consult with the Division of Human Rights (Cairo/Geneva/Cairo: total two weeks).....	2,400

Decision 3 a/

13. The Sub-Commission decided to recommend that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of three members of the Sub-Commission to meet for a period of four working days prior to its thirtieth session and, with the assistance of the Secretariat, to examine the action to be undertaken by the Sub-Commission within the context of Commission resolution 9 (XXXII) relating to the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The financial implications of this decision are as follows:

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a/ See chap. XVII, sect. B.

1977  
 US\$

Subsistence of three members of the Sub-Commission during four days prior to the thirtieth session of the Sub-Commission (\$66 per person per day) ..... 792

Conference servicing costs (8 interpreters for interpretation into English, French and Spanish; one sound operator; one meeting room attendant)..... 4,850

Decision 4 L/

14. The Sub-Commission decided that Mr. Gros Espiell, the Special Rapporteur for the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, would update the report that he had presented to the Sub-Commission at its twenty-ninth session before submitting it for final consideration by the Sub-Commission at its thirtieth session, in accordance with the five-year programme of work adopted by the Sub-Commission at its twenty-eighth session. As a result, the Special Rapporteur would make a further visit in 1977 to Geneva for a period of three weeks, after spending one week at United Nations Headquarters in New York en route. It is considered necessary for the discussions scheduled for the thirtieth session of the Sub-Commission that the Special Rapporteur should take into account developments which have occurred in 1976 and 1977, particularly in connexion with actions, discussions and resolutions of the General Assembly at its thirty-first session. It is anticipated that some 50 pages will result from this decision.

15. The following are the relevant financial implications of this decision:

	<u>1977</u> US\$	<u>1978</u> US\$
I. Travel (first class) and subsistence of Special Rapporteur to consult with the Division of Human Rights and Headquarters, New York, on material for updating of the study (Mexico City/New York/Geneva/Mexico City: total, four weeks,.....	3,313	
II. Contractual translation and typing of approximately 50 pages in English, French, Russian and Spanish and reproduction in mimeographed form.....	9,350	
III. Travel (first class) and subsistence of Special Rapporteur to present study to Sub-Commission at its thirtieth session (Mexico City/Geneva/Mexico City: total, two weeks) .....	2,434	
IV. Travel (first class) and subsistence of Special Rapporteur to present final study to Commission on Human Rights at its thirty-fourth session (Mexico City/Geneva/Mexico City: total, two weeks) .....		2,434

Decision 5 c/

16. Under the terms of the five-year programme approved by the Sub-Commission at its last session, the Special Rapporteur, Baroness Elles, was to present her final report to the Sub-Commission at its present session. The decision of the Sub-Commission to postpone consideration of an updated version of the final report until its next session will have the following financial implications:

	<u>1977</u> US\$	<u>1978</u> US\$
Travel (first class) and subsistence of Special Rapporteur to consult with the Division of Human Rights and conduct research for purposes of updating the study (London/Geneva/London: total time 5 days) .....	615	
Travel (first class) and subsistence to present report to the Sub-Commission (London/Geneva/London: total time 5 days) .....	615	
Travel (first class) and subsistence to present final report to the Commission on Human Rights at its thirty-fourth session (London/Geneva/London: total time 5 days) .....		615
Contractual translation and typing of approximately 50 pages in English, French, Russian and Spanish and reproduction in mimeographed form .....	9,350	
	10,580	615

Decision 6 d/

17. Under the terms of the five-year programme of work adopted by the Sub-Commission at its twenty-eighth session, the Special Rapporteur, Mrs. Erica Irene Daes, is to submit her report to the Sub-Commission in 1977 for discussion in 1978. The Sub-Commission has decided that the Special Rapporteur should present a further part of her report to the Sub-Commission at its thirtieth session in 1977. Previous financial implications have provided for contractual translation and typing of a report of approximately 100 pages in English, French, Russian and Spanish and its reproduction in mimeographed form, but it is now expected that the report will extend to approximately 150 pages. The additional financial implications, in the light of the above decisions, are as follows:

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- c/ Ibid.
  - d/ Ibid.

	<u>1977</u> US\$	<u>1978</u> US\$	<u>1979</u> US\$
Travel (first class) and subsistence of Special Rapporteur to consult with the Division of Human Rights (Athens/Geneva/Athens: time 2 weeks) .....	1,150		
Contractual translation and typing of 50 pages of a report of 150 pages in English, French, Russian and Spanish and its reproduction in mimeographed form ..	9,350		
Travel (first class) and subsistence of Special Rapporteur to present further parts of her study to the Sub-Commission at its thirtieth session (Athens/Geneva/Athens: time 5 days) .....	850		
Travel (first class) and subsistence of Special Rapporteur to present report to the Sub-Commission at its thirty-first session (Athens/Geneva/Athens: time 5 days)		850	
Travel (first class) and subsistence of Special Rapporteur to present final report to the Commission on Human Rights at its thirty-fifth session (Athens/Geneva/Athens: time 10 days) .....			1,190
	<u>11,710</u>	<u>850</u>	<u>1,190</u>

Annex III

LIST OF DOCUMENTS ISSUED FOR THE  
TWENTY-NINTH SESSION OF THE SUB-COMMISSION

1. Documents issued in the general series

- E/CN.4/Sub.2/359/Add.2      The question of the human rights of persons subjected to any form of detention or imprisonment: note by the Secretary-General: addendum
- E/CN.4/Sub.2/365      Provisional agenda and annotations thereto: note by the Secretary-General
- E/CN.4/Sub.2/366      Review of further developments in fields with which the Sub-Commission has been concerned: note by the Secretary-General
- E/CN.4/Sub.2/367      Review of further developments in fields with which the Sub-Commission has been concerned: memorandum submitted by the International Labour Office
- E/CN.4/Sub.2/368      Review of further developments in fields with which the Sub-Commission has been concerned: memorandum submitted by the United Nations Educational, Scientific and Cultural Organization
- E/CN.4/Sub.2/369  
and Add.1-3      The problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live: report prepared by Baroness Elles, Special Rapporteur
- E/CN.4/Sub.2/370  
and Add.1-6  
and Add.6/Corr.1      Updating of the special study of racial discrimination in the political, economic, social and cultural spheres, prepared by Mr. Hernán Santa Cruz, Special Rapporteur
- E/CN.4/Sub.2/371      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: report submitted by Mr. Ahmed M. Khalifa, Special Rapporteur
- E/CN.4/Sub.2/372  
and Add.1      Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: note by the Secretary-General
- E/CN.4/Sub.2/373      Report of the Working Group on Slavery on its second session

E/CN.4/Sub.2/374  
and Add.1-2

Question of the human rights of persons subjected to any form of detention or imprisonment: note by the Secretary-General

E/CN.4/Sub.2/375

[Number not assigned]

E/CN.4/Sub.2/376

Question of the human rights of persons subjected to any form of detention or imprisonment: report prepared by the Secretary-General under resolution 10 B (XXXII) of the Commission on Human Rights

E/CN.4/Sub.2/377  
and Add.1-3

Study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, prepared by Mr. Héctor Gros Espiell, Special Rapporteur

E/CN.4/Sub.2/NGO/56

Updating of the special study of racial discrimination in the political, economic, social and cultural spheres: written statement submitted by the International Youth and Student Movement for the United Nations

E/CN.4/Sub.2/NGO/57

Question of the human rights of persons subjected to any form of detention or imprisonment: written statement submitted by the International Youth and Student Movement for the United Nations

E/CN.4/Sub.2/NGO/58

The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination; study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters: written statement submitted by the International Youth and Student Movement for the United Nations

E/CN.4/Sub.2/NGO/59

Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirtieth session of the Sub-Commission: written statement submitted by the International League for Human Rights

E/CN.4/Sub.2/NGO/60

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: written statement submitted by the International Youth and Student Movement for the United Nations

E/CN.4/Sub.2/NGO/61

Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirtieth session of the Sub-Commission: written statement submitted by the International Youth and Student Movement for the United Nations



E/CN.4/Sub.2/NGO/62

Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirtieth session of the Sub-Commission: written statement by the International Youth and Student Movement for the United Nations

E/CN.4/Sub.2/NGO/63

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: written statement submitted by the International Youth and Student Movement for the United Nations

2. Documents issued in the limited series

E/CN.4/Sub.2/L.640

Exploitation of labour through illicit and clandestine trafficking: study by Mrs. Halima Embarek Warzazi, Special Rapporteur - Preliminary report, final report, introductory statements and draft recommendations

E/CN.4/Sub.2/L.641

The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms: progress report submitted by Mr. Aureliu Cristescu, Special Rapporteur

E/CN.4/Sub.2/L.642  
and Add.1-3

Study of 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: draft report by Mrs. Erica Irene Daes, Special Rapporteur

E/CN.4/Sub.2/L.643

Question of the human rights of persons subjected to any form of detention or imprisonment: synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council, prepared by the Secretariat

E/CN.4/Sub.2/L.644

Question of the human rights of persons subjected to any form of detention or imprisonment - Information on the work of the Committee on Crime Prevention and Control at its fourth session: note by the Secretary-General

E/CN.4/Sub.2/L.645

Updating of the special study of racial discrimination in the political, economic, social and cultural spheres: draft resolution submitted by Mr. van Boven, Mr. Cristescu, Mr. Ganji, Mrs. Kinyanjui, Mr. Khalifa, Mr. Singh and Mr. Whitaker

E/CN.4/Sub.2/L.646

Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): draft resolution submitted by Mr. Bouhdiba, Mr. Despotović, Mrs. Jotidilok, Mr. Khalifa, Mrs. Kinyanjui, Mr. Pirzada, Mrs. Questiaux and Mr. Whitaker

E/CN.4/Sub.2/L.647

Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): draft resolution submitted by Mr. van Boven, Mr. Caicedo Perdomo, Mr. Carter, Mr. Nettel and Mr. Ortiz Martín

E/CN.4/Sub.2/L.648

Question of the human rights of persons subjected to any form of detention or imprisonment: draft resolution submitted by Mr. Bouhdiba, Mr. van Boven, Mr. Khalifa, Mr. Martínez Báez, Mr. Pirzada and Mrs. Questiaux

E/CN.4/Sub.2/L.649

Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): draft resolution submitted by Mr. Bouhdiba, Mr. van Boven, Mr. Carter, Mr. Cassese, Mrs. Questiaux and Mr. Whitaker

E/CN.4/Sub.2/L.650

Question of the human rights of persons subjected to any form of detention or imprisonment: draft resolution submitted by Mr. Bouhdiba, Mr. van Boven, Mr. Cassese, Mr. Despotović, Mr. Jimeta, Mrs. Jotidilok, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Nettel, Mr. Pachachi, Mr. Pirzada, Mrs. Questiaux, Mr. Singh, Mr. Smirnov and Mr. Whitaker

E/CN.4/Sub.2/L.651

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: draft resolution submitted by Mr. Bouhdiba, Mr. Carter, Mr. Cassese, Mr. Ganji, Mr. Jimeta and Mr. Singh

E/CN.4/Sub.2/L.652

The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms: draft resolution submitted by Mr. Caicedo Perdomo, Mr. Cassese, Mr. Ortiz Martín and Mr. Whitaker

E/CN.4/Sub.2/L.653

The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms: draft resolution submitted by Mr. Caicedo Perdomo, Mr. Carter, Mr. Cassese, Mr. Martínez Báez, Mr. Nettel, Mr. Ortiz Martín, Mr. Pirzada and Mr. Whitaker

E/CN.4/Sub.2/L.654

Updating of the special study of racial discrimination in the political, economic, social and cultural spheres: amendment to draft resolution  
E/CN.4/Sub.2/L.645 submitted by Mr. Martínez Báez and Mr. Ortiz Martín

E/CN.4/Sub.2/L.655  
and Corr.1

Draft provisional agenda for the thirtieth session:  
note by the Secretary-General

E/CN.4/Sub.2/L.656

Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirtieth session of the Sub-Commission - Administrative and financial implications of the proposal to update the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.657

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 - Administrative and financial implications of the presentation of the report by the Special Rapporteur to the Sub-Commission and to the Commission on Human Rights: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.658

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: draft resolution submitted by Mr. Bouhdiba, Mr. van Boven, Mr. Caicedo Perdomo, Mr. Cristescu, Mr. Despotović, Mr. Jimeta, Mrs. Kinyanjui, Mr. Martínez Báez, Mr. Ortiz Martín, Mr. Pachachi and Mr. Singh

E/CN.4/Sub.2/L.659

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 - Administrative and financial implications of draft resolution E/CN.4/Sub.2/L.658: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.660

Updating of the special study of racial discrimination in the political, economic, social and cultural spheres - Administrative and financial implications of draft resolution E/CN.4/Sub.2/L.645: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.661

The problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live - Administrative and financial implications of the Sub-Commission's decision to postpone to the thirtieth session consideration of the report of the Special Rapporteur: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.662

Question of the human rights of persons subjected to any form of detention or imprisonment - Administrative and financial implications of draft resolution E/CN.4/Sub.2/L.648: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.663

The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination; study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters - Administrative and financial implications of the Sub-Commission's decision at its 760th meeting concerning the appointment of a group of three of its members: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/L.664

Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): statement made by the observer for Argentina at the 767th meeting of the Sub-Commission, on 30 August 1976

E/CN.4/Sub.2/L.665

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: Administrative and financial implications of draft resolution E/CN.4/Sub.2/L.651: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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