

# **COMMISSION ON HUMAN RIGHTS**

## **REPORT ON THE FORTY-FIFTH SESSION**

**(30 January-10 March 1989)**

**ECONOMIC AND SOCIAL COUNCIL**

**OFFICIAL RECORDS, 1989**

**SUPPLEMENT No. 2**



**UNITED NATIONS**

E/1989/20  
E/CN.4/1989/86

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**NOTE**

**Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.**

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**E/1989/20  
E/CN.4/1989/86**

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR  
ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

- I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa: report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

1. Expresses its satisfaction to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Ahmed Khalifa, for the updated version of his report (E/CN.4/Sub.2/1988/6 and Add.1);

2. Also addresses its thanks to all Governments and all organizations which have provided information to the Special Rapporteur;

3. Invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the Commission on Human Rights, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission to consider the updated report at its forty-first session;
6. Requests the Secretary-General, in accordance with General Assembly resolution 41/95, to make available to the Special Rapporteur two economists to help him to develop his work of analysis and documentation of certain specific cases of particular importance;
7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid;
8. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;
9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication;
10. Requests the Special Rapporteur to provide the Sub-Commission at its forty-first session with a concise note on the feasibility of consolidating the lists maintained by United Nations organs of enterprises doing business in South Africa;
11. Requests the Special Rapporteur to provide the Sub-Commission at its forty-first session with a brief analysis of the partial disinvestment of foreign enterprises in South Africa, enumerating the various techniques employed to avoid total withdrawal from participation in the South African economy;
12. Decides that the Commission on Human Rights shall consider the updated report at its forty-sixth session within the framework of the agenda item "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".

[See chap. II, sect. A, resolution 1989/6,  
and chap. VII.]

II. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

Recalling also its own resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Considering that the excellent report of Mr. J. Fernand-Laurent, Special Rapporteur of the Economic and Social Council (E/1983/7 and Corr.1 and 2), on the suppression of the traffic in persons and the exploitation of the prostitution of others still constitutes a useful basis for further action,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

Aware of the complexity of the issue of the suppression of the traffic in persons and the exploitation of the prostitution of others and the need for further co-ordination and co-operation to implement the recommendations made by the Special Rapporteur and by various United Nations bodies,

1. Reminds States parties to the Slavery Convention 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 of their obligation to submit to the Working Group on Contemporary Forms of Slavery regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI);

2. Endorses the request by the Commission on Human Rights, in resolution 1989/35 of 6 March 1989, to the Secretary-General to assign a full-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices;

3. Endorses the request of the Commission on Human Rights, in the same resolution, to the Secretary-General to designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

4. Decides to consider the question of the suppression of traffic in persons at its first regular session of 1990 under the agenda item "Human rights".

[See chap. II, sect. A, resolution 1989/35,  
and chap. XIX.]

### III. Status of special rapporteurs

#### The Economic and Social Council,

Having considered Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/37 of 1 September 1988 and Commission on Human Rights resolution 1989/37 of 6 March 1989,

1. Concludes that a difference has arisen between the United Nations and Romania as to the applicability of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 to Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission;

2. Requests, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I) of 11 December 1946, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

[See chap. II, sect. A, resolution 1989/37,  
and chap. XIX.]

### IV. Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder

#### The Economic and Social Council,

Recalling Commission on Human Rights resolution 1989/40 of 6 March 1989,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-sixth session of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees for the protection of mentally ill

persons and for the improvement of mental health care submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1988/23, sect. IV), with a view to submitting it to the Commission at its forty-sixth session;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-sixth session of the Commission.

[See chap. II, sect. A, resolution 1989/40,  
and chap. XIX.]

V. Study on treaties, agreements and other  
constructive arrangements between  
States and indigenous populations

The Economic and Social Council,

Recalling its decision 1988/134 of 27 May 1988,

Noting Commission on Human Rights resolutions 1988/56 of 9 March 1988 and 1989/41 of 6 March 1989 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1987/17 of 2 September 1987 and 1988/20 of 1 September 1988,

Taking account of the outline of the study prepared by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and of the substantive debate on the topic in the Sub-Commission's Working Group on Indigenous Populations at its sixth session,

1. Confirms the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission and authorizes him to carry out the study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments referred to in Commission on Human Rights resolution 1988/56;

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to carry out the said study;

3. Requests the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

[See chap. II, sect. A, resolution 1989/41,  
and chap. XIX.]

VI. Guidelines on the use of computerized personal files

The Economic and Social Council,

Taking account of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/29 of 1 September 1988 and Commission on Human Rights resolution 1989/43 of 6 March 1989 on guidelines on the use of computerized personal files,

1. Expresses its appreciation to the Sub-Commission's Special Rapporteur, Mr. Louis Joinet, for his study on guidelines for the regulation of computerized personal data files;
2. Decides to transmit to the General Assembly the final report by the Special Rapporteur (E/CN.4/Sub.2/1988/22);
3. Requests the Secretary-General to bring the final report by the Special Rapporteur to the attention of all Governments and to invite Governments to communicate their comments to him before 1 September 1989;
4. Requests the Secretary-General to submit to the General Assembly for consideration at its forty-fourth session the final report by the Special Rapporteur and a report containing the views expressed thereon by Governments;
5. Recommends that the General Assembly consider, as a matter of priority, the adoption and publication of the guidelines on the use of computerized personal files.

[See chap. II, sect. A, resolution 1989/43,  
and chap. XIX.]

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

The Economic and Social Council,

Recalling the General Assembly resolutions related to the question of a convention on the rights of the child, in particular resolution 43/112 of 8 December 1988, in which the Assembly requested the Commission on Human Rights to submit a draft convention on the rights of the child, through the Economic and Social Council, to the General Assembly at its forty-fourth session,

Expressing its appreciation to the Commission on Human Rights for having concluded the elaboration of a draft convention on the rights of the child,

Decides to submit the draft convention on the rights of the child (E/CN.4/1989/29 and Corr. 1) and the report of the Commission's working group (E/CN.4/1989/48) to the General Assembly for consideration, with a view to the adoption of the convention by the Assembly at its forty-fourth session.

[See chap. II, sect. A, resolution 1989/57,  
and chap. XIII.]

VIII. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1989/60 of 8 March 1989,

1. Authorizes an open-ended working group to meet for a period of eight working days prior to the forty-sixth session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-sixth session of the Commission, and to transmit the report of the working group that met prior to and during the forty-fifth session, together with the annexes thereto, to all Member States in advance of the meeting of the working group to enable it to continue its work on the elaboration of the draft declaration.

[See chap. II, sect. A, resolution 1989/60,  
and chap. XXIII.]

B. Draft decisions

1. Situation of human rights in South Africa

The Economic and Social Council, noting Commission on Human Rights resolution 1989/5 of 23 February 1989, approves the Commission's decision to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa and also approves the Commission's request to the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the resolution.

[See chap. II, sect. A, resolution 1989/5,  
and chap. VI.]

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

The Economic and Social Council, noting Commission on Human Rights resolution 1989/8 of 23 February 1989, approves the Commission's decision that the Group of Three shall meet for a period of not more than five days before the forty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Group of Three.

[See chap. II, sect. A, resolution 1989/8,  
and chap. XVI.]

3. Realization of economic, social and cultural rights

The Economic and Social Council, noting Commission on Human Rights resolution 1989/12 of 2 March 1989, endorses the Commission's request to the Secretary-General to provide the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk, with all the assistance he may require for the successful completion of the study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, in accordance with the guidelines contained in Sub-Commission resolution 1987/29.

[See chap. II, sect. A, resolution 1989/12,  
and chap. VIII.]



4. Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

The Economic and Social Council, noting Commission on Human Rights resolution 1989/25 of 6 March 1989, approves the Commission's decision to transmit to the General Assembly for suitable action the comparative analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights and the draft second optional protocol prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the comments expressed at the thirty-ninth and fortieth sessions of the Sub-Commission and the forty-fifth session of the Commission.

[See chap. II, sect. A, resolution 1989/25,  
and chap. X]

5. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, noting Commission on Human Rights resolution 1989/34 of 6 March 1989, endorses the Commission's decision to welcome the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to entrust to the Chairman-Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, and approves the Commission's request to the Secretary-General to give her the resources and assistance needed to carry out her task.

[See chap. II, sect. A, resolution 1989/34,  
and chap. XIX.]

6. The right to development

The Economic and Social Council, noting Commission on Human Rights resolution 1989/45 of 6 March 1989, approves the Commission's invitation to the Secretary-General to organize, in 1989, within existing resources, a global consultation on the realization of the right to development involving experts with relevant experience gained at the national level and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights.

[See chap. II, sect. A, resolution 1989/45,  
and chap. VIII.]

7. Reporting obligations of States parties to international instruments on human rights and effective functioning of bodies established pursuant to such instruments; ways and means of improving the reporting system under the United Nations human rights instruments

The Economic and Social Council, noting Commission on Human Rights resolution 1989/46 of 6 March 1989, approves the Commission's request to the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting, and also approves the Commission's request to the Secretary-General to extend all possible assistance to the task force to enable it to fulfil its mandate as soon as possible.

[See chap. II, sect. A, resolution 1989/46,  
and chap. XVIII.]

8. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Economic and Social Council, noting Commission on Human Rights resolution 1989/47 of 6 March 1989, approves the Commission's request to the Secretary-General to entrust an independent expert with the task of preparing a study, within existing resources, on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments.

[See chap. II, sect. A, resolution 1989/47,  
and chap. XVIII.]

9. General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

The Economic and Social Council approves the decision of the Commission on Human Rights, in decision 1989/109 of 7 March 1989, to set up a working group (Working Group on Situations) composed of five of its members to meet for one week prior to its forty-sixth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission is seized.

[See chap. II, sect. B, decision 1989/109,  
and chap. XII.]

10. Enhancing the effectiveness of the principle of periodic and genuine elections

The Economic and Social Council takes note of Commission on Human Rights resolution 1989/51 of 7 March 1989 and recommends that the General Assembly adopt the framework for future efforts contained in the annex to that resolution.

[See chap. II, sect. A, resolution 1989/51,  
and chap. XI.]

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

The Economic and Social Council, noting Commission on Human Rights resolution 1989/61, approves: (a) the Commission's decision to establish at its forty-sixth session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities proposed by Yugoslavia, taking into account all relevant documents, (b) the Commission's decision that the working group shall have no fewer than four full meetings, and (c) the Commission's request to the Secretary-General to provide the working group with all the assistance it may require in the continuation of its drafting work.

[See chap. II, sect. A, resolution 1989/61,  
and chap. XX.]

12. Situation of human rights and fundamental freedoms in Chile

The Economic and Social Council, noting Commission on Human Rights resolution 1989/62 of 8 March 1989, approves the Commission's decision to extend for one more year the mandate of the Special Rapporteur on the situation of human rights in Chile and also approves the Commission's recommendation to the Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the resolution.

[See chap. II, sect. A, resolution 1989/62,  
and chap. V.]

13. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, noting Commission on Human Rights resolution 1989/66 of 8 March 1989, approves the Commission's decision to extend for a further year the mandate of the Special Representative on the human rights situation in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1989/66,  
and chap. XII.]

14. Question of human rights and fundamental freedoms in Afghanistan

The Economic and Social Council, noting Commission on Human Rights resolution 1989/67 of 8 March 1989, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan and also approves the Commission's request to the Secretary-General to give all the necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1989/67,  
and chap. XII.]

15. Situation of human rights and fundamental freedoms in El Salvador

The Economic and Social Council, noting Commission on Human Rights resolution 1989/68 of 8 March 1989, approves the Commission's decision to extend for another year the mandate of the Special Representative on the situation of human rights in El Salvador.

[See chap. II, sect. A, resolution 1989/68,  
and chap. XII.]

16. Situation in Equatorial Guinea

The Economic and Social Council, noting Commission on Human Rights resolution 1989/70 of 8 March 1989, approves the Commission's decision to consider at its forty-sixth session the report of the Expert appointed by the

Secretary-General pursuant to Commission resolution<sup>o</sup>33 (XXXVI) of 11 March 1980 on the manner in which the Government of Equatorial Guinea intends fully to implement the plan of action proposed by the United Nations and on the progress achieved to date.

[See chap. II, sect. A, resolution 1989/70,  
and chap. XXI.]

17. Assistance to Haiti in the field of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1989/73 of 8 March 1989, approves the Commission's request to the Secretary-General to extend for one year the mandate of the Expert appointed by the Secretary-General under Commission resolution 1987/13 with a view to assisting the Government of Haiti in the field of human rights and to provide all necessary assistance to the Expert.

[See chap. II, sect. A, resolution 1989/73,  
and chap. XXI.]

18. Assistance to Guatemala in the field of human rights

The Economic and Social Council, noting Commission on Human Rights resolution 1989/74 of 8 March 1989, approves the Commission's decision to request the Secretary-General to renew for one year the mandate of the Expert appointed by the Secretary-General under Commission resolution 1987/53 with a view to assisting the Government of Guatemala in the field of human rights.

[See chap. II, sect. A, resolution 1989/74,  
and chap. XXI.]

19. Human rights situation in Romania

The Economic and Social Council, noting Commission on Human Rights resolution 1989/75 of 9 March 1989, approves the Commission's decision to request its Chairman to appoint a special rapporteur of the Commission with the mandate to examine the human rights situation in Romania and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions.

[See chap. II, sect. A, resolution 1989/75,  
and chap. XII.]

20. Organization of the work of the forty-sixth session  
of the Commission on Human Rights

The Economic and Social Council, noting Commission on Human Rights decision 1989/114 of 10 March 1989, decides to authorize, if possible within existing financial resources, 30 fully serviced additional meetings, including summary records, for the Commission's forty-sixth session. The Council takes note of the Commission's decision to request its Chairman at its forty-sixth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1989/114,  
and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS FORTY-FIFTH SESSION

A. Resolutions

1989/1. Human Rights in occupied Syrian Arab territory

The Commission on Human Rights,

Guided by the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Gravely concerned at the fact that Syrian and other Arab territories occupied by Israel in 1967 are still suffering from Israeli military occupation, aggression and continued violation of human rights,

Recalling Israel's violation of Article 25 of the Charter of the United Nations and its refusal to accept and implement the relevant resolutions of the Security Council, in particular resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling the resolution adopted by the 80th Inter-Parliamentary Conference, held in Sofia from 19 to 24 September 1988, which strongly reprovved and denounced the flagrant daily violations by Israel of the Geneva Conventions of 1949 and the Protocols additional thereto, and called on Israel to withdraw its forces from all Arab territories and to end its occupation of those territories,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694),

Noting with severe disapproval, after having considered the above report, that Israel continues its flagrant violations of human rights in the Syrian and other Arab territories occupied by Israel since 1967, despite the resolutions on the occupied Arab territories adopted by the Commission, the Security Council, the General Assembly and other United Nations organs and specialized agencies, condemning Israel for its continued occupation of the Syrian and other Arab territories and calling upon Israel to put an end to its occupation and to implement the above-mentioned resolutions,

Affirming its resolution 1988/2 of 15 February 1988,

Recalling World Health Assembly resolution WHA41.8 of 11 May 1988, by which the Assembly affirmed "the principle that acquisition of territories by

force is inadmissible and that any occupation of territories by force and the practice of repression and violence against the civilian population as well as acts of deportation and expulsion have serious repercussions on the health and psychosocial conditions of the people under occupation, including mental and physical health",

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, in which the Assembly defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State, or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Recalling General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant General Assembly resolutions, the latest of which are resolutions 43/54 A to C of 6 December 1988, in which the Assembly inter alia, demanded the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967,

Recalling in particular General Assembly resolutions 36/226 B of 17 December 1981 and ES-9/1 of 5 February 1982, as well as other relevant resolutions, the latest of which is resolution 43/58 F of 6 December 1988, relating to the population of the Syrian Arab territory that has been occupied since 1967,

Reaffirming that all the relevant provisions of the Regulations annexed to The Hague Conventions of 1899 and 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, apply to the Syrian and other Arab territories, including Jerusalem, that have been occupied by Israel since 1967, and calling upon the parties to those conventions to respect their obligations and to make every effort to ensure respect for and compliance with the provisions of those instruments in all circumstances,

Reaffirming the resolutions of the Security Council, the General Assembly and other bodies which state that the acquisition of territory by force is inadmissible under the principles of international law, the Charter of the United Nations and relevant resolutions,

Noting that Israel's record, policies and actions and its continued violations of human rights establish conclusively that it is not a peace-loving Member State and that it has not fulfilled its obligations under the Charter of the United Nations,

1. Strongly condemns Israel for its persistent disregard for, and defiance of, the provisions of Security Council resolution 497 (1981) and all other resolutions relating to occupied Syrian Arab territory adopted by the General Assembly and other United Nations bodies and specialized agencies, and



strongly deprecates Israel's failure to implement the provisions of those resolutions by ending its occupation and ceasing its repressive measures and violations of human rights;

2. Deplores Israel's continued refusal to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to visit the occupied Arab territories and to implement General Assembly resolution 2443 (XXIII) of 19 December 1968, and demands that Israel allow the Special Committee access to the occupied territories;

3. Declares once more that the continued Israeli occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan, which has resulted in the effective annexation of this territory, constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX), and that the decision of 14 December 1981 to apply Israeli laws to the occupied Golan is null and void, has no international legal validity or effect, constitutes a grave violation of international law and the Charter of the United Nations and is in defiance of the international community;

4. Condemns Israel's persistence in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

5. Deplores the inhuman treatment, terror and practices contrary to human rights which the Israeli occupation authorities continue to apply against Syrian citizens in the occupied Syrian Arab Golan by reason of their refusal of Israeli citizenship and in order to force them to carry Israeli identity cards, which practices constitute a flagrant violation of the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant resolutions adopted by the Security Council, the General Assembly and other international bodies and also constitute a threat to international peace and security;

6. Reaffirms its request to all States Members of the United Nations not to recognize any jurisdiction, laws or measures established by Israel in respect of occupied Syrian and other Arab territories, and calls upon the specialized agencies and other international organizations to comply in their relations with Israel with the provisions of the present resolution;

7. Calls upon Israel, the occupying Power, to rescind forthwith its decision of 14 December 1981 and to cease its acts of terrorism directed against Syrian citizens in the occupied Syrian Arab Golan in order to impose Israeli citizenship upon them and force them to carry Israeli identity cards, and condemns the Israeli repression of educational institutions in the occupied Syrian Arab Golan and the imposition of curricula that promote hatred, prejudice and religious intolerance;

8. Condemns Israel for persisting in its policies and practices of annexation in the occupied Syrian Arab Golan, inter alia, expropriating land, establishing settlements thereon and moving Israeli settlers into them, diverting water to those settlements, thus depriving the Golan population of its sources of livelihood, and in particular imposing a boycott on agricultural products, depriving that population of the right to export them;

9. Calls upon all States to urge Israel, the occupying Power, to cease such practices, including boycott measures, and to facilitate the marketing of the agricultural produce of the Golan population;

10. Emphasizes that Israel must allow the evacuees from among the Golan population to return to their homes and to recover their property and places of residence occupied by Israel since 1967, and firmly emphasizes the overriding necessity of the total and unconditional withdrawal by Israel from all Syrian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a just and comprehensive peace in the Middle East;

11. Requests the Secretary-General to provide the Special Committee with all the necessary financial facilities, including those required for its visits to the occupied territories and to the Arab countries concerned, so that it can investigate the Israeli policies and practices referred to in the present resolution;

12. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-sixth session;

13. Decides to place on the provisional agenda of its forty-sixth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

27th meeting

17 February 1989

[Adopted by a roll-call vote of 31 to 1, with  
10 abstentions. See chap. IV.]

1989/2. Question of violations of human rights  
in occupied Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling that military aggression by the forces of any State against the territory of another State constitutes an offence against the peace and security of mankind,

Recalling also the relevant Security Council resolutions, including resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Recalling further General Assembly resolutions on Israeli violations of human rights in occupied Palestine,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694),

Recalling all its previous resolutions on the subject,

1. Affirms that the Israeli occupation of Palestine constitutes a gross violation of human rights and an offence against the peace and security of mankind;

2. Affirms that the systematic and persistent practices of the Israeli occupation authorities as reflected in the killing of Palestinians, including children, the breaking of the bones of youths, causing them grievous and permanent bodily harm, the subjection of towns, villages and camps to living conditions intended to destroy them through the imposition of curfews and military siege, the throwing of gas bombs into houses, mosques and hospitals resulting in the death of many Palestinians by suffocation, and the savage

beatings and maltreatment of pregnant women, causing them to abort, all constitute serious violations of the principles of international law, human rights and fundamental freedoms;

3. Affirms that Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applicable to the Palestinian population and territories under Israeli occupation, including the physical and psychological torture of Palestinian detainees and their subjection to improper and inhuman treatment, the imposition of collective punishment on towns, villages and camps, and the administrative detention of thousands of Palestinians, for example in the "Ansar 3" concentration camp in the Negev, the deportation and expulsion of Palestinian citizens by force, the confiscation of their property, raiding and demolition of their houses, and the annexation of Jerusalem, all constitute war crimes under international law;

4. Condemns Israel:

(a) For its gross violation of international conventions, the principles of international law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, through the systematic and persistent practices mentioned above, and calls upon Israel to desist forthwith from such practices and, pursuant to the principles of international law and the relevant United Nations resolutions, to withdraw from the Palestinian territories occupied by force;

(b) For its expropriation of Palestinian land and the establishment of Israeli settlements thereon;

(c) For annexing Jerusalem and altering its architectural character and its demographic and structural composition as well as the institutional status of the occupied Palestinian territories, and considers all such measures and the consequences thereof null and void;

(d) For its attacks against holy places, such as mosques and churches, and its attempt to occupy Al Aqsa Mosque and to destroy it, as well as for obstructing the freedom of worship and religious practices;

(e) For its attacks on universities, schools and institutes and the closure thereof in occupied Palestine, and its obstruction of the education of thousands of students and pupils in such institutions;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation to the Commission on Human Rights at its forty-sixth session;

6. Further requests the Secretary-General to provide the Commission with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of occupied Palestine are living;

7. Decides to consider this subject at its forty-sixth session as a matter of high priority.

27th meeting

17 February 1989

[Adopted by a roll-call vote of 32 to 8, with  
2 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986 and 605 (1987) of 22 December 1987, as well as all its previous resolutions on the application of the Geneva Conventions of 12 August 1949 to the Palestinian and other Arab territories occupied by Israel and the refusal of Israel to abide by those Conventions,

Recalling all relevant General Assembly resolutions,

Recalling the decisions of the International Conference of the Red Cross in respect of the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recalling its previous resolutions on this question,

Taking into account that States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian territories occupied by Israel since 1967, including Jerusalem;

2. Strongly condemns once again Israel's refusal to apply that Convention to Palestine and Arab territories occupied since 1967 and their inhabitants;

3. Once more strongly condemns Israel for its policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons and concentration camps and its disregard for the principles of international law, the Charter of the United Nations and the provisions of the Geneva Conventions of 1949,

4. Once more urges Israel to grant prisoner-of-war status, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, to all Palestinian fighters captured by Israel, and to treat them accordingly;

5. Urges once more all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to make every effort to ensure respect for and compliance with the provisions of that Convention in all the Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem;

6. Strongly condemns Israel for the violations of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War which it has perpetrated by pursuing a policy of deportation and expulsion of Palestinian citizens, and calls upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which demand their return to their homeland and to desist forthwith from this policy;

7. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission at its forty-sixth session;

8. Decides to consider this subject at its forty-sixth session as a matter of high priority.

27th meeting

17 February 1989

[Adopted by a roll-call vote of 32 to 1, with  
9 abstentions. See chap. IV.]

#### 1989/3. Situation of human rights in Namibia

##### The Commission on Human Rights,

Recalling its resolutions 1987/8 of 26 February 1987 and 1988/10 of 29 February 1988,

Recalling all relevant resolutions of the General Assembly, in particular, resolutions 43/26 A to E of 17 November 1988, and Declaration AHG/Decl.1 (XXIV) Rev.1 adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988 (A/43/398, annex II),

Reaffirming its recognition of the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further other resolutions and decisions declaring the illegality of the continued occupation of Namibia by South Africa, in particular Security Council resolution 284 (1970) of 29 July 1970 and the advisory opinion of the International Court of Justice of 21 June 1971,

Recalling also Security Council resolution 566 (1985) of 19 June 1985, by which the Council condemned the racist régime of South Africa for its installation of a so-called interim government and declared such action to be illegal and null and void,

Having examined the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1989/8),

Deeply concerned at the explosive situation in Namibia and the continued militarization of the Territory,

Deeply concerned also at the continued forced recruitment and military training of Namibians by South Africa, at a time when an agreement has been reached for the implementation of Security Council resolution 435 (1978) of 29 September 1978,

Deeply concerned further at the decision of South Africa to recruit members of the notorious "Koevoet" counter-insurgency units into the police force, especially as the latter is to be responsible for the maintenance of law and order during the transition period provided for in Security Council resolution 435 (1978),

Reiterating that the continuing illegal and colonial occupation of Namibia by South Africa constitutes an act of aggression against the Namibian people and a challenge to the authority of the United Nations, which has direct responsibility for Namibia until independence,

Deeply concerned also at the gross violations of human rights in Namibia,

Noting with great concern that, notwithstanding the signing on 22 December 1988 of the Tripartite Agreement by Angola, Cuba and South Africa, the killing, torture and murder of innocent Namibians and the arbitrary imprisonment and detention of leaders, members and supporters of the South West Africa People's Organization by the South African colonial régime continue unabated,

Deeply concerned at the continued collaboration of certain States and international institutions with the racist régime of South Africa, in disregard of the relevant resolutions of the General Assembly and the Security Council,

Stressing the solemn responsibility of the international community to take all effective measures in support of the Namibian people in their liberation struggle under the leadership of the South West Africa People's Organization,

1. Congratulates the Ad Hoc Working Group of Experts on the commendable and impartial manner in which it has prepared its report;

2. Reiterates its affirmation of the inalienable right of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments, and declares again that the right to self-determination and independence can be legally exercised only in accordance with the conditions determined by the United Nations in Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978;

3. Once again condemns South Africa for:

- (a) The militarization of Namibia;
- (b) The use of mercenaries to suppress the Namibian people;
- (c) The continued recruitment and training of Namibians for tribal armies;
- (d) The continued proclamation of a so-called security zone in Namibia;
- (e) The forcible displacement of Namibians from their homes;
- (f) The torture and other forms of brutality meted out to the population and in particular to captured freedom fighters of the South West Africa People's Organization;
- (g) The imposition of military conscription on all Namibian males between 17 and 55 years of age into the occupying colonial army, notwithstanding the signing of the Tripartite Agreement between Angola, Cuba and South Africa;
- (h) The exploitation and depletion of Namibia's natural resources in violation of the decisions of the United Nations and Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted by the United Nations Council for Namibia on 27 September 1974;

4. Reiterates that South Africa's illegal occupation of Namibia constitutes an act of aggression against the Namibian people in terms of the Definition of Aggression contained in the annex to General Assembly resolution 3314 (XXIX) of 14 December 1974;



5. Demands that South Africa co-operate with the United Nations until Security Council resolution 435 (1978) is fully implemented, so as to enable the people of Namibia to exercise their right to self-determination and independence;

6. Reaffirms that Security Council resolution 435 (1978) remains the only internationally accepted basis for a peaceful and definitive settlement of the Namibian problem;

7. Appeals to the Security Council, in fulfilment of the direct responsibility of the United Nations for Namibia, to adopt appropriate measures to implement the United Nations plan for the independence of Namibia as embodied in Security Council resolution 435 (1978);

8. Denounces all schemes by which South Africa attempts to achieve a neo-colonial solution to the Namibian problem, and strongly urges all States to reject such schemes;

9. Urges all Governments not to recognize any administration or entity installed in Namibia that does not ensue from free elections conducted under the supervision and control of the United Nations, in strict observance of the procedures and provisions of Security Council resolution 435 (1978);

10. Strongly condemns the continued arbitrary imposition of a curfew in Namibia and demands that South Africa terminate the curfew and immediately release unconditionally all Namibian political prisoners, including those imprisoned or detained under the so-called internal security laws, martial law or any other arbitrary measures;

11. Demands that South Africa account for all "disappeared" Namibians and declares that South Africa shall be liable to compensate the victims, their families and the future lawful Government of an independent Namibia for the losses sustained;

12. Demands that South Africa immediately discontinue its military build-up in Namibia, its imposition of military conscription of Namibians and the killing, torture and murder of innocent Namibians;

13. Affirms that the liberation struggle in Namibia falls within the scope of article 1, paragraph 4, of Additional Protocol I of 1977 to the Geneva Conventions of 12 August 1949, and, in this regard, demands that the Conventions and Additional Protocol I be applied by South Africa, and in particular that all captured freedom fighters be accorded prisoner-of-war status as called for by the Geneva Convention relative to the Treatment of Prisoners of War and Additional Protocol I;

14. Condemns the use by South Africa of the international Territory of Namibia as a supply base for bandits of the Uniao Nacional para a Independência Total de Angola based in Angola;

15. Denounces racist South Africa for plotting to separate the Caprivi Strip and other parts of the Territory from the rest of Namibia;
16. Takes note of the Tripartite Agreement signed in New York on 22 December 1988 by Angola, Cuba and South Africa;
17. Strongly urges the immediate holding of free and fair elections in Namibia under the control and supervision of the United Nations in order to attain the long overdue self-determination and independence of the people of Namibia;
18. Calls for the unimpeded return of all Namibian refugees and exiles in order to facilitate their full and unfettered participation in the impending decolonization process envisaged under Security Council resolution 435 (1978);
19. Urges all Governments, the specialized agencies, other intergovernmental organizations and non-governmental organizations to provide increased material assistance to the thousands of Namibian refugees and exiles who have been forced by the oppressive policies of the apartheid régime to flee Namibia, and to help the Office of the United Nations High Commissioner for Refugees in their repatriation;
20. Calls upon all Governments to give full support and co-operation to the United Nations Transition Assistance Group, in order to enable it to carry out its mandate fully, as envisaged under Security Council resolution 435 (1978);
21. Further calls upon all parties concerned in the Namibian conflict to co-operate fully with the United Nations Transition Assistance Group in carrying out its mandate;
22. Welcomes the conclusions and recommendations contained in the report of the Ad hoc Working Group of Experts on southern Africa and requests the Ad hoc Working Group to make an on-the-spot investigation in 1989 of living conditions in Namibia and the treatment of its people by the racist South African régime;
23. Renews its request to the Ad hoc Working Group of Experts to bring to the attention of the Chairman of the Commission on Human Rights, for appropriate action, violations of human rights in Namibia which may come to its attention;
24. Requests the Ad hoc Working Group of Experts to report to the Commission on Human Rights at its forty-sixth session on the policies and practices of the apartheid South African régime which violate human rights in Namibia and to submit appropriate recommendations;

25. Requests the Secretary-General to provide every assistance and the resources required to enable the Ad hoc Working Group of Experts to discharge its responsibilities under the terms of the present resolution;

26. Expresses its appreciation to the Secretary-General for his personal commitment to the independence of Namibia and for his efforts aimed at the implementation of resolutions and decisions of the United Nations on the question of Namibia, particularly the implementation of Security Council resolution 435 (1978) in its entirety, without amendments or modifications, and urges him to continue those efforts.

35th meeting  
23 February 1989

[Adopted by a roll-call vote of 32 to none, with  
10 abstentions, See chap. VI.]

1989/4. Detention, torture and other inhuman treatment of children  
in South Africa and Namibia

The Commission on Human Rights,

Recalling its resolutions 1987/14 of 3 March 1987 and 1988/11 of  
29 February 1988,

Recalling also General Assembly resolutions 42/124 of 7 December 1987  
and 43/134 of 8 December 1988, adopted without a vote, in which the Assembly  
expressed its profound outrage at reports of the detention, torture and  
inhuman treatment of children in South Africa,

Recalling the relevant provisions of the Declaration on the Protection of  
All Persons from Being Subjected to Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment, the Convention against Torture and Other  
Cruel, Inhuman or Degrading Treatment or Punishment and the Declaration of the  
Rights of the Child,

Having examined the report of the Ad Hoc Working Group of Experts on  
southern Africa (E/CN.4/1989/8),

Welcoming the convening of the International Conference on Children,  
Repression and the Law in Apartheid South Africa, held at Harare from 24 to  
27 September 1987, and the subsequent conference in London in February 1988,

Appalled at the evidence that children in South Africa are subjected to  
detention, torture and inhuman treatment,

Gravely concerned about reports of the continuing repressive measures  
targeted on children in South Africa and Namibia,

Noting with indignation the impotence of the South African judiciary and the degradation of its professional ethics,

Reiterating its position that apartheid is repugnant, immoral and an affront to human dignity,

1. Reiterates its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa and Namibia;

2. Demands the immediate and unconditional release of all children held in detention in those countries;

3. Demands also the immediate dismantlement of the so-called "rehabilitation camps" or "re-education centres", since they only serve the racist régime's strategy of physically and mentally abusing black South African children;

4. Demands further the termination of the state of emergency and the abrogation of all repressive and discriminatory legislation;

5. Requests all relevant United Nations bodies, specialized agencies and non-governmental organizations to launch a world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

6. Further demands the immediate total abolition of the apartheid system and its replacement with non-racial representative governments based on the principle of universal suffrage;

7. Appeals to the international community to adopt concrete and effective measures to bring pressure to bear against the Government of South Africa until it dismantles apartheid and abandons all inhuman practices associated with this policy;

8. Requests the Ad hoc Working Group of Experts on southern Africa to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and Namibia and report to the Commission on Human Rights at its forty-sixth session;

9. Requests the Secretary-General to provide every assistance to enable the Ad hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

10. Further requests the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other forms of inhuman treatment of children in South Africa and Namibia and to report on the outcome of his efforts to the Commission on Human Rights at its forty-sixth session;

11. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations bodies, specialized agencies and non-governmental organizations;

12. Decides to discuss at its forty-sixth session, under the agenda item "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts", the question of detention, torture and other inhuman treatment of children in South Africa and Namibia.

35th meeting  
23 February 1989

[Adopted without a vote. See chap. VI.]

1989/5. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1986/4 of 28 February 1986, 1987/14 of 3 March 1987 and 1988/9 of 29 February 1988,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 and Economic and Social Council resolution 1984/42 of 24 May 1984,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid,

Having examined the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1989/8),

Recognizing the value of the reports of the Ad Hoc Working Group of Experts in the efforts of the United Nations to expose and combat apartheid and gross violations of human rights in South Africa,

Concerned about the recent spate of abductions and assassinations carried out by the South African Government against political refugees and members of the liberation movements in the neighbouring States,

Noting that gross and cruel violations of human rights under apartheid continue to take place in South Africa,

Outraged by South Africa's escalation of acts of terrorism, especially the use of the army, the police and murder squads in the black African townships, where massacres and daily killings of defenceless men, women and children have become the order of the day,

Deeply concerned about racist South Africa's undeclared war of destabilization and aggression against the neighbouring independent African States,

Reiterating its conviction that the apartheid system in South Africa is the root cause of conflict in the sub-continent and that this inhuman policy constitutes a threat to international peace and security,

Noting that the South African people's struggle, by all means in accordance with the Charter of the United Nations and relevant United Nations resolutions, for a united, non-racial, democratic society should enjoy the full support of the international community,

Convinced that the immediate imposition of effective sanctions against South Africa can help to avert the outbreak of a racial conflagration in the region,

Satisfied with the success scored by the oppressed people of South Africa in their united mass action to make the apartheid system unworkable,

Appreciating the world-wide momentum against apartheid and the consensus in favour of sanctions against racist South Africa,

Appreciating the continuing supporting role of the front-line and other neighbouring States at this time of perseverance and steadfastness, and their call for the immediate lifting of the ban on the African National Congress of South Africa, the Pan Africanist Congress of Azania and other political organizations,

1. Congratulates the Ad Hoc Working Group of Experts on the commendable and impartial manner in which it has prepared its report;
2. Expresses its profound indignation at the fact that apartheid remains institutionalized;
3. Denounces again the policy of "bantustanization", the forced removals of the black population, the policy of so-called "voluntary" removals and the policy of denationalization;
4. Affirms the conviction that apartheid cannot be reformed but should be abolished in all its forms, and hence reaffirms its rejection of the so-called constitutional initiative, including the statutory advisory council, which falls short of accepting the "one man, one vote" principle in a united South Africa;
5. Demands that South Africa immediately and completely abolish the unjust, inhumane system of apartheid in all its forms;

6. Strongly condemns the dramatic escalation of violations of human rights in South Africa since the imposition of the state of emergency in June 1986 as reinforced by numerous subsequent regulations;
7. Strongly condemns the widespread detention and incarceration of children and pregnant women under the unhealthy and humiliating conditions of the inhuman apartheid penal system;
8. Unequivocally rejects South Africa's so-called reforms, which fall short of the termination of the existing state of emergency, the abolition of the apartheid laws, the dismantling of the "bantustans", the lifting of the bans on all political organizations and parties, the return of all political exiles and freedom fighters and the unconditional release of all political prisoners with whom the régime must deal in bringing about changes based on the "one man, one vote" principle in a non-fragmented South Africa;
9. Reiterates its demand for the unconditional and immediate release of Mr. Nelson Mandela and all political prisoners in South Africa;
10. Takes note of the release of Mr. Zephania Mothopeng but strongly condemns the restrictions still imposed on him;
11. Demands the lifting of the ban on the African National Congress of South Africa, the Pan Africanist Congress of Azania and other political and anti-apartheid organizations;
12. Demands that South Africa desist from its brutal repression, torture and harassment of organizations and individuals engaged in the legitimate struggle against the apartheid policies;
13. Further demands that South Africa desist from its campaign of abduction and assassination of political refugees and members of the liberation movements based in neighbouring States;
14. Strongly condemns South Africa for its indiscriminate use of force against unarmed demonstrators and its widespread use of torture and other forms of inhuman and degrading treatment against political opponents;
15. Calls on South Africa to respect international standards on trade-union rights in respect of black trade unions and particularly to desist from harassing, intimidating, arresting and maltreating black trade-union leaders;
16. Commends all movements and mass organizations of South Africa for their resistance and united action to make the apartheid system unworkable;
17. Demands that South Africa take immediate steps to ensure that all South Africans are afforded the opportunity of access to a unified, free educational system designed to be consistent with the development of a profound appreciation of the brotherhood of mankind, liberty and peace;

18. Condemns South Africa for its military pressures and other destabilization policies towards the front-line States and for its support, encouragement and provision of material resources to armed bands and mercenaries who seek to destabilize front-line and neighbouring States;

19. Commends the front-line and other neighbouring States for their unending sacrifice to the cause of freedom and human dignity in South Africa and calls upon the international community to increase its financial, material, political and moral support to the national liberation movements of South Africa and also the front-line States to enhance their capability to bring to an immediate end apartheid and its diabolic and repressive institutions;

20. Urges all States which have not yet done so to cease any form of support or assistance to the racist régime of South Africa;

21. Calls upon the Security Council to impose mandatory sanctions against the South African régime, in discharge of its responsibility under Chapter VII of the Charter of the United Nations;

22. Endorses, pending the adoption of comprehensive and mandatory sanctions, the following measures that have been adopted by certain countries and organizations and commends them to the wider international community for urgent adoption and implementation:

- (a) Prohibition of the transfer of technology to South Africa;
- (b) Cessation of the export, sale or transport of oil and oil products to South Africa and of any co-operation with South Africa's oil industry;
- (c) Cessation of further investments in, and financial loans to, South Africa or Namibia and of any governmental insurance guarantee of credits to the racist régime;
- (d) Cessation of all promotion of or support for trade with South Africa, including governmental assistance to trade missions;
- (e) Prohibition of the sale of kruggerrand and any other coins minted in South Africa;
- (f) Prohibition of imports from South Africa of agricultural products, coal, uranium, iron and steel, etc.;
- (g) Termination of any visa-free entry privileges and of the promotion of tourism to South Africa;
- (h) Termination of air and shipping links with South Africa;



(i) Cessation of all academic, cultural, scientific and sports relations with South Africa and of relations with individuals, institutions and other bodies endorsing or based on apartheid;

(j) Suspension or abrogation of agreements with South Africa, such as agreements on cultural and scientific co-operation;

(k) Termination of double taxation agreements with South Africa;

(l) Ban on government contracts with majority-owned South African companies;

23. Strongly recommends to the Economic and Social Council that, in order fully to sensitize international public opinion, particularly that of youth, to the realities of apartheid, a year be declared "Academic Year against Apartheid" and that the subject "The evils of apartheid" be taught in all educational institutions throughout the world;

24. Recalls the adoption by the General Assembly of the International Convention against Apartheid in Sports in resolution 40/64 G of 10 December 1985;

25. Endorses the recommendations of the Ad hoc Working Group of Experts contained in its report (E/CN.4/1989/8);

26. Decides to renew the mandate of the Ad Hoc Working Group of Experts, composed of the following persons acting in their personal capacity: Mr. Felix Ermacora (Austria); Mr. Humberto Díaz Casanueva (Chile); Mr. Mulka Govinda Reddy (India); Mr. Elly-Elikunda E. Mtango (United Republic of Tanzania); Mr. Branimir Jankovic (Yugoslavia); Mr. Mikuel Leliel Balanda (Zaire);

27. Decides that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa and Namibia, as well as infringements of trade-union rights in South Africa, in accordance with Economic and Social Council resolution 1987/63 of 29 May 1987;

28. Requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to continue to investigate cases of torture and ill-treatment of detainees and deaths of detainees in South Africa;

29. Reviews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in prisons in South Africa and Namibia and the treatment of prisoners in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free, confidential access to any prisoner, detainee, ex-prisoner, ex-detainee or any other persons;

(b) The South African Government would provide a firm undertaking that any person providing evidence for such an investigation would be granted immunity from any State action arising from participation in the investigation;

30. Requests the Ad Hoc Working Group of Experts to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, particularly serious violations of human rights in South Africa which may come to its attention during its studies;

31. Authorizes the Chairman of the Ad Hoc Working Group of Experts, within existing resources, to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid;

32. Requests the Ad Hoc Working Group of Experts to submit its interim report to the Commission at its forty-sixth session and to the General Assembly at its forty-fifth session and its final report to the Commission at its forty-seventh session;

33. Invites the Chairman of the Commission to do his utmost to play a more active role in supporting initiatives for promoting a negotiated solution to the South African problem;

34. Reiterates its earlier invitation to the Special Committee against Apartheid to strengthen co-operation with the Ad Hoc Working Group of Experts, in particular to transmit regularly all information that may assist the Group in carrying out its mandate;

35. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

36. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council, the Special Committee against Apartheid and the United Nations Council for Namibia.

35th meeting

23 February 1989

[Adopted by a roll-call vote of 35 to 3, with  
5 abstentions. See chap. VI.]

1989/6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa: report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Mindful of General Assembly resolution 41/95 of 4 December 1986,

Recalling its resolutions 1986/6 of February 1986, 1987/10 of 26 February 1987 and 1988/12 of 29 February 1988,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1985/3 of 27 August 1985, 1987/5 and 1987/7 of 31 August 1987 and 1988/3 of 25 August 1988,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

35th meeting

23 February 1989

[Adopted by a roll-call vote of 32 to 7, with 4 abstentions. See chap. VII.]

1989/7. 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

The Commission on Human Rights,

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to P of 17 December 1981, 37/39 of 3 December 1982, 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling also General Assembly resolutions 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of

both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime, and 3362 (S-VII) of 16 September 1975,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987 and 1988/13 of 29 February 1988,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987 (A/42/699, annex II) by the Council of Ministers of that organization at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987 (A/42/699, annex I), and by the Assembly of Heads of State and Government at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988 (A/43/398, annex II),

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1985/3 of 27 August 1985,

Taking note of the updated report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1988/6 and Add.1),

Reiterating its appreciation of the opinions, restated by the Group of Three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations (E/CN.4/1986/30, para. 36),

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of southern Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism and apartheid and the liberation of the people of South Africa and Namibia from the racist and colonial régime,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes the main obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Deeply concerned about the ever-increasing investment of foreign capital in the exploitation of uranium and wet gas in Namibia and South Africa,

Considering that such collaboration promotes the illegal occupation of Namibia and gross violations of human rights in southern Africa and enables South Africa to acquire the means necessary to carry out acts of aggression and blackmail against independent African States, thus increasing the threat to international peace and security,

Concerned that the persistence of certain banking and international financial institutions in scheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa and pose a major challenge to the Governments and peoples of the world committed to the speedy eradication of racist minority rule in that country,

Alarmed at the continued collaboration of certain Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, economic and other forms of assistance given to the racist régime of South Africa,

Welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund (AFRICA Fund) by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held in Harare from 1 to 6 September 1986, and the launching of the Fund following the AFRICA Fund summit meeting, held in New Delhi on 24 and 25 January 1987,

Taking note of the Tripartite Agreement between Angola, Cuba and South Africa signed on 22 December 1988 with a view to implementing Security Council resolution 435 (1978) of 29 September 1978,

1. Reaffirms the inalienable right of the oppressed peoples of South Africa and Namibia to self-determination, independence and enjoyment of the natural resources of their territories;

2. Again reaffirms the right of those same peoples to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the assistance rendered by the major Western countries and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that this assistance constitutes a hostile action against the people of South Africa, Namibia and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of certain Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability, threaten peace and international security, obstruct efforts to eliminate apartheid and maintain its illegal occupation of Namibia;

5. Strongly condemns the activities of all foreign economic interests operating in Namibia under the illegal South African administration which are illegally exploiting the resources of the Territory, and demands that transnational corporations engaged in such exploitation comply with all relevant resolutions of the United Nations by immediately refraining from any new investment or activities in Namibia, by withdrawing from the Territory and by putting an end to their co-operation with the illegal South African administration;

6. Notes with appreciation the recent measures taken by some States, parliamentarians, institutions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on Namibia and South Africa;

7. Calls once again upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in South Africa and Namibia with a view to putting a stop to their trading, manufacturing and investing activities on the territory of South Africa as well as in the Territory of Namibia illegally occupied by the racist Pretoria régime;

8. Calls again upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and Namibia, and in particular to cease all collaboration with South Africa in the nuclear field;

9. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and Namibia and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

10. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial régime of South Africa, in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa;

(b) The cessation of all collaboration with South Africa in the nuclear field;

(c) The prohibition of all loans to, and all investment in, South Africa and the cessation of any trade with South Africa;

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa;

11. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

12. Appeals to all States, specialized agencies and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

13. Welcomes the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund, and appeals to the international community to contribute to that Fund;

14. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

15. Calls upon States, specialized agencies, regional intergovernmental organizations and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

16. Calls upon the parties to the Tripartite Agreement and South Africa in particular to adopt specific and effective measures to implement the Tripartite Agreement for the immediate and unconditional independence of Namibia;

17. Calls upon the international community to facilitate the implementation of the Tripartite Agreement;

18. Expresses its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report;

19. Decides to consider this matter at its forty-sixth session under the agenda item "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".

35th meeting

23 February 1989

[Adopted by a roll-call vote of 31 to 8, with  
4 abstentions. See chap. VII.]

1989/8. Implementation of the International Convention on the  
Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986,  
42/56 of 30 November 1987 and 43/97 of 8 December 1988,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of  
26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982,  
1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of  
26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987 and  
1988/14 of 29 February 1988,

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it  
called upon States parties to the International Convention on the Suppression  
and Punishment of the Crime of Apartheid to submit, in accordance with  
article VII of the Convention, their first report not later than two years  
after becoming parties to the Convention and their periodic reports at  
two-year intervals,

Having considered the report of the Group of Three members of the  
Commission appointed under article IX of the Convention (E/CN.4/1989/33),

Reaffirming its conviction that apartheid constitutes a total negation of  
the purposes and principles of the Charter of the United Nations, a gross  
violation of human rights and a crime against humanity, seriously threatening  
international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,



Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of apartheid,

Expressing concern at the fact that only one State acceded to the Convention in 1988,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming its conviction that the imposition of comprehensive, mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of apartheid,

1. Takes note with appreciation of the report of the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1988/14;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Requests the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so;

5. Urges once again the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa and in Namibia;

6. Also urges all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

9. Draws the attention of all States to the opinion expressed by the Group of Three in its reports that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

10. Calls on all States whose transnational corporations continue to do business with South Africa and Namibia to take all appropriate steps to terminate their dealings with South Africa and Namibia;

11. Calls on States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

13. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

14. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

15. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

16. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-sixth session;

17. Requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of the crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

18. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention;

19. Decides that the Group of Three shall meet for a period of not more than five days before the forty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

20. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

35th meeting  
23 February 1989

[Adopted by a roll-call vote of 32 to 1, with  
10 abstentions. See chap. XVI.]

1989/9. Implementation of the Programme of Action for the Second  
Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights.

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1988/16 of 29 February 1988,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa and Namibia,

Noting with concern that, despite the efforts of the international community, the principal objectives of the First Decade for Action to Combat Racism and Racial Discrimination were not attained, and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recalling General Assembly resolution 43/91 of 8 December 1988, in which the Assembly strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Taking note with satisfaction of the declarations made by some States regarding their contributions to the Trust Fund,

Noting that the topic for thematic consideration in 1990 will be "The human rights of individuals belonging to ethnic groups in countries of immigration",

Further taking note of the report of the Secretary-General (E/CN.4/1989/34),

1. Commends all States that have ratified or acceded to the relevant international instruments;

2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

3. Emphasizes the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requests the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the appropriate assistance of qualified experts if possible, a handbook of recourse procedures;

4. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Urges all States and international organizations to co-operate with the Secretary-General in the implementation of the plan of activities for the period 1985-1989 (A/39/167-E/1984/33 and Add.1 and 2);

6. Appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, so as to enable the Secretary-General to implement the various programme elements outlined in the plan of activities for 1990-1993 contained in the annex to General Assembly resolution 42/47 of 30 November 1987;

7. Requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the above-mentioned plan of activities so that the Commission can make its contribution thereto;

8. Takes note with satisfaction of General Assembly resolution 43/91, in which the Assembly reiterated its request to the Economic and Social Council to submit annual reports, throughout the Second Decade, to the General Assembly on the activities undertaken or contemplated to achieve the objectives of the Second Decade;

9. Decides to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47;

10. Recalls its resolution 1987/12, in which it decided that the topic for such thematic consideration in 1989 would be "The political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid", and requests the Secretary-General to envisage the organization of a seminar on that topic;

11. Welcomes the results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988 (E/1989/48);

12. Decides that the topic for 1991 will be "ways and means of denying support to racist régimes with a view to making them change their policies";

13. Invites the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47;

14. Further invites the Secretary-General to ensure the effective implementation of those activities proposed for the first half of the Decade that have not yet been undertaken;

15. Requests the Secretary-General, pursuant to General Assembly resolution 42/47, to ensure that sufficient resources are included in the proposed programme budgets for the bienniums 1990-1991 and 1992-1993 to provide for implementation of the activities of the Second Decade;

16. Further requests the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives;

17. Decides to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-sixth session.

35th meeting

23 February 1989

[Adopted without a vote. See chap. XVII.]

1989/10. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings, enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights remain interrelated goals,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of human rights, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries,

Recognizing moreover that respect for and promotion of human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Recalling its resolution 1988/23 of 7 March 1988, concerning the effective enjoyment of economic, social and cultural rights in all countries, which recognizes that Member States, individually and through international co-operation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/33 of 1 September 1988, concerning the realization of economic, social and cultural rights,

Bearing in mind the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

Aware that the adoption of effective measures to promote the enjoyment of all human rights and fundamental freedoms requires a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Draws the attention of the General Assembly and all United Nations bodies to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

3. Urges the Committee on Economic, Social and Cultural Rights to give the necessary attention, in its work, to the question of extreme poverty and exclusion from society;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, when studying, in accordance with its resolution 1988/33, problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, to give particular attention to the question of extreme poverty and exclusion from society and to examine the feasibility of a study of this question.

46th meeting

2 March 1989

[Adopted without a vote. See chap. VIII.]

1989/11. Non-discrimination in the field of health

The Commission on Human Rights,

Recalling that, in the Charter of the United Nations, the peoples of the United Nations reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and determined to promote social progress and better standards of life in larger freedom,

Guided by the principles enshrined in articles 1, 2, 7, 12, 13, 23, 25, 26 and 27 of the Universal Declaration of Human Rights, articles 6, 7, 12, 13, 17 and 26 of the International Covenant on Civil and Political Rights, and articles 2, 10, 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights,

Recalling its resolutions 1988/57 and 1988/62 of 9 March 1988,

Recalling World Health Assembly resolutions WHA23.41 of 21 May 1970, WHA30.43 of 19 May 1977, WHA33.24 of 23 May 1980, WHA35.23 of 14 May 1982 and WHA41.24 of 13 May 1988,

Considering that all men and women are equal before the law and are entitled to equal protection of the law from all discrimination and from all incitement to discrimination related to their state of health,

Deeply concerned by the fact that it is not uncommon to observe discriminatory practices that are incompatible with medical ethics and human rights,

Convinced that the development of international co-operation and information in the field of health can help to diminish discrimination among human beings in health matters,

Convinced also that the permanent and deep-rooted struggle against unwarranted discriminatory practices in health matters must be based on full, accessible and effective information,



1. Reaffirms the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
2. Recalls that all human rights must apply to all patients without exception and that non-discrimination in the field of health should apply to all people and in all circumstances;
3. Recognizes the importance of the principle of non-discrimination concerning access to health care and encourages the World Health Organization to continue its action in that respect;
4. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine, using the opportunity provided by the study on discrimination against persons with the human immunodeficiency virus (HIV) or suffering from acquired immunodeficiency syndrome (AIDS) envisaged in its decision 1988/11 of 1 September 1988, the possibility of extending the scope of such a study to other kinds of discrimination against sick or disabled persons, in consultation with the World Health Organization and other Governments that wish to express their views the opportunity to do so.

46th meeting  
2 March 1989

[Adopted without a vote. See chap. VIII.]

1989/12. Realization of economic, social and cultural rights

The Commission on Human Rights.

Recalling its resolutions 4 (XXXIII) of 21 February 1977, 1985/42 of 14 March 1985, 1986/15 of 10 March 1986, 1987/19 of 10 March 1987 and 1988/22 of 7 March 1988 on the realization of economic, social and cultural rights,

Taking note of General Assembly resolutions 40/114 of 13 December 1985, 41/117 of 4 December 1986, 42/102 of 7 December 1987 and 43/113 of 8 December 1988, in which the Assembly requested the Commission to give more attention to the realization of economic, social and cultural rights,

Welcoming Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1987/29 of 3 September 1987 and 1988/33 of 1 September 1988,

Mindful of the obligation of States under the Charter of the United Nations to promote social progress and better standards of life in larger freedom and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Noting that, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil, political, economic, social and cultural rights,

Recalling the Proclamation of Teheran of 1968, according to which human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible and the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development,

Reaffirming the provisions of General Assembly resolution 32/130 of 16 December 1977, and convinced that the promotion and protection of one category of rights can never exempt or excuse States from the promotion and protection of the other rights,

Recalling also that the Declaration on Social Progress and Development provides that social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice,

Taking note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its first and second sessions (E/1987/28 and E/1988/14),

Recognizing that colonialism, neo-colonialism, aggression and threats against national sovereignty, national unity and territorial integrity, foreign occupation, racism, apartheid and all forms of discrimination and domination, as well as the refusal to recognize the fundamental right of peoples to self-determination and of every nation to exercise full sovereignty over its national wealth and resources, still constitute essential obstacles to the full realization of human rights and fundamental freedoms,

Reaffirming that there is a close relationship between disarmament and development, that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples, in particular those of the developing countries,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recognizing also that the implementation of the Declaration on the Right to Development will promote the enjoyment of economic, social, cultural, civil and political rights,

Concerned at the serious situation with regard to the implementation of economic, social and cultural rights in some parts of the world,

Mindful that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not received sufficient attention within the framework of the United Nations system,

1. Appeals to all States to pursue policies directed towards the implementation, promotion and protection of economic, social, cultural, civil and political rights;

2. Calls upon all States to co-operate with each other in promoting social progress and better standards of life in larger freedom;

3. Takes note of the report of the Secretary-General prepared in accordance with its resolution 1988/22 (E/CN.4/1989/9);

4. Encourages the Committee on Economic, Social and Cultural Rights to strive towards the application of universally recognized criteria in the implementation of the International Covenant on Economic, Social and Cultural Rights and to develop general comments following the precedent established by the Human Rights Committee;

5. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1988/33, to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, in accordance with the guidelines contained in Sub-Commission resolution 1987/29;

6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance which he may require for the successful completion of his tasks;

7. Decides to consider the question of the realization of economic, social and cultural rights at its forty-sixth session in the light of the results of the work of the Special Rapporteur.

46th meeting

2 March 1989

[Adopted by a roll-call vote of 31 to 10, with  
with 1 abstention. See chap. VIII.]

1989/13. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, much remains to be done with regard to their implementation,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international co-operation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international co-operation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made recently with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and co-operation to the Committee on Economic, Social and Cultural Rights, inter alia, by ensuring that expert representatives are designated for the presentation of States' reports and by the preparation, in consultation with relevant government departments and agencies, of succinct information;

3. Welcomes the establishment by the Committee of a pre-sessional working group to ensure better preparation for the Committee's work, and invites the Committee to develop as a matter of priority its general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General (A/40/600/Add.1) and focusing on such specific information as would assist the Committee to carry out its mandate more effectively;

4. Welcomes the Committee's decision to develop general comments, and invites it to consider using that mechanism to encourage a fuller appreciation of the obligations of States parties under the Covenant;

5. Encourages the Committee, in the process of developing general comments, to take into consideration the recent intensive study of the International Covenant on Economic, Social and Cultural Rights and the report on the right to adequate food as a human right by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1987/23);

6. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant, and in this context to pay particular regard to the most vulnerable and disadvantaged;

7. Affirms that full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

8. Invites Member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes;

9. Welcomes the Committee's decision to devote one day at each of its sessions to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues, and urges States parties, specialized agencies and non-governmental organizations to consider contributing written submissions to assist the Committee in its general discussions;

10. Invites the Committee, in line with article 23 of the International Covenant on Economic, Social and Cultural Rights, to give consideration to means by which the various United Nations agencies working in the field of development could best integrate measures designed to promote full respect for economic, social and cultural rights in their activities;

11. Requests the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of the development agencies, and, in this regard, notes the relevance of the programme of advisory services;

12. Requests the Secretary-General to consult the Committee with a view to eliciting its recommendations as to how the programme of advisory services in the field of human rights could best be used to promote enhanced respect for economic, social and cultural rights;

13. Urges the Economic and Social Council, in reviewing its activities pursuant to General Assembly resolution 41/213 of 19 December 1986, to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights, while paying due regard to the distinctive character of the Committee on Economic, Social and Cultural Rights in its capacity as a treaty body;

14. Invites the Economic and Social Council, pursuant to article 22 of the Covenant, to identify ways in which international co-operation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

15. Welcomes Sub-Commission resolution 1988/33 of 1 September 1988, by which the Sub-Commission entrusted one of its members with a study of problems, policies and progressive measures relating to a more effective

realization of economic, social and cultural rights, and requests that in the above-mentioned study priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged;

16. Decides to consider issues raised by the present resolution again at its forty-sixth session under the agenda item "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

46th meeting

2 March 1989

[Adopted without a vote. See chap. VIII.]

1989/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission on Human Rights,

Recalling General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979, 37/55 of 3 December 1982, 38/24 of 22 November 1983 and 40/99 of 13 December 1985, in which the General Assembly requested the Commission on Human Rights to continue to consider the question of popular participation in its various forms as an important factor in development and in the full realization of all human rights,

Recalling its resolution 1983/14 of 22 February 1983 and Economic and Social Council resolution 1983/31 of 27 May 1983,

Recalling also its resolution 1984/15 of 6 March 1984 and Economic and Social Council decision 1984/131 of 24 May 1984,

Recalling further its resolutions 1985/44 of 14 March 1985, 1986/14 of 10 March 1986, 1987/21 of 10 March 1987 and 1988/21 of 7 March 1988, in which it invited comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2) from Governments, United Nations organs, specialized agencies and non-governmental organizations and requested the Secretary-General to submit a report containing the comments received for consideration by the Commission at its forty-fifth session,

Mindful that in its resolution 1987/21 it requested the Secretary-General to prepare a study of laws and practices of countries regarding the question of the extent to which the right to participation has been established and has evolved at the national level, and to submit that study to the Commission at its forty-fifth session,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1989/11);

2. Invites Governments, United Nations organs, specialized agencies and non-governmental organizations which have not yet done so to make their comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights;

3. Requests the Secretary-General to submit a report containing comments made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration by the Commission at its forty-sixth session;

4. Takes note of the study by the Secretary-General of laws and practices regarding popular participation (E/CN.4/1989/12);

5. Requests the Secretary-General to use all channels at his disposal to collect the relevant information and to prepare on this basis a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, and to submit that study to the Commission on Human Rights at its forty-seventh session;

6. Decides to consider the report of the Secretary-General referred to in paragraph 3 above at its forty-sixth session under the sub-item of the agenda entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

46th meeting

2 March 1989

[Adopted without a vote. See chap. VIII.]

- . 1989/15. Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development,



Considering that social progress and economic development in all countries are key factors in the full promotion of human rights and fundamental freedoms,

Decides to include in the agenda of its forty-sixth session, under the sub-item "Problems related to the right to enjoy an adequate standard of living; the right to development", a specific point entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

47th meeting

2 March 1989

[Adopted by a roll-call vote of 30 to 6, with  
6 abstentions. See chap. VIII.]

1989/16. Status of the Convention on the Prevention and  
Punishment of the Crime of Genocide

The Commission on Human Rights,

Recalling General Assembly resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987 and 43/138 of 8 December 1988,

Recalling also its resolutions 1986/18 of 10 March 1986, 1987/25 of 10 March 1987 and 1988/28 of 7 March 1988,

Recalling further General Assembly resolution 260 A (III) of 9 December 1948, in which the Assembly approved the Convention on the Prevention and Punishment of the Crime of Genocide and proposed it for signature and ratification or accession,

Reaffirming its conviction that genocide is a crime which violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Expressing its conviction that strict observance by all States of the provisions of the Convention is necessary for the prevention and punishment of the crime of genocide,

1. Strongly condemns once again the crime of genocide;
2. Affirms the necessity of international co-operation in order to liberate mankind from this odious crime;

3. Takes note with appreciation of the fact that 100 States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;

4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay.

47th meeting

2 March 1989

[Adopted without a vote. See chap. VIII.]

1989/17. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 1988/27 of 7 March 1988 and General Assembly resolution 43/114 of 8 December 1988,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/43/518),

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the co-ordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

Taking note with appreciation of the results of the meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights, so that these instruments acquire genuine universality;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights which have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Encourages the Committee on Economic, Social and Cultural Rights to strive towards the application of universally recognized criteria in the implementation of the International Covenant on Economic, Social and Cultural Rights;

11. Requests the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, the organization of regional and subregional training courses and the exploration of other possibilities available under the programme of advisory services in the field of human rights;

12. Urges the Secretary-General to give more publicity to the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to ensure that the necessary administrative and related support is provided, including sufficient meeting time and summary records of their meetings, to enable them to carry out their respective functions effectively;

13. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant in as many languages as possible and to disseminate them as widely as possible in order to make them better known;

14. Notes with satisfaction the publication of the first volumes of the Yearbook of the Human Rights Committee, containing the official records of the Committee, and looks forward to the early publication of further volumes;

15. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-sixth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

16. Decides to consider at its forty-sixth session an agenda item entitled "Status of the International Covenants on Human Rights".

47th meeting

2 March 1989

[Adopted without a vote. See chap. XVIII.]

1989/18. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of

the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Reaffirming General Assembly resolution 43/33 of 22 November 1988 on the question of Western Sahara,

Recalling resolution AHG/Res.104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983, 1984/13 of 29 February 1984, 1985/5 of 26 February 1985, 1986/21 of 10 March 1986, 1987/3 of 19 February 1987 and 1988/5 of 22 February 1988,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

Taking note with appreciation of the part concerning Western Sahara of the final communiqué adopted by the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Countries, held at Nicosia from 7 to 10 September 1988 (A/43/667, annex),

Noting with appreciation the continuation of the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to implementing resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity and General Assembly resolution 40/50 of 2 December 1985,

1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara (A/43/680);

2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Reaffirms also that the solution of the question of Western Sahara lies in the implementation of resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity, which establishes ways and means for a just and definitive political solution to the Western Sahara conflict;

4. Again requests, to that end, the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations, in the shortest

possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations;

5. Welcomes the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

6. Welcomes the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

7. Welcomes the meeting that took place in Marrakesh on 4 January 1989 between His Majesty King Hassan II of Morocco and a high-ranking delegation of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro;

8. Welcomes also the unanimous adoption of Security Council resolution 621 (1988) of 20 September 1988, by which the Council authorized the Secretary-General of the United Nations to appoint a special representative for Western Sahara;

9. Further welcomes the invitation by the General Assembly to the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and to the Secretary-General of the United Nations to continue to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to negotiate, in the shortest possible time, in accordance with resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity and General Assembly resolutions 40/50 and 43/33, the terms of a cease-fire and the modalities for organizing the said referendum;

10. Expresses its support for the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to promoting a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

11. Associates itself with the General Assembly's appeal to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display the political will necessary to implement

resolution AHG/Res.104 (XIX) and General Assembly resolutions 40/50 of 2 December 1985, 41/16 of 31 October 1986, 42/78 of 4 December 1987 and 43/33 of 22 November 1988;

12. Expresses its satisfaction at the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to implementing the relevant decisions of that organization, in particular resolution AHG/Res.104 (XIX);

13. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-fourth session;

14. Recalls that the General Assembly has invited the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

15. Recalls that the General Assembly has invited the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of Assembly resolution 43/33 and to report thereon to the Assembly at its forty-fourth session;

16. Decides to follow the development of the situation in Western Sahara and to consider this question within the framework of the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its forty-sixth session, as a matter of high priority.

51st meeting

6 March 1989

[Adopted by a roll-call vote of 24 to none, with  
17 abstentions. See chap. IX.]

1989/19. Situation in occupied Palestine

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference,

Recalling Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern at Israel's persistence in preventing the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which encourages and supports Israel in its aggressive and expansionist policies and its continued occupation of Palestinian and other Arab territories,

Taking note of the decision taken on 15 November 1988 at Algiers by the Palestine National Council, declaring the establishment of the State of Palestine,

Taking into account the statement of Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, to the General Assembly on 13 December 1988 in Geneva,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of its independent sovereign State on their national soil in accordance with the Charter of the United Nations and resolutions adopted by the General Assembly since 1947;

2. Welcomes with great satisfaction the declaration of the establishment of the State of Palestine as an exercise by the Palestinian people of a fundamental, inalienable right, and considers the decisions of the Palestine National Council of 15 November 1988 a prerequisite for the establishment of a just and lasting peace in the Middle East;

3. Reaffirms the inalienable right of the Palestinians to return to their homeland Palestine, in accordance with General Assembly resolution 194 (III) of 11 December 1948 and subsequent relevant resolutions;



4. Reaffirms the right of the Palestinian people to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions, and affirms that the intifadah of the Palestinian people against the Israeli occupation since 8 December 1987 is a form of legitimate resistance and an expression of their rejection of the occupation;

5. Reaffirms its support for the call to convene an effective international peace conference on the Middle East, to be attended by the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, under the auspices of the United Nations, in accordance with the resolutions of the General Assembly and the Security Council, and to guarantee the inalienable national rights of the Palestinian people, in particular their right to self-determination;

6. Calls for intensified international efforts to induce the parties concerned in the conflict to respond to the Palestinian peace initiative and to expedite the convening of the international peace conference on the Middle East;

7. Strongly condemns Israel for its continued occupation of the Palestinian and other Arab territories in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

8. Calls upon Israel to comply with its obligations under the Charter of the United Nations and to withdraw from the Palestinian and Arab territories which it has occupied since 1967;

9. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights and to liberate their land from Israeli occupation, in accordance with the Charter of the United Nations and with the relevant United Nations resolutions;

10. Requests the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-sixth session, all information pertaining to the implementation of the present resolution;

11. Requests the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation and to report thereon to the Commission at its forty-sixth session;

12. Decides to place on the provisional agenda of its forty-sixth session, as a matter of high priority, the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider, in the context of this item, the situation in occupied Palestine.

51st meeting

6 March 1989

[Adopted by a roll-call vote of 31 to 1, with 11 abstentions. See chap. IX.]

1989/20. Situation in Kampuchea

The Commission on Human Rights.

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982, 1983/5 of 15 February 1983, 1984/12 of 29 February 1984, 1985/12 of 27 February 1985, 1986/25 of 10 March 1986, 1987/6 of 19 February 1987 and 1988/6 of 22 February 1988 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987 and 1988/143 of 27 May 1988,

Recalling that all its resolutions reaffirm the inherent and inalienable right of the people of Kampuchea to fundamental freedoms and human rights, in particular the right to self-determination,

Recalling once again General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982, 38/3 of 27 October 1983, 39/5 of 30 October 1984, 40/7 of 5 November 1985, 41/6 of 21 October 1986, 42/3 of 14 October 1987 and 43/19 of 3 November 1988, which called, inter alia, for an end to armed intervention, the total withdrawal of foreign forces from Kampuchea and urgent recourse to a negotiated peaceful settlement, particularly in the context of these resolutions,

Further recalling General Assembly resolutions 36/5, 37/7, 38/3, 39/5, 40/7, 41/6, 42/3 and 43/19, which reaffirmed the conviction that, to bring about a durable peace in South-East Asia, there was an urgent need for the international community to find a comprehensive political solution to the Kampuchean problem that would provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference,

Emphasizing, in particular, General Assembly resolution 36/5, in which the Assembly approved the report of the International Conference on Kampuchea, which embraced the four cardinal elements of negotiations for a comprehensive political settlement of the Kampuchean problem,

Recalling General Assembly resolution 43/19, in which the Assembly took note of the report of the Ad Hoc Committee of the International Conference on Kampuchea on its activities during 1987-1988 (A/CONF.109/13) and requested that the Committee continue its work, pending the reconvening of the Conference,

Deploing the continuance of foreign armed intervention in and occupation of Kampuchea, which deprive the Kampuchean people of their right to the exercise of self-determination,

Recognizing the importance of the continued and effective struggle waged against foreign occupation by the Kampuchean forces under the leadership of Samdech Norodom Sihanouk,

Recognizing that the continuing illegal occupation of Kampuchea by foreign forces not only deprives the people of Kampuchea of the exercise of their right to self-determination but also forces a large number of Kampucheans to flee their own homeland as refugees and displaced persons outside Kampuchea,

Emphasizing that it is the inalienable right of those Kampucheans who have sought refuge in neighbouring countries to return safely to their homeland,

Emphasizing further that the effective and full enjoyment of human rights by the Kampuchean people as well as the solution of humanitarian problems cannot be achieved without a comprehensive political settlement of the Kampuchean problem,

Seriously concerned that the continuing illegal occupation of Kampuchea and the reported demographic changes imposed by foreign occupation forces in Kampuchea are a threat to the survival of the Kampuchean people and culture,

Having considered Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 13 (XXXIV) of 10 September 1981 and 1982/22 of 8 September 1982, in which the Sub-Commission reiterated its recommendations that the Commission on Human Rights should keep the situation of human rights in Kampuchea under continuing review and should call for a pledge by all States not to interfere in the internal political process in Kampuchea in any way whatsoever after the withdrawal of the foreign forces currently in that country,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Kampuchea as expressed in its resolutions adopted in the last nine years, namely, resolutions 29 (XXXVI), 11 (XXXVII), 1982/13, 1983/5, 1984/12, 1985/12, 1986/25, 1987/6 and 1988/6;

2. Reaffirms that the continuing illegal occupation of Kampuchea by foreign forces deprives the people of Kampuchea of the exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present;

3. Deplores the continued violations of fundamental human rights, the principles of international law and the Charter of the United Nations, particularly the repeated military attacks and shelling by the occupying troops against Kampuchean civilians, over 300,000 of whom have been forced to seek temporary refuge in the United Nations assisted evacuation sites along the Thai border with Kampuchea, and further deplors the reported forced demographic changes and displacement of the Kampuchean population;

4. Emphasizes that the withdrawal of all foreign forces from Kampuchea, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of Kampuchea's independence, sovereignty and territorial integrity, the recognition of the Kampuchean people's right to self-determination and the commitment of all States to non-interference and non-intervention in the internal affairs of Kampuchea are essential components of a just and durable solution to the Kampuchean problem;

5. Strongly reaffirms its call to parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate and unconditional withdrawal of foreign forces from Kampuchea, as reiterated in the Declaration on Kampuchea adopted on 17 July 1981, in order that:

(a) The Kampuchean people, free from any foreign interference, aggression and coercion, will be able to exercise their fundamental and inalienable human rights in their totality and indivisibility;

(b) The United Nations may be able to offer its services effectively in the field of human rights and fundamental freedoms in Kampuchea;

(c) In the exercise of their fundamental freedoms and inalienable rights, the Kampuchean people will then be able to choose and determine their own future through free and fair elections under United Nations supervision;

(d) The exercise of the right of all Kampuchean refugees to return to their homeland in safety may be made possible;

(e) Efforts towards a comprehensive political solution to the Kampuchean problem, within the framework of the Declaration on Kampuchea of 17 July 1981 and the relevant United Nations resolutions, may be pursued with a view to establishing an independent, free and non-aligned Kampuchea and thereby achieving durable peace in South-East Asia;

6. Expresses its deep appreciation to the Secretary-General for his report on the implementation of General Assembly resolution 41/6 (A/42/608);

7. Requests the Secretary-General to continue to monitor closely the developments in Kampuchea and urgently to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of the fundamental human rights of the Kampuchean people;

8. Notes with appreciation the report of the Ad Hoc Committee of the International Conference on Kampuchea on its activities during 1987-1988 and requests that the Committee continue its work and that the Conference be reconvened at an appropriate time, in accordance with General Assembly resolution 43/19;

9. Recommends that the Economic and Social Council at its first regular session of 1989 continue to consider, and in particular to undertake, appropriate measures aimed at the early implementation of relevant recommendations with a view to achievement of the full enjoyment of the fundamental human rights and freedoms of the Kampuchean people, particularly its inalienable right to self-determination;

10. Decides to keep the situation in Kampuchea under review as a matter of high priority at its forty-sixth session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

51st meeting

6 March 1989

[Adopted by a roll-call vote of 35 to 7, with  
1 abstention. See chap. IX.]

1989/21. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use of force or of the threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated with mercenary activity,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that the use of mercenaries is a threat to international peace and security,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling the relevant resolutions of the General Assembly, particularly resolution 42/96 of 7 December 1987 and resolution 43/107 of 8 December 1988, in which the Assembly denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, inter alia, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them with the objective of overthrowing the Governments of States Members of the United Nations,

Recalling its own resolutions 1986/26 of 10 March 1986, and 1987/16 of 9 March 1987, in which it condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries as well as other forms of support to mercenaries and, in the latter resolution, decided to appoint a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination,

Recalling also its resolutions 1988/7 of 22 February 1988 and 1988/30 of 8 March 1988, by which the mandate of the Special Rapporteur was continued for two years,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of States and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing the use of mercenaries and its adverse effects on the independence and territorial integrity of African States,

Reaffirming the decision in General Assembly resolution 32/130 of 16 December 1977 to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Deeply concerned at the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of Central American and southern African countries resulting from mercenary aggression,

Taking into account the existence of mercenary activities, with the characteristics set forth in the report of the Special Rapporteur (E/CN.4/1989/14), against Angola and Nicaragua,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern Africa and Central America and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. Considers it inadmissible to use channels of humanitarian and other assistance to finance, train and arm mercenaries;

3. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

4. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity;

5. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory, as well as all other forms of support and assistance to mercenaries;

6. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1989/14);

7. Expresses its appreciation to the Governments of Angola and Nicaragua for the co-operation which they extended to the Special Rapporteur;

8. Reaffirms the right of all countries to non-interference in their internal affairs, self-determination and full sovereignty, and welcomes the steps taken towards the peaceful solution of the conflicts in southern Africa and Central America;

9. Decides that the Special Rapporteur in carrying out his mandate shall continue to seek and receive credible and reliable information from Governments, as well as intergovernmental organizations, non-governmental organizations and national liberation movements recognized by regional intergovernmental organizations;

10. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur and to appeal again to all Governments to co-operate with and assist the Special Rapporteur in the performance of his duties and to furnish all information requested;

11. Requests the Special Rapporteur, in carrying out his mandate, to strengthen his co-operation and co-ordination with the various bodies concerned with mercenarism within the United Nations system, in particular with the Ad hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

12. Further requests the Special Rapporteur, in carrying out his mandate, to continue to study credible and reliable reports of mercenary activity in African and other developing countries to determine the scope and implications of such activities and the possible responsibility of third parties by means, inter alia, of on-site visits where appropriate;

13. Also requests the Special Rapporteur to seek the point of view of those Governments in whose territories, according to the information communicated to him, mercenaries may have been recruited or trained or may have been provided with facilities for launching armed aggression against other States;

14. Also requests the Special Rapporteur to develop further the position that mercenary acts and mercenarism in general are a means of violating human rights and thwarting the self-determination of peoples;

15. Urges all Governments, particularly those which have suffered from acts of mercenarism, to facilitate the task of the Special Rapporteur and to invite him to conduct on-site visits where appropriate;

16. Requests the Special Rapporteur to submit to the Commission at its forty-sixth session a report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, together with his conclusions and recommendations, and to submit a preliminary report to the General Assembly at its forty-fourth session;

17. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution;



18. Decides to continue the consideration of the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination at its forty-sixth session as a matter of high priority under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

51st meeting

6 March 1989

[Adopted by a roll-call vote of 32 to 10, with  
1 abstention. See chap. IX.]

1989/22. Situation in southern Africa

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Bearing in mind that the provisions of Additional Protocol I of 1977 to the Geneva Conventions of 12 August 1949 apply to all the freedom fighters in South Africa and Namibia fighting for their independence and self-determination,

Recalling General Assembly resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 35/118 of 11 December 1980, the annex to which contains the Plan of Action for the Full Implementation of the Declaration,

Recalling General Assembly resolutions 43/26 A to E of 17 November 1988,

Recalling also its own resolution 1988/8 of 23 February 1988,

Concerned about the abduction and assassination of opponents of apartheid in neighbouring countries, the arming of so-called "vigilante" groups and the arrest and torture of leaders and activists of mass organizations,

Deeply concerned about the acts of aggression and destabilization perpetrated by the Pretoria régime against front-line States,

Condemning the continued colonialist and racist oppression of millions of Africans by the racist Government of South Africa, through its persistent and intransigent attitude towards all efforts being made to bring about a democratic and internationally acceptable solution to the situation obtaining in South Africa,

Condemning the racist régime of South Africa for its ruthless exploitation of the people and resources of Namibia, as well as its attempts to destroy the national unity and territorial integrity of Namibia,

Reaffirming that Walvis Bay and the offshore islands constitute an integral part of the Territory of Namibia,

Reaffirming that "bantustanization" is incompatible with genuine independence, national unity and self-determination and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

Convinced that the system of apartheid is a gross violation of the right to self-determination of the people of South Africa,

Reaffirming the legitimacy of the struggle of the peoples of South Africa and Namibia for their right to self-determination,

Condemning the racist régime of South Africa for its continued manoeuvrings, including its unrestrained military build-up in the Territory, contrary to the spirit of the accords on Namibia,

Condemning the racist régime of South Africa for its continued acts of atrocity, repression of Namibians, and arrest and detention of members of the South West Africa People's Organization,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without delay their inalienable right to self-determination and independence;

2. Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 and Security Council resolution 435 (1978) of 29 September 1978, as well as in subsequent resolutions of the Assembly relating to Namibia;

3. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, in accordance with the Charter of the United Nations and relevant United Nations resolutions for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa;

4. Reiterates its affirmation that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and poses a serious threat to international peace and security;

5. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide all moral and material assistance to the oppressed peoples of South Africa and Namibia;

6. Strongly condemns the continued violations of the human rights of peoples still under colonial and foreign domination, the continuation of the illegal occupation of Namibia and South Africa's attempts to dismember its territory, and the perpetuation of the racist minority régime in southern Africa;

7. Condemns the policy of "bantustanization", which denationalizes the majority of the South African people and is contrary to the principle of self-determination and inconsistent with genuine independence and national unity;

8. Condemns the imposition of censorship and other restrictions on the media by the racist régime, in particular on press reports and the transmission of audio-visual material, aimed at concealing from world public opinion the ruthless atrocities perpetrated by the apartheid régime against the peoples of South Africa and Namibia;

9. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence and that it guarantee full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

10. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid régime of South Africa against front-line and other neighbouring States, and in this regard demands that all States impose mandatory and comprehensive sanctions against South Africa, in order to stop it committing further acts of destabilization of neighbouring States;

11. Demands a democratic and non-racial solution in South Africa based on the principle of universal and equal suffrage without any discrimination, in order to allow the people of South Africa freely to enjoy their right to self-determination;

12. Decides to include in the provisional agenda of its forty-sixth session the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

51st meeting

6 March 1989

[Adopted by a roll-call vote of 33 to 2, with  
8 abstentions. See chap. IX.]

1989/23. Situation in Afghanistan

The Commission on Human Rights,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Noting the conclusion at Geneva, on 14 April 1988, of the Agreements on the Settlement of the Situation Relating to Afghanistan (S/19835, annex I),

Recalling General Assembly resolution 43/20 of 3 November 1988, in which the Assembly reaffirmed, inter alia, the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the situation in Afghanistan, which resulted from the violation of principles of the Charter of the United Nations and of the recognized norms of inter-State conduct,

Aware of the continuing concern of the international community over the suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan, on the basis of the free exercise of the right of self-determination by the people of Afghanistan,

1. Welcomes the conclusion at Geneva, on 14 April 1988, under United Nations auspices, of the Agreements on the Settlement of the Situation Relating to Afghanistan, which constitute an important step towards a comprehensive political solution of the Afghanistan problem;

2. Welcomes the completion of the withdrawal of foreign troops from Afghanistan in accordance with the relevant provisions of the Geneva Agreements;

3. Expresses its appreciation to the Secretary-General for his constant efforts to achieve a political solution of the Afghanistan problem;

4. Reaffirms the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan is essential for a peaceful solution of the Afghanistan problem;

6. Calls for the establishment of a broad-based representative government to ensure the broadest support and immediate participation of all segments of the Afghan people, thus enabling them freely to exercise their right of self-determination;

7. Calls upon all parties concerned to work for the urgent achievement of a comprehensive political solution and the creation of the necessary conditions of peace and normalcy which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour;

8. Requests the Secretary-General to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Agreements and General Assembly resolution 43/20;

9. Renews its appeal to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

10. Welcomes the appointment of the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan;

11. Calls upon all States to provide adequate financial and material resources to the Special Co-ordinator for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country, as well as for its economic and social reconstruction;

12. Decides to consider this matter at its forty-sixth session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

51st meeting

6 March 1989

[Adopted without a vote. See chap. IX.]

1989/24. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Calling attention to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the safeguards guaranteeing protection of the rights of those facing the death penalty, as well as to the Basic Principles on the Independence of the Judiciary, the Code of Conduct for Law Enforcement Officials and the Standard Minimum Rules for the Treatment of Prisoners,

Further calling attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly in resolution 43/173 of 9 December 1988,

Mindful of the proposal for the adoption of a second optional protocol to the International Covenant on Civil and Political Rights on the elimination of the death penalty, as well as of the prohibition under article 6 of the International Covenant on Civil and Political Rights of the imposition of the death penalty for crimes committed by persons below 18 years of age,

Noting that the United Nations system continues to give special attention to the elaboration of standards in this field as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986, including on the use

of force and firearms by law enforcement officials as well as with regard to unacknowledged detention of persons and on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Mindful also of the principles contained in General Assembly resolution 41/120 of 4 December 1986 on standard setting in the field of human rights,

Guided by General Assembly resolution 43/153 of 8 December 1988 on human rights in the administration of justice,

Recalling its resolution 1988/33 of 8 March 1988,

1. Reaffirms the importance of the full and effective implementation of United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call upon all States to spare no effort in providing for effective legislative and other mechanisms and procedures as well as adequate resources to ensure more effective implementation of these standards, taking into account the General Assembly's recommendations, in resolution 43/153 of 8 December 1988, for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under the programme of advisory services in the field of human rights;

6. Further stresses the desirability of including in such assistance model texts for national legislative or other measures for the effective implementation of standards in this field;

7. Requests the Secretary-General to study the feasibility of drafting such model texts, to seek the views of Member States on this issue and to inform the Commission at its forty-sixth session of the results of his study;

8. Emphasizes the importance of appropriate education and public information programmes in the field of human rights which would be geared

particularly to those responsible for the administration of justice, and requests the Secretary-General to provide for appropriate action within the framework of the World Public Information Campaign for Human Rights;

9. Expresses the hope that the existing co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs will be further strengthened as regards matters relating to human rights in the administration of justice, and welcomes, in this context, the creation of focal points within the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch to monitor the aspects relating to human rights in the administration of justice within the various elements of the United Nations human rights programme, the programme on crime prevention and control and the work of the specialized agencies, regional organizations and non-governmental organizations in consultative status, and to provide, as appropriate, advice on co-ordination and other relevant issues in the field;

10. Reiterates the hope that the Human Rights Committee and regional human rights institutions established by regional human rights instruments will endeavour to study possible areas of co-operation with human rights bodies of the United Nations system in this field and inform the Commission of their reflections on this matter;

11. Decides to consider the question of human rights in the administration of justice at its forty-sixth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting  
6 March 1989

[Adopted without a vote. See chap. X.]

1989/25. Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

The Commission on Human Rights,

Mindful of its resolution 1984/19 of 6 March 1984, in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights,

Taking note of Sub-Commission resolution 1988/22 of 1 September 1988, by which the Sub-Commission decided without a vote to transmit the comparative analysis and the draft second optional protocol to the International Covenant on Civil and Political Rights prepared by the Special Rapporteur, Mr. Marc Bossuyt (E/CN.4/Sub.2/1987/20), to the Commission for its consideration,



Having examined the analysis and the proposed second optional protocol annexed to that analysis,

Taking into account the views of Governments expressed in favour and against the abolition of the death penalty,

Wishing to give State parties to the International Covenant on Civil and Political Rights which choose to do so the opportunity to become parties to a second optional protocol on the abolition of the death penalty,

1. Expresses its deep appreciation to the Special Rapporteur for his thorough analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;

2. Decides to transmit to the General Assembly, through the Economic and Social Council, the comparative analysis and the draft second optional protocol as well as the comments expressed at the thirty-ninth and fortieth sessions of the Sub-Commission and at the forty-fifth session of the Commission on Human Rights;

3. Requests the Secretary-General to bring the comparative analysis prepared by the Special Rapporteur to the attention of all Governments and to invite the Governments to communicate to him, before 1 September 1989, their comments on the text of the draft second optional protocol contained in annex I to the analysis;

4. Requests the Secretary-General to submit to the General Assembly for consideration at its forty-fourth session the aforementioned text and a report containing the views expressed thereon by Governments;

5. Recommends that the General Assembly consider taking suitable action on a second optional protocol on the abolition of the death penalty.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/26. Hostage-taking

The Commission on Human Rights,

Recalling its resolution 27 (XXXVII) of 11 March 1981, in which it affirmed that the taking of hostages constituted a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health,

Recalling its resolutions 1986/49 of 12 March 1986, 1987/28 of 10 March 1987 and 1988/38 of 8 March 1988, in which it condemned the taking of any person hostage,

Bearing in mind, among other things, Security Council resolutions 579 (1985) of 18 December 1985 and 618 (1988) of 29 July 1988 on hostage-taking, as well as the statement made by the President of the Security Council on 28 January 1987 (S/18641), again condemning all cases of hostage-taking,

Considering that everyone has the right to life, liberty and security and that hostage-taking is a serious violation of fundamental rights and of the dignity of the human being,

Considering that arbitrary detention of persons is an unquestionable violation of human rights,

Alarmed by the number of cases of hostage-taking throughout the world, some of which have been going on for a long time, and by the odious practice they constitute,

Expressing its distress at these unacceptable displays of violence towards innocent victims and at the anxiety and suffering of the families concerned,

1. Strongly condemns the taking of any person hostage, whoever is responsible and whatever the circumstances, whether or not the hostage is chosen at random and whatever his nationality;
2. Censures the actions of all persons responsible for taking hostages, whatever their motives, and demands that they should immediately release those they are holding;
3. Calls upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory;
4. Requests the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage;
5. Decides to remain seized of this question at its forty-sixth session.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/27. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the need to continue the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1986/55 of 13 March 1986, 1987/27 of 10 March 1987 and 1988/34 of 8 March 1988,

Recalling General Assembly resolutions 42/142 of 7 December 1987 and 43/159 of 8 December 1988, in which the Assembly welcomed the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, while maintaining the principle of annual reporting by the Group,

Profoundly concerned at the fact that the practice of enforced or involuntary disappearances continues in various regions of the world, and at the fact that in some cases the families of disappeared persons have suffered intimidation and ill-treatment,

Having considered the report of the Working Group (E/CN.4/1989/18 and Add.1),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work, and thanks the Working Group for submitting to the Commission at its forty-fifth session a report in accordance with its resolution 1988/34;
2. Takes note of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;
3. Requests the Working Group to report on its work to the Commission at its forty-sixth session and reminds the Working Group of the obligation to discharge its mandate with discretion;

4. Requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its tasks;

5. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their transmittal to Governments and their evaluation;

6. Notes with interest that the Working Group intends to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, observations concerning the draft declaration on enforced or involuntary disappearances;

7. Notes with concern that, as the Working Group points out in its report, some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to co-operate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to answer expeditiously requests for information addressed to them by the Working Group;

9. Urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject;

10. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable the Group to fulfil its mandate even more effectively;

11. Expresses its profound thanks to the Governments which have invited the Working Group, and asks them to give all necessary attention to its recommendations;

12. Requests the Secretary-General to consider ways and means of better publicizing the objectives, procedures and methods of the Working Group, more particularly within the framework of the information activities of the Centre for Human Rights;

13. Also requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive them;

14. Decides to consider this question at its forty-sixth session under the sub-item of the agenda entitled "Question of enforced or involuntary disappearances".

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/28. Staff Members of the United Nations and  
the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987 and 43/225 of 21 December 1988, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1988/41 of 8 March 1988, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and their families were fully respected,

Taking note of the report (E/CN.4/1989/19) by the Secretary-General submitted to the Commission at its current session as an updated version of the report on detention of staff members of the United Nations and its specialized agencies presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session (E/CN.4/Sub.2/1988/17),

Noting Sub-Commission resolution 1988/9 of 31 August 1988, in which the Sub-Commission recognized that the violations of the fundamental rights of staff members of the United Nations system and the threats against their security and independence could only have negative effects on the implementation of the mandates of the organs and agencies of the United Nations system,

Welcoming the Sub-Commission's decision to entrust one of its members with the task of undertaking an examination, without financial implications, of the aforesaid violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of those violations on the functioning of United Nations organs and agencies,

Gravely concerned that a significant number of personnel in the service of the United Nations continue to be held captive or are otherwise unaccounted for.

Noting with grave concern that, according to reliable reports, the health of detained officials has in some cases seriously deteriorated during their period of detention,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of international civil servants,

1. Appeals again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and experts and their families are fully respected;

3. Urges Member States to allow medical teams to investigate cases in which the health of staff members and experts and their families who are being detained is reported to have suffered and to permit the necessary medical treatment to be made available;

4. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Requests the Secretary-General to submit to the Commission at its forty-sixth session an updated version of the report submitted to it at its current session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled during the year, as well as on the implementation of the measures referred to in paragraphs 3 and 4 of the present resolution.

51st meeting  
6 March 1989

[Adopted without a vote. See chap. X.]

1989/29. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1988/36 of 8 March 1988 and General Assembly resolution 43/132 of 8 December 1988,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming the adoption by the General Assembly, in its resolution 43/173 of 9 December 1988, of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its decisions, in resolution 1985/33 of 13 March 1985, to appoint a special rapporteur to examine questions relevant to torture, and its subsequent decisions to continue his mandate.

1. Welcomes the first report of the Committee against Torture (A/43/46);

2. Takes note of the report of the Secretary-General (E/CN.4/1988/18) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and appeals to all States parties not to take any measures which might impair the financing of all the functions of the Committee under the Convention, so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. Also stresses the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the Secretary-General's draft guidelines on reporting and the activities of the Human Rights Committee, as well as of the other treaty bodies established under the relevant international instruments in the field of human rights;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

6. Reiterates its request to all States to become parties to the Convention as a matter of priority;

7. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

8. Requests the Secretary-General to continue submitting to the General Assembly and to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

9. Decides to consider the report of the Secretary-General at its forty-sixth session under the sub-item of the agenda entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]



1989/30. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling further General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and General Assembly resolution 43/133 of 8 December 1988,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its resolution 1988/32 of 8 March 1988, by which it decided to continue for two years the mandate of the Special Rapporteur to examine questions relevant to torture,

Bearing in mind its resolution 1988/35 of 8 March 1988,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/43/779),

Noting the statement of the Board of Trustees concerning the desirability of receiving contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes that the Fund has been instrumental in bringing into existence,

Noting with satisfaction that international centres for the rehabilitation of torture victims have been established and play an important role in providing assistance to victims of torture,

Noting in this regard the collaboration of the Fund with the international centres for rehabilitation,

1. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund; if possible on a regular basis;

4. Renews its request to the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund;

5. Again requests the Secretary-General to make use of all existing possibilities for assisting the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known;

6. Further requests the Secretary-General to keep the Commission informed of the operations of the Fund on an annual basis.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/31. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Bearing in mind the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Bearing in mind that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986 and 1987/32 of 10 March 1987,

Recalling further its resolution 1988/37 of 8 March 1988, in which it requested the Sub-Commission to continue to consider the right to freedom of opinion and expression and to make recommendations on further measures which might be required at national and international levels to promote and safeguard that right,

Welcoming the release of persons detained for exercising their right to freedom of opinion and expression, and encouraging further progress in this regard in all parts of the world,

Noting the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the progress achieved to that end at the current session of the Commission's working group on the subject,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and, where any persons have been detained solely for exercising the right to freedom of opinion and expression as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

3. Takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1988/110, in which the Sub-Commission requested Mr. Danilo Türk to prepare, without financial implications, a working paper containing a proposal for carrying out a study concerning the right to freedom of opinion and expression with the aim of clarifying conceptual and methodological questions, to serve as a basis on which future decisions could be taken by the Sub-Commission;

4. Decides to review this matter at its forty-sixth session on the basis, inter alia, of the proposed working paper to be submitted to the Sub-Commission and any decisions adopted by the Sub-Commission in this regard.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/32. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Recalling Economic and Social Council decision 1980/124 of 2 May 1980, by which the Council took note of Commission resolution 16 (XXXVI) of 29 February 1980, recommending the appointment of a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Convinced that an independent and impartial judiciary is an essential prerequisite for ensuring that there shall be no discrimination in the administration of justice,

Aware that adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession,

Recalling General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed, inter alia, the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also General Assembly resolution 40/146 of 13 December 1985, in which the Assembly invited Governments to respect the Basic Principles and to take them into account within the framework of their national legislation and practice, and encouraged the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in giving further consideration to the question of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to take the Basic Principles into account,

Recalling further General Assembly resolutions 41/149 of 4 December 1986, 42/143 of 7 December 1987 and 43/153 of 8 December 1988 on human rights in the administration of justice,

Recalling further its own resolution 1987/33 of 10 March 1987, in which it requested the Secretary-General to ensure close co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs on matters relating to human rights in the administration of justice,

Having regard to the draft procedures for effective implementation of the Basic Principles on the Independence of the Judiciary recommended by the Committee on Crime Prevention and Control (E/1988/20, chap. I, sect. A, draft resolution V) for adoption by the Economic and Social Council,

Having regard also to the draft basic principles on the role of lawyers (A/CONF.144/IPM.5, recommendation B), to be submitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 with a view to their finalization,

Recalling its own resolution 1988/40 of 8 March 1988, in which it requested the Sub-Commission to review and finalize the draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers with a view to submitting it to the Commission at its forty-fifth session,

Welcoming Sub-Commission resolution 1988/25 of 1 September 1988, in which the Sub-Commission referred the draft declaration to the Commission,

1. Expresses its appreciation and thanks to the Special Rapporteur Mr. L. M. Singhvi, for his study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1985/18 and Add.1-6) and for his draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1);

2. Invites Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary;

3. Requests the Secretary-General to transmit to the Committee on Crime Prevention and Control, and to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, the study and the draft declaration, and urges the Committee and the Congress to take them into account in completing work on the draft basic principles on the role of lawyers;

4. Welcomes the close co-operation which has been established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and requests the Secretary-General to make appropriate arrangements for the further improvement of such co-operation;

5. Recommends that Governments should provide for the protection of practising lawyers against undue restrictions and pressures in the exercise of their functions;

6. Welcomes the decision of the Sub-Commission to consider the agenda item "Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" at its forty-first session;

7. Requests that the Sub-Commission, under the said agenda item, consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/33. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly by its resolution 3452 (XXX) of 9 December 1975,

Welcoming the fact that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Noting with satisfaction the entry into force on 1 February 1988 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and its resolutions 1986/50 of 13 March 1986 and 1987/29 of 10 March 1987, by which that mandate was extended annually,

Recalling also its resolution 1988/32 of 8 March 1988, by which it decided to continue the mandate of the Special Rapporteur for two years, while maintaining the annual reporting cycle,

Recognizing that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest,

Determined to promote full implementation of the prohibition under international national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that a society that tolerates torture can never claim to respect human rights,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977,

Recalling General Assembly resolution 37/194 of 18 December 1982 by which the Assembly adopted the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Recalling further General Assembly resolution 43/173 of 9 December 1988, by which the Assembly approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Recalling the conclusions and recommendations of the Special Rapporteur (E/CN.4/1987/13, sect. VII) underlined in its resolutions 1987/29 and 1988/32,

1. Commends the Special Rapporteur for his report (E/CN.4/1989/15);
2. Underlines once again the previous conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention;
3. Believes that, with the entry into force of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, useful experience can be gained which may make it easier to determine whether such a system of periodic visits can also be envisaged in other regions or on a world-wide scale;
4. Recalls the previous recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals;
5. Underlines the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that a person shall be given prompt

access to a lawyer after he has been arrested and making it obligatory to inform the relatives of an arrested person as soon as possible of both the arrest and the place where the detainee is being held;

6. Underlines again the conclusion of the Special Rapporteur stressing the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention;

7. Takes note of the recommendations of the Special Rapporteur that interrogation of detainees should only take place at official interrogation centres and that each interrogation should start with the identification of all the persons present;

8. Underlines further the recommendation of the Special Rapporteur aiming at the organization of a proper medical examination for arrested or detained persons as promptly as possible after their admission to the place of detention;

9. Recalls that it is desirable for Governments and medical associations to take strong action against all persons belonging to the medical profession who have in that capacity had a function in the practice of torture;

10. Calls upon all States to sign and to accede to or ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

11. Emphasizes the importance of training programmes for law and security personnel, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

12. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations;

13. Appeals to all Governments to co-operate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested;

14. Encourages the Governments concerned to give serious consideration to inviting the Special Rapporteur to visit their country, so as to enable him to fulfil his mandate even more effectively;



15. Expresses its thanks to the Governments which have invited the Special Rapporteur and requests them to give due consideration to his recommendations;

16. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him to submit his report to the Commission at its forty-sixth session.

51st meeting

6 March 1989

[Adopted without a vote. See chap. X.]

1989/34. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Mindful that one of the purposes of the United Nations as embodied in the Charter is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts, in carrying out its plan of action, to continue the elaboration of international standards in this field,

Recalling further Sub-Commission resolution 1988/18 of 1 September 1988, whereby the Sub-Commission endorsed the decision of the Working Group to adopt the working paper prepared by its Chairman-Rapporteur,

Having examined the report (E/CN.4/Sub.2/1988/24 and Add.1 and 2) of the Working Group on its sixth session, held from 1 to 5 August 1988,

Conscious that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous populations in all parts of the world,

Taking note of the report (E/CN.4/1989/22) of a seminar held, pursuant to Economic and Social Council resolution 1988/35 of 27 May 1988 entitled "Study of the problem of discrimination against indigenous populations", in Geneva from 16 to 20 January 1989, with the participation of experts nominated by Governments and indigenous organizations,

Determined to do everything possible to promote the enjoyment of the rights of indigenous populations,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its sixth session in the area of standard setting, and for its continued broad approach and flexible methods of work;

2. Further expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, specialized agencies, non-governmental organizations and, in particular, indigenous organizations and communities;

3. Welcomes the decision of the Sub-Commission to continue to entrust to the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous organizations and communities and other interested parties in accordance with the relevant resolution of the Sub-Commission;

4. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance needed to carry out her task;

5. Encourages Governments and indigenous organizations and communities, as well as other interested parties, to review and comment upon the draft declaration contained in annex II to the report of the Working Group on its sixth session (E/CN.4/Sub.2/1988/24 and Add.1 and 2), as invited by the Sub-Commission;

6. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous populations and of the situation and aspirations of indigenous populations throughout the world;

7. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments,

specialized agencies, non-governmental organizations and organizations and communities of indigenous populations, in order to encourage the widest possible participation in its work;

8. Further requests the Secretary-General to give the report of the seminar held pursuant to Economic and Social Council resolution 1988/35 wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations;

9. Expresses its gratitude and appreciation to the Governments and organizations which have already made contributions to the United Nations Voluntary Fund for Indigenous Populations;

10. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund;

11. Requests the Working Group on Indigenous Populations and the Sub-Commission to consider ways and means of broadening the scope and activities of the Voluntary Fund, in order to provide enhanced orientation for representatives of indigenous populations attending the annual sessions of the Working Group, and to transmit their recommendations to the Commission at its forty-sixth session.

51st meeting

6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/35. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention 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,

Having noted the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session (E/CN.4/Sub.2/1988/32),

Having considered Sub-Commission resolutions 1987/31 and 1987/32 of 4 September 1987 and 1988/31 of 1 September 1988,

Recalling its resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and 1988/42 of 8 March 1988 on the report of the Sub-Commission's Working Group on Slavery,

Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Recalling also Economic and Social Council resolution 1988/34 of 27 May 1988 on the Working Group on Slavery,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Requests the Secretary-General to invite States parties to the Slavery Convention 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 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group;

2. Invites those eligible States which have not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

3. Invites intergovernmental organizations, relevant agencies of the United Nations, including the International Labour Organisation, the World Health Organization, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the United Nations University, the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group;

4. Requests the Secretary-General to undertake a study of the ways and means by which an effective mechanism may be established for the implementation of the Slavery Convention 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;

5. Commends the Sub-Commission and its Working Group on Contemporary Forms of Slavery for the Working Group's report, which includes the programme of work for the period 1989-1991, concerning three main themes: prevention of the sale of children, of prostitution of children and of the use of children in pornography, eradication of the exploitation of child labour and of debt bondage; and prevention of traffic in persons and of the exploitation of the prostitution of others;

6. Requests the Secretary-General to assign a full-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices;

7. Requests the Secretary-General to designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

8. Calls upon all relevant non-governmental organizations in consultative status with the Economic and Social Council, including those interested in children's and women's rights, to attend the sessions of the Working Group on Contemporary Forms of Slavery;

9. Recalls its request to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30 of 26 May 1983 and requests the Secretary-General to report on the comments received to the Council at its first regular session of 1990;

10. Recommends that the results of the symposium to be held by the International Criminal Police Organization on traffic in persons, including the sale of children, as well as other information which that organization may have on the sale of children, be transmitted to the Secretary-General to facilitate the completion of his final report on this issue;

11. Requests interested specialized agencies and non-governmental organizations to gather information on the sale of children, including their observations on ways and means of preventing the occurrence of this phenomenon, and to send this information to the Secretary-General to facilitate the completion of his final report on this issue;

12. Requests the Secretary-General to submit his final report on the sale of children to the Working Group at its fourteenth session;

13. Urges Member States to enact legislation, where they have not yet done so, making it a crime to produce, distribute or possess pornographic material involving children;

14. Urges all Member States to consider taking appropriate action to protect children and promote their rights, including the possibility of establishing national bodies to achieve these objectives;

15. Invites all Member States to consider the possibility of taking appropriate action for the protection of migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

16. Requests Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

17. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

51st meeting  
6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/36. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission of Prevention of Discrimination and Protection of Minorities on its fortieth session (E/CN.4/1989/3),

Expressing appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Reaffirming its resolution 1988/43 of 8 March 1988 concerning the report of the Sub-Commission on its thirty-ninth session,

Welcoming the substantial dialogue between the Commission and the Sub-Commission,

Convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Noting with appreciation the results achieved at the fortieth session of the Sub-Commission, in particular the completion of certain standard-setting activities,

Reaffirming that the systematic preparation of well-researched studies and reports continues to be one of the most important elements of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general which non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Economic and Social Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission, as the parent body, to give helpful guidance to the Sub-Commission in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Requests the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission;

4. Urges all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting;

5. Recommends that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed;
6. Reminds the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies;
7. Asks the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;
8. Invites the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts;
9. Urges the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues on which it can make a distinctive contribution;
10. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;
11. Recognizes that working groups constitute an invaluable element in the expert work of the Sub-Commission;
12. Notes the steps taken so far by the Sub-Commission to rationalize and streamline its work and encourages the Sub-Commission to continue this process;
13. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission;
14. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;
15. Requests the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission is providing in the present resolution.

51st meeting

6 March 1989

[Adopted without a vote. See chap. XIX.]



1989/37. Status of special rapporteurs

The Commission on Human Rights,

Convinced that the impartiality and objectivity of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the independent status of its members, their alternates and its special rapporteurs must be safeguarded in all circumstances,

Recalling that the Sub-Commission, in 1985, appointed Dumitru Mazilu, an expert from Romania, to prepare a report on human rights and youth, and that his membership in the Sub-Commission expired before the study entrusted to him as Special Rapporteur had been completed,

Concurring with the view expressed by the Sub-Commission in its resolution 1988/37 of 1 September 1988 that Mr. Mazilu, in his continuing capacity as Special Rapporteur, enjoys the privileges and immunities necessary for the performance of his duties, as provided for in article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Romania is a party,

Having considered the note dated 13 February 1989 (E/CN.4/1989/69) submitted by the Secretary-General pursuant to paragraph 2 of Sub-Commission resolution 1988/37 and in particular the aide-mémoire transmitted to the Legal Counsel by the Permanent Representative of Romania to the United Nations, reproduced in annex II thereof,

Noting that the Government of Romania does not concur in the applicability of the provisions of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Mazilu,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

51st meeting

6 March 1989

[Adopted by a roll-call vote of 26 to 5, with  
12 abstentions. See chap. XIX.]

1989/38. Administrative detention without charge or trial

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse available information concerning the practice of administrative detention without charge or trial, and to make recommendations regarding its use,

Recalling its resolution 1988/45 of 8 March 1988, whereby it invited all Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status concerned to assist the Rapporteur in discharging his mandate by forwarding their answers to the questionnaire sent to them,

Noting Sub-Commission decision 1988/110 of 1 September 1988, in which the Sub-Commission requested Mr. L. Joinet to submit his report to it at its forty-first session,

Aware of the importance of considering further and in greater depth the question of administrative detention without trial,

Noting with concern that, in some cases, the administrative detention procedure is subject to abuse,

Bearing in mind that, in order to prevent any abuse, the administrative detention procedure must be applied, particularly with regard to duration, in clearly defined conditions laid down by national laws, in accordance with the norms of international law,

1. Takes note of the analysis of questions dealt with in the explanatory paper on the practice of administrative detention without charge or trial (E/CN.4/Sub.2/1988/12), submitted by Mr. L. Joinet to the Sub-Commission at its fortieth session;

2. Requests the Sub-Commission to consider, as from its forty-first session, the report to be submitted by Mr. Joinet and to make any proposals it deems necessary on the question to the Commission on Human Rights;

3. Decides to continue its consideration of this question at its forty-sixth session, under the agenda item "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session".

51st meeting

6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/39. The right of everyone to leave any country, including his own, and to return to his country

The Commission on Human Rights,

Mindful of article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, which recognize the right of everyone to leave any country, including his own, and to return to his own country,

Taking into account the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session by the Special Rapporteur, Mr. José D. Ingles, and issued as a United Nations publication in 1964,

Recalling that the draft principles included in that study were adopted by the Sub-Commission in its resolution 2 (XV) and brought to the attention of Governments and international governmental and non-governmental organizations concerned by Economic and Social Council resolution 1788 (LIV) of 18 May 1973, on the recommendation of the Commission in its resolution 12 (XXIX) of 23 March 1973,

Mindful of Council resolution 1788 (LIV), by which the Council decided that the Commission should retain on its agenda the question of the right of everyone to leave any country, including his own, and to return to his country,

Recalling Council resolution 1984/29 of 24 May 1984, by which the Council endorsed the appointment by the Sub-Commission of a special rapporteur to prepare an analysis of current trends and developments in that field,

Recalling also all the other resolutions on this subject adopted by the Sub-Commission and the Commission, in particular Commission resolution 1988/46 of 8 March 1988, in which the Commission took note of the decision by the Sub-Commission to consider as a matter of priority at its fortieth session the final report by the Special Rapporteur, Mr. Mubanga-Chipoya, as well as the preliminary draft declaration on the right of everyone to leave any country, including his own, and to return to his country,

Regretting that the Sub-Commission was unable, in the course of its fortieth session, to consider the final report by the Special Rapporteur or the preliminary draft declaration (E/CN.4/Sub.2/1989/35 and Add.1 and Add.1/Corr.1),

Desiring to promote further standard setting in this field in view of the fact that many people are still denied the right to leave their country or to return to it,

1. Thanks the Special Rapporteur, Mr. Mubanga-Chipoya, for his final report and for the preliminary draft declaration on the right of everyone to leave any country, including his own, and to return to his country, contained in annex I to the report;

2. Takes note of Sub-Commission resolution 1988/39 of 1 September 1988, in which the Sub-Commission decided, inter alia, to consider at its forty-first session the report, the recommendations contained in the report, and the draft declaration;

3. Notes also with satisfaction that the question will be considered as a separate item on its agenda;

4. Also welcomes the decision taken by the Sub-Commission in the same resolution to transmit the said draft declaration to Member States, specialized agencies and other intergovernmental organizations with competence in the field of human rights, as well as to non-governmental organizations in consultative status, for their comments, and encourages them to forward their comments to the Sub-Commission;

5. Requests the Secretary-General to provide all necessary assistance to the Sub-Commission and the Special Rapporteur during the consideration of the report and draft declaration;

6. Recalls once again that in its resolution 1985/22 of 11 March 1985, it requested the Sub-Commission to consider the report by Mr. Mubanga-Chipoya as a matter of priority, with a view to submitting to the Commission as soon as possible a draft declaration on the right of every one to leave any country, including his own, and to return to his country.

51st meeting

6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/40. Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder

The Commission on Human Rights,

Mindful of the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights relating to the humane treatment of all persons,

Further mindful of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its resolution 10 A (XXXIII) of 11 March 1977, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health with a view to formulating guidelines,

Expressing its belief that all mentally ill persons should be treated with humanity and respect for the inherent dignity of the human person,

Reaffirming its conviction that the misuse of psychiatry to detain persons in mental institutions on account of their political views or on other non-medical grounds, as reflected in the report of the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1983/17 and Add.1), is a violation of their human rights,

Reaffirming also its resolution 1988/62 of 9 March 1988,

Taking note of Sub-Commission resolution 1988/28 of 1 September 1988,

Expressing its appreciation and thanks to the working group of the Sub-Commission for its work, which enabled the Sub-Commission, at its fortieth session, to adopt the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care (E/CN.4/Sub.2/1988/23, sect. IV),

1. Reiterates the urgent need for principles and guarantees to prevent the misuse of psychiatry and to safeguard the rights of all individuals;

2. Invites States Members of the United Nations, pending the adoption of a body of principles and guarantees, to adhere to the existing standards set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to take such steps as may be necessary to protect the rights of all those persons detained on grounds of mental ill-health or suffering from mental disorder;

3. Decides to establish an open-ended working group of the Commission on Human Rights to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission, with a view to submitting it to the Commission at its forty-sixth session;

4. Invites all Governments, specialized agencies, in particular the World Health Organization, and non-governmental organizations to participate in this work and to consider including in their delegations to the working group persons with expertise in the legal and mental health fields;

5. Requests the working group to meet for a period of two weeks before the forty-sixth session of the Commission;

6. Requests the Secretary-General to invite comments, for consideration by the working group, from Governments, specialized agencies, in particular the World Health Organization, and non-governmental organizations on the draft body of principles and guarantees as submitted by the Sub-Commission;

7. Requests the Secretary-General to circulate these comments to all Governments in advance of the session of the working group;

8. Further requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-sixth session of the Commission;

9. Decides to consider the question of principles and guarantees of the rights of persons detained on grounds of mental ill-health or suffering from mental disorder at its forty-sixth session under the agenda item "Human rights and scientific and technological developments";

10. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

51st meeting

6 March 1989

[Adopted without a vote. See Chap. XIX.]

1989/41. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights,

Recalling its resolution 1988/56 of 9 March 1988 and Economic and Social Council decision 1988/134 of 27 May 1988,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/20 of 1 September 1988,

Having examined the report of the Sub-Commission's Working Group on Indigenous Populations on its sixth session, held from 1 to 5 August 1988 (E/CN.4/Sub.2/1988/24 and Add.1 and 2),

Having examined also the outline prepared by the Special Rapporteur, Mr. Miguel Alfonso Martínez, on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments,

Convinced that a study on this topic would contribute substantially to the standard-setting activities of the Working Group,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

51st meeting

6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/42. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Taking into consideration General Assembly resolution 42/183 of 11 December 1987,

Bearing in mind the right of all peoples to life and of future generations to enjoy their heritage,

Noting that the movement and dumping of toxic and dangerous products endangers basic human rights such as the right to life, the right to live in a sound and healthy environment and consequently the right to health,

Convinced that States which produce toxic and dangerous products and wastes cannot be exonerated from their responsibility to take proper measures to ensure that they do not imperil human health and the ecosystem,

Recognizing the extreme danger of destruction, damage and injury to human health and the ecosystem posed by transboundary movement and dumping of toxic and dangerous products and wastes,

Concerned about the growing threat to human health and the ecosystem posed by the increased rate of transboundary movement and dumping of toxic and dangerous products and wastes,

Concerned also about the clandestine nature of the movement and dumping of toxic and dangerous wastes, especially to, and in, States which do not have the technical capability for their sound environmental disposal,

Determined to protect the right of all human beings to life and good health,

1. Requests the Governments of countries that produce toxic and dangerous wastes to ban their export to States which do not have the technical

capability for their environmentally sound disposal, and to take proper measures to ensure that those wastes do not imperil human health and the ecosystem in their countries, or in other countries;

2. Requests that any existing agreements for the disposal of toxic and other dangerous products and wastes with States which do not have the technical capability for their environmentally sound disposal should be abrogated;

3. Requests the United Nations Environment Programme to expedite action on the elaboration of the global convention on the control of transboundary movements of hazardous wastes and to maintain its leading role within the United Nations system for dealing with this serious problem;

4. Requests the Secretary-General to submit a report concerning the above-mentioned convention to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session.

51st meeting  
6 March 1989

[Adopted without a vote. See chap. XIX.]

1989/43. Guidelines on the use of computerized personal files

The Commission on Human Rights.

Taking account of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/29 of 1 September 1988,

Having considered the final report of the Sub-Commission's Special Rapporteur on guidelines for the regulation of computerized personal data files (E/CN.4/Sub.2/1988/22),

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

51st meeting  
6 March 1989

[Adopted without a vote. See chap. XIX.]



1989/44. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting General Assembly resolution 43/108 of 8 December 1988, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-fourth session,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/32 and decision 1988/112 of 1 September 1988,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling its decision in resolution 1988/55 of 8 March 1988 to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur (E/CN.4/1989/44),

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur, Mr. Angelo Vidal D'Almeida Ribeiro, and takes note of his report and the various views expressed thereon during the forty-fifth session of the Commission;

3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine, where necessary, the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

7. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in

national languages, and to take all appropriate measures to make the text available for use by United Nations information centres as well as by other interested bodies;

8. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

9. Recalls its request to the Sub-Commission to undertake the following tasks:

(a) To prepare a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief contained in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and other international instruments;

(b) To examine, mindful of General Assembly resolution 41/120 of 4 December 1986, and taking into account the provisions of the existing international instruments in this field, the issues and factors which should be considered before any drafting of a further binding international instrument on freedom of religion and belief takes place;

(c) To report on the above issues to the Commission at its forty-fifth session;

10. Expresses the hope that the Sub-Commission at its forty-first session will report to the Commission at its forty-sixth session on the basis of a thorough consideration of the above tasks and issues, with a view to assisting the Commission in considering further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief, including the question of the desirability of any further standard setting in this area in the light of General Assembly resolution 41/120;

11. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report and to carry out his work with discretion and independence;

12. Calls upon Governments which have not done so to co-operate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments, and, in this connection, calls especially for the co-operation of the Governments whose failure to respond has been noted in two successive reports of the Special Rapporteur;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-sixth session;

14. Requests the Secretary-General to report to the Commission at its forty-sixth session on measures to implement the present resolution;

15. Decides to continue its consideration of this matter at its forty-sixth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

51st meeting

6 March 1989

[Adopted without a vote. See chap. XXII.]

1989/45. The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and the Commission on Human Rights relating to the right to development,

Noting the proclamation by the General Assembly of the Declaration on the Right to Development annexed to its resolution 41/128 of 4 December 1986,

Mindful that, pursuant to the proclamation of the Declaration on the Right to Development, the Commission has entered a new phase of its deliberations on this matter, directed towards implementation and further enhancement of the Declaration,

Aware of the continuing interest shown by States Members of the United Nations, specialized agencies and non-governmental organizations in the work of the Working Group of Governmental Experts on the Right to Development,

1. Takes note with appreciation of the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1989/10);

2. Requests the Secretary-General to transmit that report to the General Assembly at its forty-fourth session;

3. Requests the Secretary-General to circulate the report of the Working Group to all Governments, United Nations organs and specialized agencies and other governmental and non-governmental organizations, drawing their attention to the analytical compilation of replies (E/CN.4/AC.39/1989/1);

4. Also requests the Secretary-General to transmit a questionnaire to Governments, United Nations organs and specialized agencies, as well as to other governmental and non-governmental organizations, including those active in development and human rights, in order to elicit from them additional, updated and more specific views on the subject of the implementation and further enhancement of the Declaration on the Right to Development;

5. Invites the Secretary-General to organize, in 1989, within existing resources, a global consultation on the realization of the right to development involving experts with relevant experience gained at the national level and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights, to focus on the fundamental problems posed by the implementation of the Declaration, the criteria which might be used to identify progress, and mechanisms for evaluating and stimulating such progress;

6. Requests the Secretary-General to prepare suitable background documents to assist the consultation in its deliberations;

7. Further requests the Secretary-General to submit the report on the global consultation to the Commission on Human Rights at its forty-sixth session;

8. Requests that the right to development be fully integrated with other human rights in the World Public Information Campaign for Human Rights to be launched in 1989;

9. Also requests that the right to development be included in the programme of activities of the Advisory Services Section of the Centre for Human Rights;

10. Recognizes the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

11. Decides to consider the question of the right to development at its forty-sixth session, as a matter of high priority and continuing interest, under a separate item of the agenda, to be entitled "Question of the realization of the right to development".

51st meeting

6 March 1989

[Adopted without a vote. See chap. VIII.]

1989/46. Reporting obligations of States parties to international instruments on human rights and effective functioning of bodies established pursuant to such instruments; ways and means of improving the reporting system under the United Nations human rights instruments

The Commission on Human Rights,

Recalling the many resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights affirming the importance of the effective implementation of United Nations instruments on human rights in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Deeply concerned over the delays in the submission of national reports and in their consideration by treaty bodies,

Recognizing that, as more ratifications are received in the future and as new instruments enter into force, the increase in the number of reports and the growth in the volume of other relevant documentation are likely to compound the problems currently being encountered by the treaty bodies,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is essential for monitoring the implementation of such instruments, including the consideration of periodic reports of States parties,

Recalling the repeatedly affirmed responsibility of the General Assembly and other United Nations bodies for ensuring the functioning of the reporting procedures and the burden that coexisting reporting systems place upon States that are parties to various instruments,

Noting that the meeting of persons chairing the human rights treaty bodies held at Geneva from 10 to 14 October 1988 considered it essential, in addressing such problems, to make use of the opportunities provided by computerization and recommended the appointment of a task force on computerization,

Noting further that the General Assembly, in its resolution 43/115 of 8 December 1988, requested the Commission on Human Rights, in view of its overall responsibilities in the field of human rights, to consider at its forty-fifth session, as a matter of priority, the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, in particular those identified as matters requiring urgent action, and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council,

Considering the importance of urgently needed measures to assist States parties to human rights instruments in the preparation of their reports,

Considering further the need to rationalize the entire reporting and monitoring systems,

Taking note of General Assembly resolution 43/115, in which the Assembly requested the Secretary-General to entrust an independent expert with the task of preparing a study on possible long-term approaches to the supervision of new instruments on human rights,

Being aware of the increased work-load of the Centre for Human Rights and also of the need for the Centre to assist both the States and the treaty bodies as much as possible,

1. Requests the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts, including one or more experts in informatics;

2. Recommends that the task force should prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies;

3. Recommends that the task force should prepare its study in close co-operation with the Centre for Human Rights and the persons chairing the monitoring bodies;

4. Requests the Secretary-General to extend all possible assistance to the task force to enable it to fulfil its mandate as soon as possible, and to report to the Commission on Human Rights, at its forty-sixth session, on the results of its work.

51st meeting

6 March 1989

[Adopted without a vote. See chap. XVIII.]

1989/47. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights.

Recalling General Assembly resolution 43/115 of 8 December 1988, Economic and Social Council resolution 1988/42 of 27 May 1988 and Commission on Human Rights resolution 1988/31 of 8 March 1988, as well as other relevant resolutions,

Affirming that the effective implementation of United Nations human rights instruments is of major importance to efforts made by the Organization,

pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Aware that the General Assembly, in its resolution 43/115, affirmed its responsibility to ensure the proper functioning of the bodies charged with supervising the implementation of human rights instruments adopted by the General Assembly and, in this connection, reaffirmed the importance:

(a) Of ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Of addressing the problem of securing sufficient financial resources, which is increasingly hampering the proper functioning of human rights treaty bodies, as noted with concern in the recent reports of five such bodies, and of providing sufficient resources to ensure the effective functioning of the respective treaty bodies;

(c) Of addressing problems of both reporting obligations and financial implications when considering the possibility of establishing any additional treaty bodies,

Having studied the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies held at Geneva from 10 to 14 October 1988 (E/CN.4/1989/67, annex),

Considering that the General Assembly, in resolution 43/115, requested the Commission on Human Rights, in view of its overall responsibilities in the field of human rights, to consider at its forty-fifth session the conclusions and recommendations of that meeting, in particular those identified as matters requiring urgent action, and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council,

1. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies aimed at furthering the efforts of those bodies to streamline, rationalize and otherwise improve reporting procedures, and requests the Secretary-General to report to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session on progress achieved in this connection by the treaty bodies and by the Secretary-General within their respective spheres of competence;

2. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services, and, recalling the important role that human rights treaty



bodies can play in identifying means of assisting States to meet their human rights obligations, requests the Secretary-General to report regularly to the Commission on possible technical assistance projects identified by the treaty bodies in the course of reviewing periodic reports of States parties;

3. Acknowledges the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the human rights treaty bodies, and, with this in mind, notes that the General Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the United Nations regular budget which will be reimbursed from the contributions received within the same budget year, a procedure to be repeated until such time as a permanent solution to such difficulties can be implemented;

4. Emphasizes that any temporary financial assistance from the United Nations regular budget should be provided without prejudice to the duty of States parties to United Nations human rights instruments to meet all their financial obligations pursuant to such instruments, and urges all States parties to do so without delay;

5. Requests the Secretary-General to entrust an independent expert with the task of preparing a study, within existing resources, on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments taking into account the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, and requests that this report be placed before the General Assembly at its forty-fourth session and the Commission on Human Rights at its forty-sixth session;

6. Welcomes the further recommendations of the meeting of persons chairing the human rights treaty bodies, aimed at enhancing the effectiveness of those bodies, and commends them for careful consideration and action as appropriate by the respective treaty bodies, the Secretary-General and the Governments concerned;

7. Decides to consider this subject on a priority basis at its forty-sixth session under an agenda item to be entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

51st meeting

6 March 1989

[Adopted without a vote. See chaps. XI and XVIII.]

1989/48. Special rapporteurs and representatives and other mechanisms established by the Commission on Human Rights

The Commission on Human Rights,

Reaffirming its responsibility before the United Nations for strengthening and continuing impartial international monitoring in the field of human rights,

Stressing that the special rapporteurs and other fact-finding and monitoring mechanisms established by the Commission on Human Rights are one of the key elements in analysing, reporting and monitoring human rights, which is essential for the promotion and protection of human rights and fundamental freedoms in all countries,

Emphasizing the need to increase the effectiveness of these mechanisms and to make a more effective contribution towards the realization and promotion of human rights,

Calling upon all Governments to co-operate with the special rapporteurs and other mechanisms established by the Commission, and to support and promote their activities,

Conscious of the valuable contribution of the Centre for Human Rights in providing the necessary assistance to the special rapporteurs and other mechanisms established by the Commission,

Bearing in mind the useful exchange of views at the meeting of persons chairing the treaty bodies that took place at Geneva from 10 to 14 October 1988 and the practical conclusions and recommendations of the meeting, submitted to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/62, annex),

1. Expresses its appreciation to the special rapporteurs and other fact-finding and monitoring mechanisms established by the Commission for their contributions in implementing universally recognized standards of human rights;
2. Emphasizes the need to increase the effectiveness and objective contribution of the mechanisms established by the Commission and to make constant improvements in the procedures;
3. Requests the Secretary-General to consider convening a meeting of special rapporteurs and representatives, representatives of other mechanisms established by the Commission, the Chairman of the Commission, and the Chairman and five rapporteurs representing the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
4. Invites the Secretary-General to prepare background documentation containing information relevant to the functioning of special rapporteurs and representatives and other mechanisms established by the Commission, which

should be made available to the aforementioned meeting, and also to make the documentation available, together with the conclusions and recommendations of the meeting, to the Commission on Human Rights;

5. Decides to examine, on the basis of the documentation and the conclusions and recommendations of the aforementioned meeting, the question of increasing the effectiveness of special rapporteurs and representatives and other fact-finding and monitoring mechanisms established by the Commission on Human Rights no later than at its forty-seventh session, under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/49. International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms

The Commission on Human Rights,

Recalling General Assembly resolutions 41/155 of 4 December 1986 and 43/155 of 8 December 1988 and its own resolution 1987/42 of 10 March 1987,

Conscious that it is a purpose of the United Nations and the task of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that special emphasis should be put on the effective implementation of the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments,

Considering that existing regional arrangements for the promotion and protection of human rights make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field, as well as human rights teaching, could be further improved,

Noting with satisfaction the results of the Vienna meeting of the Conference on Security and Co-operation in Europe, especially the commitments of participating States in the human rights, humanitarian and related fields,

Noting the importance that the promotion and protection of human rights have acquired on the international agenda and in relations among States,

1. Calls upon all States to implement fully the international standards for the promotion and protection of human rights;
2. Urges all States to co-operate fully with the relevant bodies of the United Nations system and treaty bodies as well as other intergovernmental forums dealing with the promotion and protection of human rights and fundamental freedoms in any part of the world;
3. Invites all Governments to co-operate closely with special rapporteurs appointed by the Commission;
4. Considers that such co-operation will make an effective and practical contribution to the implementation of human rights and fundamental freedoms for all;
5. Urges States that have not yet done so to consider ratifying or acceding to the various international instruments in the field of human rights;
6. Recognizes the value of common efforts by Governments and intergovernmental and non-governmental organizations at international, regional, bilateral and national levels in the field of human rights;
7. Considers that the results of the Vienna meeting of the Conference on Security and Co-operation in Europe contribute significantly to enhanced respect for, and observance of, human rights and international co-operation in the promotion of human rights and in humanitarian and related fields;
8. Considers that the World Public Information Campaign for Human Rights will contribute to the promotion and improvement of understanding in the field of human rights;
9. Emphasizes that the wide dissemination of information on human rights and the enhancement of the teaching of human rights are important tasks and would contribute to the implementation of universally recognized international human rights standards;
10. Invites all States and international organizations to submit to the Secretary-General their comments and views on ways and means of strengthening international co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms, for consideration at its forty-sixth session.

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/50. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

The Commission on Human Rights,

Recalling that the General Assembly in its resolutions 41/153 of 4 December 1986 and 43/140 of 8 December 1988 affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Recalling also its own resolution 1988/73 of 10 March 1988,

Recognizing that existing regional arrangements make a major contribution to the promotion and protection of human rights and that non-governmental organizations may have a valuable role to play in this process,

Recognizing also the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Noting the value of the seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo in 1982 (A/37/422, annex), and the training course on human rights teaching held at Bangkok in 1987 under the United Nations programme of advisory services in the field of human rights (E/CN.4/1988/39/Add.1),

1. Takes note of the report of the Secretary-General (E/CN.4/1989/20);
2. Requests the Secretary-General to consult the countries of the Asian-Pacific region on the widest possible basis in the implementation of the present resolution;
3. Also requests the Secretary-General to continue to assist and encourage the Executive Secretary of the Economic and Social Commission for Asia and the Pacific in the establishment, within existing resources, of a depository centre for United Nations human rights materials within the Commission at Bangkok, the functions of which would include the collection, processing and dissemination of such materials in the Asian-Pacific region;
4. Further requests the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific at Bangkok for appropriate dissemination in the region;

5. Encourages United Nations development agencies in the Asian-Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities;

6. Requests the Secretary-General to submit a further report to the Commission at its forty-sixth session incorporating information on the progress achieved in the implementation of the present resolution;

7. Decides to continue its consideration of this question at its forty-sixth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/51. Enhancing the effectiveness of the principle  
of periodic and genuine elections

The Commission on Human Rights,

Recalling General Assembly resolution 43/157 of 8 December 1988, in which the Assembly called upon the Commission to consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States,

Reaffirming, as the General Assembly did in that same resolution, that apartheid should be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections,

Aware that each State, while remaining in conformity with its international obligations in relation to human rights, has the right freely to choose and develop its political, social, economic and cultural systems, including appropriate methods and institutions associated with the electoral process,

Recognizing that there is no single political system, no single electoral method, which is equally suited to all nations and their people, and that national decisions with respect to implementing the principle of periodic and genuine elections legitimately lead to alternative approaches which have different advantages and merits,

Recommends, through the Economic and Social Council, that the General Assembly adopt the framework for future efforts contained in the annex to the present resolution.

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

## ANNEX

### Framework for future efforts

- I. THE WILL OF THE PEOPLE EXPRESSED THROUGH PERIODIC AND GENUINE ELECTIONS AS THE BASIS FOR THE AUTHORITY OF GOVERNMENT
  - A. Universal and equal suffrage.
  - B. The right to take part in the government of one's country, directly or through freely chosen representatives.
  - C. The right to equal access to public service in one's country.
  - D. The need for a secret vote or equivalent free voting procedures, guaranteeing the free expression of the will of the electors.
  - E. The importance of the right to freedom of peaceful assembly.
  - F. The importance of the right to freedom of association.
  - G. The importance of the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media.
  - H. The right of citizens of a State to change their governmental system through appropriate constitutional means.
- II. THE ACTIVITIES OF CANDIDATES FOR PUBLIC OFFICE
  - A. Equal opportunity for all citizens to become candidates.
  - B. The right of candidates to put forward their political views, individually and in co-operation with others.
- III. OPERATIONAL ASPECTS: NATIONAL INSTITUTIONS

National institutions should ensure universal and equal suffrage, as well as impartial administration. There is particular need for independent

supervision, appropriate voter registration, reliable balloting procedures and methods for preventing electoral fraud and resolving disputes.

#### IV. CO-OPERATIVE ACTIVITIES OF THE INTERNATIONAL COMMUNITY

The host country may wish to invite observers or seek advisory services. Either or both may be available from regional organizations or from the United Nations system.

##### 1989/52. National institutions for the promotion and protection of human rights

###### The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 42/116 of 7 December 1987 and its own resolution 1988/72 of 10 March 1988,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that can be played by such institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights which were endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the holding of regional workshops under the auspices of the United Nations which have considered, inter alia, the experience of different countries in the establishment of national institutions for the promotion of human rights, including the meeting at Lomé from 5 to 7 April 1988,



1. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of maintaining their independence and integrity;

2. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and to incorporate these elements in national development plans;

3. Recognizes the constructive role that non-governmental organizations can play in relation to national institutions;

4. Encourages Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of such national institutions;

5. Welcomes the request by the General Assembly in resolution 42/116 that the consolidated report of the Secretary-General on national institutions be updated, bearing in mind the practical needs of those engaged in the development of national institutions;

6. Invites the Secretary-General to include in his updated report all the information provided by Governments and any additional information Governments may wish to provide, with particular emphasis on the functioning of various models of national institutions in implementing international standards on human rights, as well as a list of existing national institutions, with contact points and a bibliography of relevant materials;

7. Welcomes the Assembly's request that the Secretary-General transmit the updated report, through the Commission on Human Rights and the Economic and Social Council, to the General Assembly at its forty-fourth session for wide distribution as a United Nations handbook on national institutions;

8. Affirms the role of national institutions as focal points for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

9. Encourages the development of funding and other strategies to facilitate the establishment of national human rights institutions and, in this regard, invites Member States to consider making requests for such assistance through the United Nations programme of advisory services in the field of human rights;

10. Requests the Secretary-General to provide all necessary assistance to Member States, upon their request, in the implementation of paragraphs 1 to 4, 8 and 9 of the present resolution, giving priority to the needs of developing countries;

11. Decides to consider this question again at its forty-seventh session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/53. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolution 43/128 of 8 December 1988, and its own resolution 1988/74 of 10 March 1988,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in these endeavours,

Believing that a world public information campaign on human rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights world wide,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1989/21), and supports the general thrust of the proposed programme of implementation of the World Public Information Campaign for Human Rights;

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages in sufficient volume to have the desired impact, and also for effective use to be made of the mass media, in particular radio and television and audio-visual

technologies, in order to reach a wider audience, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. Appreciates the measures taken by the Secretariat, in particular to update, increase stocks of and extend the language versions of human rights information materials, especially those on the basic United Nations human rights instruments and institutions, and, in that regard, urges the Secretariat to take measures to ensure the further production and effective dissemination of such documents in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

4. Renews once again its request to the Secretary-General to establish, within available resources, collections of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre by the end of 1989, taking into account the list of basic human rights materials;

5. Encourages all Member States to make special efforts to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to information and education on the practical ways in which the rights and freedoms set forth in these instruments can be exercised;

6. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

7. Commends the Secretary-General for the publication of the booklet Teaching Human Rights and requests that he draw the attention of Member States to the booklet, which could serve as a broad and flexible framework adaptable to national circumstances for the structuring and development of human rights teaching;

8. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops, organized in co-operation with Governments, regional and national organizations and non-governmental organizations, in promoting practical education and awareness in the field of human rights, and welcomes the priority given to the organization of such activities by the Centre for Human Rights;

9. Welcomes the decision taken by the General Assembly to launch a World Public Information Campaign for Human Rights, under which the activities of the Organization in the field should be developed and strengthened in a global and practically oriented fashion, engaging the complementary activities of the relevant bodies of the United Nations system, Member States and non-governmental organizations;

10. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all the United Nations Secretariat units concerned and to make available, within existing resources, and, in particular, from the budget of the Department of Public Information, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

11. Requests the Centre for Human Rights to co-ordinate as necessary, taking fully into account General Assembly resolution 43/128 and in particular the primary role assigned to the Department of Public Information in its own field of competence, the relevant activities of the World Campaign within the United Nations system and, in the development and implementation of those activities, to maintain liaison with Governments, regional and national institutions and concerned individuals;

12. Welcomes the establishment within the Centre for Human Rights of a new section on external relations, publications and documentation and within the Department of Public Information of a human rights section of the Communications and Project Management Service;

13. Stresses the need for close co-operation between the Centre for Human Rights and the Department of Public Information, inter alia, in the implementation of the aims established for the World Campaign;

14. Requests the Department of Public Information to expand and update its stock of audio-visual material on human rights, including the production of human rights documentation and films;

15. Asks the Secretariat to make arrangements for the translation of the Universal Declaration of Human Rights into additional non-official languages and to ensure the availability of the text in both official and non-official languages and in sufficient quantities at United Nations information centres world wide;

16. Requests the Secretariat to take advantage as much as possible, in the implementation of the World Campaign, of the collaboration of non-governmental organizations, including in the dissemination of human rights material with a view to increasing universal awareness of human rights and fundamental freedoms;

17. Emphasizes the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as

the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in relation to the dissemination of information on international humanitarian law and, with regard to education in human rights, the United Nations Educational, Scientific and Cultural Organization;

18. Requests the Secretary-General to submit to the Commission at its forty-sixth session a report on public information activities with special emphasis on the current and proposed aims and activities of the World Campaign, including details of the costs incurred in 1989, the budget envisaged for future activities and a first assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights;

19. Decides to continue its consideration of this question at its forty-sixth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/54. Co-ordinating role of the Centre for Human Rights

The Commission on Human Rights,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/2 of 25 August 1988,

Recalling the report of the Commission on Human Rights to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), which was adopted without a vote by the Commission at its 56th meeting, on 10 March 1988,

Recalling also that, in paragraph 30 of the above-mentioned report, the Commission reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution",

Further reaffirming that no post should be considered the exclusive preserve of any Member State or group of States,

Considering it essential that, in the context of the general financial situation of the United Nations, sufficient resources commensurate with the high priority attributed to the programme should be allocated to human rights, in particular to the Centre for Human Rights, and further stating that organizational changes, including staffing reviews and adjustments of the

programme activities or resource allocation, should not adversely affect the functioning of the Centre but should rather strengthen its status and enhance its role,

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights as a co-ordinating unit in the system of bodies dealing with the promotion and protection of human rights;

2. Expresses the hope that the steps being taken by the Secretary-General in that direction, including the measures to promote the settlement of regional conflicts, will foster co-operation in upholding and protecting human rights and fundamental freedoms, better understanding, mutual respect, trust and tolerance in relations between States and peoples;

3. Reaffirms the importance of the principle set out in Article 101, paragraph 3, of the Charter of the United Nations;

4. Invites the Secretary-General to request Governments, United Nations specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre for Human Rights, while safeguarding the principle of equitable geographical distribution, in accordance with the relevant resolutions of the General Assembly, and to submit a report setting out those views and opinions to the Commission at its forty-sixth session;

5. Decides to discuss the question of the co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights at its forty-sixth session as a new sub-item under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XI.]

1989/55. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The Commission on Human Rights,

Reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, the

International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

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

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985, 41/151 of 4 December 1986, 42/140 of 7 December 1987 and 43/146 of 8 December 1988, in all of which the Assembly took note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and expressed its satisfaction with the steady and substantial progress being made by the Working Group,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981, 1982/35 of 11 March 1982, 1983/45 of 9 March 1983, 1984/61 of 15 March 1984, 1985/52 of 14 March 1985, 1986/58 of 13 March 1986, 1987/43 of 10 March 1987 and, in particular, 1988/77 of 10 March 1988,

1. Welcomes once more the progress being made by the Working Group in the discharge of its mandate and, in particular, the headway it has made in the second reading of the draft international convention on the protection of the rights of all migrant workers and their families;

2. Invites all Member States to continue co-operating with the Working Group in the performance of its task;

3. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible;

4. Requests the Secretary-General to inform the Commission at its forty-sixth session of the further progress made in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. XIV.]

1989/56. Political prisoners

The Commission on Human Rights,

Guided by the provisions of the Universal Declaration of Human Rights,

Mindful of article 9 of the International Covenant on Civil and Political Rights, which guarantees the right to liberty and security of person,

Mindful also of articles 18 and 19 of the International Covenant on Civil and Political Rights, which guarantee the right to freedom of thought, conscience and religion and the right to freedom of opinion and expression,

Further mindful of articles 21, 22 and 25 of the International Covenant on Civil and Political Rights, which guarantee the rights of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs,

Recalling that, in accordance with article 5 of the International Covenant on Civil and Political Rights, no right may be implied for any State, group or person to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized in the Covenant or at their limitation to a greater extent than is therein provided for,

Further recalling its resolution 1988/39 of 8 March 1988,

1. Expresses its concern at the fact that in many parts of the world numerous persons are detained for seeking to exercise peacefully their human rights and fundamental freedoms, in particular the rights to freedom of expression, of assembly and of association, as provided for in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights, or to promote and defend those rights and freedoms, and that these persons are often exposed to special dangers as regards the protection of their human rights and fundamental freedoms;
2. Requests all Governments to release all persons deprived of their liberty for seeking peacefully to exercise those rights and freedoms or to promote and defend them;
3. Calls on all Governments, pending the release of such persons, to take effective measures to safeguard their human rights and fundamental freedoms;
4. Decides to consider this question anew at its forty-sixth session, under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

53rd meeting

7 March 1989

[Adopted without a vote. See chap. X.]



1989/57. Question of a convention on the rights of the child

The Commission on Human Rights.

Bearing in mind the draft convention on the rights of the child submitted by Poland to the Commission on Human Rights on 7 February 1978 and annexed to Commission resolution 20 (XXXIV) of 8 March 1978, in which it decided to continue, as one of its priorities, its consideration of a draft convention on the rights of the child,

Recalling Economic and Social Council resolution 1978/18 of 5 May 1978, in which the Council took note with satisfaction of the initiative taken by the Commission with a view to the conclusion of a convention on the rights of the child,

Recalling General Assembly resolution 33/166 of 20 December 1978,

Bearing in mind all subsequent pertinent resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly, in particular General Assembly resolution 43/112 of 8 December 1988, in which the Assembly requested the Commission on Human Rights to give the highest priority to a draft convention on the rights of the child and to make every effort at its forty-fifth session to complete a draft and to submit it, through the Economic and Social Council, to the General Assembly at its forty-fourth session, and invited all Member States to offer their active support to the completion of a draft convention on the rights of the child in 1989, the year of the thirtieth anniversary of the Declaration of the Rights of the Child and of the tenth anniversary of the International Year of the Child,

Having examined the report of the open-ended working group of the Commission on Human Rights on a draft convention on the rights of the child concerning its meeting to complete the second reading of the draft convention (E/CN.4/1989/48),

Having also examined the text of the draft convention as adopted by the open-ended working group (E/CN.4/1989/29 and Corr.1),

1. Expresses its appreciation for the work achieved by the open-ended working group;
2. Decides to adopt the draft convention on the rights of the child, as submitted by the open-ended working group;
3. Decides also to transmit to the General Assembly, through the Economic and Social Council, the draft convention as submitted by the open-ended working group as well as the report of the group;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sec. A, draft resolution VII.]

55th meeting  
8 March 1989

[Adopted without a vote. See chap. XIII.]

1989/58. The role of youth in the promotion and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolutions 36/29 of 13 November 1981, 37/49 of 3 December 1982, 38/23 of 22 November 1983, 41/98 of 4 December 1986 and 43/94 of 8 December 1988, in which the Assembly, inter alia, recognized the need to adopt appropriate measures for securing the implementation and the enjoyment by youth of human rights, particularly the right to education and to work,

Recalling also its resolutions 1982/36 of 11 March 1982, 1983/46 of 9 March 1983, 1985/14 of 11 March 1985 and 1987/45 of 10 March 1987,

Considering that young people constitute a substantial part of the world's population and play an important role in all fields of human activity, as well as the fact that the future belongs to youth,

Convinced that the confidence of youth in the future is a prerequisite for the realization of the creative potential of youth,

Recognizing that in many countries young people, under the prevailing critical social and economic conditions, are facing serious problems in the exercise of their right to education and work,

Aware of the fact that insufficient education and the unemployment of young people limit their ability to participate in the development process, and, in this regard, emphasizing the importance of secondary and higher education for young people, as well as of their access to appropriate technical and vocational guidance and training programmes,

1. Reaffirms the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all;

2. Reaffirms also the fact that youth attaches crucial importance to the promotion of international peace and co-operation and the enjoyment of human rights and fundamental freedoms;

3. Calls upon all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people;

4. Calls upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the overall development of their countries;

5. Decides to include in the provisional agenda of its forty-seventh session the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

55th meeting  
8 March 1989

[Adopted without a vote. See chap. XV.]

1989/59. Conscientious objection to military service

The Commission on Human Rights.

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

Bearing in mind that it is recognized in the International Covenant on Civil and Political Rights that everyone has the right to freedom of thought, conscience and religion,

Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, in which the Assembly designated 1985 as "International Youth Year: Participation, Development, Peace", 2037 (XX) of 7 December 1965, in which the Assembly stated that young people should be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its own resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Expressing its conviction that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace, the realization of the right to self-determination and the development of international co-operation in accordance with the Charter of the United Nations would ultimately result in the creation of conditions under which military service would become unnecessary,

Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984, by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya for the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations,

Recalling its resolution 1987/46 of 10 March 1987, in which it appealed to States to recognize that conscientious objection to military service should be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and recommended that States refrain from subjecting to imprisonment persons exercising this right,

Recalling the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations as well as the replies of Governments and international organizations to the Secretary-General's request for comments and observations (E/CN.4/1985/25 and Add.1-4),

Recalling the Sub-Commission's report on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describe State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in the domestic legislation concerning the recognition of conscientious objection to military service, in practice such States provide for non-combatant service within the military framework and sometimes for civilian alternative service,

Having considered the report of the Secretary-General (E/CN.4/1989/30),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious or similar motives,

1. Recognizes the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Appeals to States to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

3. Recommends to States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

4. Emphasizes that such forms of alternative service should be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Recommends to States Members of the United Nations, if they have not already done so, that they establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

6. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations;

7. Also requests the Secretary-General to report to the Commission at its forty-seventh session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

8. Decides to consider this matter further at its forty-seventh session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

55th meeting

8 March 1989

[Adopted without a vote. See chap. XV.]

1989/60. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, under which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its decision 1985/112 of 14 March 1985 that the open-ended working group should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week, and its resolutions 1986/44 of 12 March 1986, 1987/52 of 11 March 1987 and 1988/71 of 10 March 1988, in which the progress achieved by the working group at its first, second and third meetings was noted,

Recalling also its resolutions 23 (XXXVI) of 29 February 1980, 28 (XXXVII) of 11 March 1981, 1982/30 of 11 March 1982 and 1983/31 of 8 March 1983 concerning the role of individuals, groups and organs of society in the promotion and protection of universally recognized human rights,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the forty-fifth session of the Commission,

Noting also the working group's view that substantial further progress can be achieved at its next meeting if sufficient time is made available,

1. Decides to continue at its forty-sixth session its work on the elaboration of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, using as a basis the views expressed and proposals made in the working group at its previous sessions;

2. Decides also to make available prior to and during the forty-sixth session of the Commission appropriate meeting time for the working group;

3. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII.]

55th meeting

8 March 1989

[Adopted without a vote. See chap. XXIII.]

1989/61. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981, 1982/38 of 11 March 1982, 1983/53 of 10 March 1983, 1984/62 of 15 March 1984, 1985/53 of 14 March 1985, 1986/60 of 13 March 1986, 1987/47 of 10 March 1987 and 1988/64 of 10 March 1988,

Noting the report of the open-ended working group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1989/38),

1. Decides to consider at its forty-sixth session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

2. Decides to establish at its forty-sixth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents;

3. Decides further that the working group shall have no fewer than four full meetings, preferably during the first two weeks of the forty-sixth session of the Commission;

4. Requests the Secretary-General to provide the working group with all the assistance it may require in the continuation of its drafting work.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XX.]

1989/62. Situation of human rights and fundamental freedoms in Chile

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Recalling its pertinent resolutions, in particular its resolutions 11 (XXXV) of 6 March 1979, by which it appointed a Special Rapporteur, and 1988/78 of 10 March 1988, whereby it decided, among other things, to extend the mandate of the Special Rapporteur for one year and to consider this question at its forty-fifth session as a matter of high priority,

Bearing in mind that the concern of the international community at the situation of human rights in Chile has been expressed by the General Assembly in a number of resolutions, in particular, resolution 43/158 of 8 December 1988, by the Human Rights Committee, by the Committee on Economic, Social and Cultural Rights and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering certain reports prepared by various non-governmental organizations which have brought to public attention the serious violations of human rights in Chile,

Considering the referendum held on 5 October 1988, in accordance with the 1980 Constitution, the formal acceptance of its results and the termination of the states of emergency and of the prohibitions on freely entering or leaving the country as very positive developments that have created a new political situation with great potential for the restoration of democracy as a result of the increase in political activity in Chile,

Considering with regret that, while the Special Rapporteur has made repeated visits to Chile and the Government has taken important positive steps, the legal and institutional framework that allows violations of human rights none the less has not been changed and several of the repeated calls of the General Assembly and the Commission on Human Rights for the full re-establishment of human rights and fundamental freedoms have not been taken into account,

1. Takes note with interest of the report of the Special Rapporteur (E/CN.4/1989/7) submitted in accordance with Commission on Human Rights resolution 1988/78 of 10 March 1988;



2. Welcomes the fact that the Government of Chile has decided to continue to co-operate with the Special Rapporteur and again permitted him to visit the country in October 1988, providing him with free access to the facilities for compiling his report, and expresses its confidence that a further visit will be authorized on the same conditions in the immediate future;

3. Takes note with satisfaction of the decision of the Government of Chile to respect the result of the referendum of 5 October 1988, which was carried out in an atmosphere of freedom, as an expression of the will of the people and an important step towards the rapid restoration of democracy in Chile;

4. Takes note of the partial response of the Government of Chile to the demands of various political and social elements in the country, and urges the Chilean Government to work for the re-establishment of a representative and pluralistic democracy which will be based on the expression of popular sovereignty through free elections in an electoral process open to all citizens on an equal footing and in accordance with the principle of non-discrimination on the grounds of political opinions, as well as on the full enjoyment by all of human rights and fundamental freedoms;

5. Expresses dismay at the continued acts of extreme violence, whatever their origin, in Chile which have exacerbated the climate of insecurity, which is one of the factors that make a peaceful return to democracy difficult;

6. Expresses once again its concern at the persistence of serious violations of human rights and fundamental freedoms in Chile, as described in the report of the Special Rapporteur, which refers to cases of murder, abduction, disappearance, torture, arbitrary arrest and prolonged periods of detention incommunicado, political prisoners, death threats and the intimidation of opponents of the régime;

7. Again urges the Government of Chile to put an end to these situations, to continue adopting measures to permit the restoration of the rule of law in Chile and the full enjoyment of human rights and fundamental freedoms and, in particular:

(a) To promote reforms of the institutional framework under which serious violations of human rights and fundamental freedoms are being committed in order to bring it into line with the relevant international standards;

(b) To allow the administrative and judicial investigation of all complaints of human rights violations, including cases of missing detainees and persons who have sustained burns and other serious injuries, with a view to the trial and punishment of those responsible, whether military, police or security officials or members of private gangs or groups, and to ensure that the Amnesty Act is not an obstacle to the search for the truth and the punishment of the guilty;

(c) To ensure the independence of the judiciary and the effectiveness of legal remedies, especially habeas corpus or amparo, by respecting procedural guarantees, equality before the law and the right of defence in all cases, particularly before the military courts, and by preventing the intimidation of judges, defence lawyers and witnesses;

(d) To restore the full range of economic, social and cultural rights, particularly labour rights and the right to freedom of association, the right to bargain collectively and the right to strike;

8. Urges the Government of Chile to authorize, in accordance with the recommendations of the Special Rapporteur and in conformity with existing laws, the official publication of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

9. Decides to extend the mandate of the Special Rapporteur for one more year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session;

10. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution;

11. Decides to consider at its forty-sixth session, as a matter of high priority, the human rights situation in Chile and to determine how the item is to be dealt with on the agenda in the light of developments in that situation.

55th meeting

8 March 1989

[Adopted without a vote. See chap. V.]

1989/63. Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur on

this subject (E/CN.4/1503) and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (A/41/324, annex),

Aware of the recommendations concerning mass exoduses which it has made to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the special rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Taking note once again of the report of the Secretary-General on human rights and mass exoduses (A/38/538),

Welcoming the endorsement by the General Assembly at its forty-first session of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling General Assembly resolution 43/154 of 8 December 1988 and its own resolution 1988/70 of 10 March 1988,

1. Welcomes the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes;

2. Recalls the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the main organs of the United Nations should make fuller use of their respective competences under the Charter for the prevention of new massive flows of refugees and displaced persons;

3. Invites all Governments and international organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

4. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

5. Takes note of the report of the Secretary-General on human rights and mass exoduses (A/43/743 and Add.1);

6. Encourages the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

7. Notes the establishment by the Secretary-General of the Office for Research and the Collection of Information to co-ordinate information-gathering and analysis with agencies so as to provide early warning of developing situations requiring the Secretary-General's attention, as well as to provide a focal point within the United Nations system for policy response, including identification of policy options for the Secretary-General;

8. Urges the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, early computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies;

9. Looks forward to the Secretary-General's report to the General Assembly at its forty-fourth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

10. Decides to continue consideration of the question of human rights and mass exoduses at its forty-sixth session.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XII.]

1989/64. Summary of arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 4 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987 and 43/151 of 8 December 1988.

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, as well as the ongoing work on summary and arbitrary executions within the Committee on Crime Prevention and Control,

Welcoming furthermore the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention and Control with regard to the elaboration of principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Deeply alarmed at the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;

2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

3. Takes note with appreciation of the report of the Special Rapporteur, Mr. S. Amos Wako (E/CN.4/1989/25), and welcomes his recommendations with a view to eliminating summary or arbitrary executions;

4. Also welcomes Economic and Social Council resolution 1988/38 of 27 May 1988, in which the Council decided to renew the mandate of the Special Rapporteur for two years, while keeping the annual reporting cycle;

5. Requests the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions;

6. Also requests the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

8. Invites Governments, international organizations and non-governmental organizations to support the efforts made in United Nations forums towards the adoption of an international instrument which would incorporate international standards for proper investigation of all cases of death in suspicious circumstances, including provision for adequate autopsy;

9. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

10. Requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur as well as his recommendations;

11. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively.

12. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

13. Decides to consider the question of summary or arbitrary executions as a matter of high priority at its forty-sixth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

55th meeting

8 March 1989

[Adopted without a vote. See chap. XII.]

1989/65. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the continuation of the acts of aggression and the arbitrary practices of the Israeli occupation forces in southern Lebanon, which constitute a flagrant violation of the provisions of the Charter of the United Nations, the principles of international law, the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907,

Recalling its deep regret at Israel's failure to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Recalling all the resolutions of the General Assembly, the Security Council and other United Nations organs declaring that the continued occupation and repeated acts of aggression constitute a violation of both the will of the international community and the conventions in force in this respect,

Reaffirming its previous resolutions in this respect,

Expressing its deepest regret at Israel's continued failure to co-operate with the efforts of the Secretary-General requested in those resolutions,

1. Strongly condemns Israel for its continued violations of human rights in southern Lebanon, manifested particularly in the continuing occupation of parts of that territory by force, the bombardment of villages and the civilian population, their arrest and detention in Israeli prisons and detention centres, the destruction of their homes and their property, the fact that they are terrorized, forced out of their residences and expelled from the occupied area, and other arbitrary practices;

2. Calls upon Israel to put an immediate end to such practices, which violate human rights, to liberate the Lebanese prisoners whom it has detained, to return all those expelled to their homes, to stop expelling Palestinians arbitrarily to southern Lebanon and to implement the above-mentioned

resolutions of the Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Calls upon those Governments which are assisting Israel politically, economically and militarily to bring adequate pressure to bear on the Government of Israel to put an end to its aggressive and expansionist policy in southern Lebanon;

4. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite that Government to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session on the results of his efforts in that regard;

5. Decides to continue its consideration of the situation of human rights in southern Lebanon at its forty-sixth session.

55th meeting

8 March 1989

[Adopted by a roll-call vote of 30 to 1, with  
12 abstentions. See chap. XII.]

1989/66. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its pertinent resolutions, as well as those of the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling, in particular, its resolution 1988/69 of 10 March 1988, by which it decided to extend the mandate of the Special Representative for a further year and requested him to present an interim report to the General Assembly at its forty-third session on the human rights situation in



the Islamic Republic of Iran, including the situation of minority groups, such as the Bahá'ís, and a final report to the Commission at its forty-fifth session.

Welcoming the ceasefire between the Islamic Republic of Iran and Iraq as a positive development that should contribute to a situation in which human rights and fundamental freedoms can be fully enjoyed,

Taking note of the appreciation expressed by the Special Representative for the co-operation of the Government of the Islamic Republic of Iran and also of recent contacts between them, and expressing the hope that this co-operation will reach the level of full co-operation in the near future, including visits by the Special Representative to the Islamic Republic of Iran, so that he can fulfil his mandate, as repeatedly requested by the General Assembly, the Commission on Human Rights and the Special Representative,

Noting, nevertheless, that a detailed response to individual allegations brought to the attention of the Government of the Islamic Republic of Iran by the Special Representative has yet to be received,

Deeply concerned at continued reports of grave and persistent violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Noting that the situation of the Bahá'ís in the Islamic Republic of Iran continues to be uncertain,

1. Takes note with appreciation of the report of the Special Representative (E/CN.4/1989/26);
2. Urges once again the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative and, in particular, to permit him to visit that country;
3. Calls upon the Government of the Islamic Republic of Iran to give immediate effect to its undertaking to provide detailed information concerning the allegations of human rights violations that have been brought to its attention;
4. Expresses once more its deep concern about the numerous and detailed allegations of grave human rights violations in the Islamic Republic of Iran to which the Special Representative has referred in his reports, namely, those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to a fair trial and the right to freedom of thought, conscience, religion and expression;

5. Expresses its grave concern at the reports of a wave of summary executions in the period from July to December 1988, as reported also by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1989/25, paras. 142-148);

6. Endorses the Special Representative's concern about apparent flaws in the legal system, in particular, frequent irregularities regarding fair trial, the large number of arrests and poor conditions of imprisonment;

7. Expresses its deep concern at the numerous reports of ill-treatment and torture during investigation, trial and imprisonment;

8. Takes note of reports of an amnesty on 11 February 1989, but nevertheless expresses its deep concern at the existence of a number of political prisoners in the Islamic Republic of Iran, and at the allegations that persons may be gaoled on the basis of mere suspicion of misdoing or on account of adverse political opinions or political criticism;

9. Endorses the view of the Special Representative that the allegations he received cannot be dismissed on the ground of political bias, and notes that they were corroborated by the information provided by various sources;

10. Endorses the belief of the Special Representative that acts continue to occur in the Islamic Republic of Iran that are inconsistent with the international instruments on human rights by which that country is bound and that the human rights situation prevailing there justifies international concern and study and constant monitoring by the United Nations and its specialized organs, such as the Commission on Human Rights;

11. Urges the Government of the Islamic Republic of Iran, as a matter of urgency, to investigate all allegations of human rights violations and to report to the Special Representative in detail on the results of such investigations, to take legislative and administrative steps to ensure fair trial, to ensure that the prison régime conforms to international standards and that prisoners are not subjected to unjustified or unnecessary hardships, to suppress ill-treatment and torture during both investigation and imprisonment and to ensure that a firm policy of compliance with international instruments on human rights is adopted and enforced by the highest competent officials;

12. Urges the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect it and to ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights recognized in that Covenant;

13. Decides to extend the mandate of the Special Representative, as contained in its resolution 1984/54 of 14 March 1984, for a further year;

14. Requests the Special Representative to present an interim report to the General Assembly at its forty-fourth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Bahá'ís, and a final report to the Commission at its forty-sixth session;

15. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

16. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran as a matter of priority at its forty-sixth session.

55th meeting

8 March 1989

[Adopted by a roll-call vote of 20 to 6, with  
12 abstentions. See chap. XII.]

1989/67. Question of human rights and fundamental  
freedoms in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the humanitarian rules set out in the Geneva Conventions of 12 August 1949,

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

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments,

Recalling its relevant resolutions, in particular resolution 1984/55 of 15 March 1984, as well as Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of all residents of the country before, during and after the withdrawal of foreign forces,

Recalling also the relevant resolutions of the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling in particular its resolution 1988/67 of 10 March 1988 and Economic and Social Council decision 1988/136 of 27 May 1988, by which the Council approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan,

Welcoming the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988 (S/19835, annex I), which constitute an important step towards a comprehensive political solution, based on the right of self-determination, and the creation of a situation that will permit the full enjoyment of human rights by the Afghan people,

Welcoming the completion of the withdrawal of foreign troops from Afghanistan in accordance with the relevant provisions of the Geneva Agreements,

Welcoming the co-operation that the Afghan authorities have extended to international organizations, in particular to the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, the specialized agencies of the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross,

Having carefully examined the final report (A/CN.4/1989/24) of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan, which, while recognizing some improvements, reveals continuing violations of fundamental human rights in Afghanistan,

Regretting that the Special Rapporteur was unable to visit all areas in Afghanistan,

Recognizing with deep concern that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims and causing enormous human suffering to the civilian population,

Recognizing with grave concern that the treatment of prisoners detained in connection with the conflict does not conform to the internationally recognized principles of humanitarian law,

Recognizing with equal concern that more than five million refugees are living outside Afghanistan, that many Afghans are displaced within the country, and that in both cases the numbers have increased,

1. Takes note with appreciation of the final report of the Special Rapporteur (E/CN.4/1989/24) and of the considerations and recommendations contained therein;

2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;

3. Urges all parties concerned to work for a comprehensive political solution, based on the right of self-determination, and for the creation of a situation that will permit the full enjoyment of human rights by the Afghan people;

4. Calls once again upon all parties to the conflict, in order to alleviate the serious suffering of the Afghan people, strictly to respect human life and the principles and provisions of international humanitarian law and to co-operate fully and effectively with the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, with international humanitarian organization, in particular by granting them, and especially the International Committee of the Red Cross, unrestricted access to all parts of the country;

5. Notes with grave concern the continuation of the armed conflict which threatens the life and security of innocent men, women and children;

6. Urges all parties to the conflict to release all prisoners of war in accordance with the internationally recognized principles of humanitarian law;

7. Expresses its great concern at the number of refugees who remain outside Afghanistan because they fear the climate of insecurity in the country and the extensive presence of mines and explosives;

8. Urges all parties concerned to do everything possible to facilitate the return of refugees and displaced persons in safety, in co-ordination with all the international organizations concerned, and especially with the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan and the Office of the United Nations High Commissioner for Refugees;

9. Expresses its concern at reports of the interrogation practices of the Afghan authorities, including ill-treatment and torture, at the large number of political prisoners and at the conditions of prisoners awaiting trial;

10. Expresses equal concern at the allegations of atrocities committed against Afghan soldiers, civil servants and their families;

11. Urges all parties to the conflict to treat all prisoners in their custody in accordance with the internationally recognized principles of humanitarian law and to protect them from all acts of reprisal and violence, including ill-treatment, torture and summary execution;

12. Calls again upon the Afghan authorities to investigate thoroughly the fate of disappeared persons in co-operation with international humanitarian organizations and especially with the Commission on Human Rights, its Sub-Commission and the Special Rapporteur;

13. Requests the Working Group on Enforced or Involuntary Disappearances to examine the cases of the disappeared persons listed in annex I to the report of the Special Rapporteur;

14. Takes note of the recommendation of the Special Rapporteur that, in many respects, recourse might be had to the assistance that may be provided under the advisory services of the Centre for Human Rights;

15. Urges all parties concerned not to place any ban whatsoever on supplies of medicines, food and any other goods essential for the survival of the civilian population;

16. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

17. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session on the question of human rights and fundamental freedoms in Afghanistan;

18. Requests the Secretary-General to give all the necessary assistance to the Special Rapporteur;

19. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority at its forty-sixth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

55th meeting

8 March 1989

[Adopted without a vote. See chap.XII.]

1989/68. Situation of human rights and fundamental freedoms in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 and Protocols I and II additional thereto of 1977,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling that since 1980 the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 43/145 of 8 December 1988,

Bearing in mind its own resolution 32 (XXXVII) of 1 March 1981, in which it decided to appoint a special representative on the situation of human rights in El Salvador, and its other resolutions on this question, including resolution 1988/65 of 10 March 1988, whereby it extended the mandate of the Special Representative for another year,

Considering that an armed conflict of a non-international character continues to exist in El Salvador in which the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Protocol II additional thereto of 1977,

Noting with satisfaction that the Special Representative points out in his report (E/CN.4/1989/23) that the question of human rights continues to be an important element of the current policy of the Government of El Salvador,

Concerned that, as the Special Representative indicates in his report, there has been an increase in the number of politically motivated violations of human rights in El Salvador, particularly in the form of attempts on the life and physical integrity of individuals, frequent breaches of the rules of international humanitarian law, and the systematic destruction of the economic infrastructure as a consequence of the armed conflict,

Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" of 7 August 1987 (Esquipulas II) and in the joint declaration of the Central American Presidents signed in El Salvador on 14 February 1989 will contribute to the promotion, respect and realization of human rights and fundamental freedoms in that country and to the reactivation of the peace process in the region,

Noting with interest the proposal made by the Frente Farabundo Martí para la Liberación Nacional on 23 January 1989 concerning elections, its meeting with the Salvadorian political parties in Mexico on 20 and 21 February 1989 and the counterproposal on the same subject formulated by the Government of El Salvador on 26 February 1989, which help to create new prospects for a political solution to the armed conflict, as well as the incorporation of the Frente Farabundo Martí para la Liberación Nacional in the Salvadorian political process in the context of respect for pluralistic, representative and participatory democracy,

Aware that a political solution to the Salvadorian conflict based on concertation and dialogue can be cut short if external forces do not support the resumption of the dialogue but instead seek in different ways to spur the prolongation or intensification of the armed conflict, with the ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador (E/CN.4/1989/23);
2. Recognizes with interest and emphasizes that it is significant that the Special Representative indicates in his report that the Government of El Salvador remains committed to a policy of respect for human rights, although difficulties continue to be experienced in implementing that policy;
3. Expresses its deep concern at the fact that there has been an increase in the number of politically motivated violations of human rights in El Salvador and that there continue to be frequent breaches of the rules of international humanitarian law;
4. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring the efficiency of the system;
5. Requests, in accordance with the recommendations of the Special Representative, that the Government of El Salvador, all the country's political authorities, agencies and forces and the Frente Farabundo Martí para la Liberación Nacional should take appropriate measures to put an end to attempts on the life and physical integrity of individuals, both in non-combat situations and in or as a result of combat, as well as to attacks on the economic infrastructure and, in general, all types of action constituting a violation of the fundamental rights and freedoms of the Salvadorian people;
6. Expresses its confidence that the fulfilment of the commitments assumed under the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" and in the joint declaration issued by the Central American Presidents in El Salvador will lead to an improvement in the human rights situation of the Salvadorian people;
7. Encourages the Government of El Salvador, the political parties and the Frente Farabundo Martí para la Liberación Nacional to continue, through dialogue and negotiation, to make all possible efforts to arrive at an early peaceful solution to the conflict which would promote the implementation and strengthening of a pluralistic and participatory democratic process involving respect for human rights, as well as the full exercise of the right of the Salvadorian people to determine its political, economic and social system freely and without external interference of any kind, as recognized in the "national debate";
8. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, with the ensuing grave effects on the situation of human rights and the economic recovery of El Salvador, to encourage dialogue until a just and lasting peace is achieved;



9. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent authorities to ensure that such persons are assisted in respect of their most basic health and food needs;

10. Reiterates its request to the Government of El Salvador and to the Frente Farabundo Martí para la Liberación Nacional, to continue to co-operate with humanitarian organizations concerned with alleviating the suffering of the civilian population in any part of the country in which such organizations operate;

11. Requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, with the intention of humanizing the conflict, to continue to apply the agreements for the evacuation of those wounded or maimed in combat for medical attention, without making them contingent on further exchanges and negotiations;

12. Repeats its request that the competent bodies and organizations of the United Nations system, on the basis of General Assembly resolution 43/145 of 8 December 1988 and its own resolution 1988/54 of 8 March 1988, should provide such advice in the human rights field and such technical assistance in the legal sphere as the Government of El Salvador may request from them;

13. Decides to consider at its forty-sixth session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country and the fulfilment of the commitments assumed under the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" and the joint declaration issued by the Central American Presidents in El Salvador;

14. Decides to extend the mandate of the Special Representative for another year, and requests him to submit his report on further developments in the human rights situation in El Salvador to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session.

55th meeting  
8 March 1989

[Adopted without a vote. See chap. XII.]

#### 1989/69. Situation of human rights in Albania

##### The Commission on Human Rights.

Recalling that the human rights situation in Albania has been under consideration by the Commission on Human Rights since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Noting with regret that the exhaustive efforts to solicit the co-operation of the Government concerned under the procedure in question, including the efforts of the Secretary-General, have been in vain, and that for the second consecutive year the Government has failed to respond to the allegations transmitted to it by the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission on Human Rights, acting under paragraph 8 of Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/15 of 1 September 1988,

1. Reminds the Government of Albania of its obligation under the Charter of the United Nations to extend full co-operation to the Commission on Human Rights;

2. Calls upon the Government of Albania to provide information on the concrete manner in which constitutional and legal measures comply with the provisions of the Universal Declaration of Human Rights and to respond to the specific allegations transmitted to it by the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide the requested information and co-operation;

(b) To report to the Commission at its forty-sixth session on the results of his efforts in that regard;

4. Decides to continue its consideration of the situation of human rights in Albania at its forty-sixth session.

55th meeting

8 March 1989

[Adopted by a roll-call vote of 23 to 3, with  
13 abstentions. See chap. XII.]

1989/70. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1988/52 of 8 March 1988,

Having taken note of the report of the Secretary-General (E/CN.4/1989/41),

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the plan of action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

1. Recommends to the Government of Equatorial Guinea that it give active consideration to the possibility of becoming a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
2. Requests the Government of Equatorial Guinea to give appropriate consideration to the implementation of the plan of action proposed by the United Nations, taking particular account of the recommendations and proposals submitted by the Expert;
3. Reiterates the request of the Expert to submit to the Commission a report on the manner in which the Government of Equatorial Guinea intends fully to implement the plan of action and on the progress achieved to date;
4. Decides to consider the report of the Expert at its forty-sixth session.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XXI.]

1989/71. Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights

The Commission on Human Rights,

Recalling the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights by the Secretary-General on 16 November 1987 pursuant to its resolution 1987/38 of 10 March 1987 and Economic and Social Council decision 1987/47 of 29 May 1987,

Bearing in mind the appeal made by the Secretary-General on that occasion to Governments and intergovernmental and non-governmental organizations for contributions to the Fund,

Noting with satisfaction that several Governments and non-governmental organizations have responded favourably to this appeal,

Welcoming the fact that operations under the Voluntary Fund began in 1988,

Recalling its resolution 1988/53 of 8 March 1988,

Taking note of the relevant sections of the annual report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1989/42),

1. Expresses its appreciation to the Secretary-General for the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights and the early date at which the Fund became operational;

2. Also expresses its appreciation to those Governments and non-governmental organizations that have made financial contributions to the Voluntary Fund;

3. Calls upon all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions for the implementation of projects within the programme of the Voluntary Fund;

4. Emphasizes that the objective of the Voluntary Fund is to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations;

5. Recommends that activities under the Voluntary Fund should be directed towards expert assistance to Governments with a view to creating and developing the necessary infrastructures to meet international human rights standards;

6. Encourages the Secretary-General to pay due attention to the particular needs of developing countries and to explore fully the possibilities offered by the co-operation of the relevant specialized agencies of the United Nations system with the Centre for Human Rights;

7. Recommends that the Secretary-General continue to consider for financing and implementation through the Voluntary Fund those projects and programmes which can play a catalytic role in the practical realization of internationally recognized human rights standards;

8. Further requests the Secretary-General to bring regularly to the attention of all Governments and of the competent human rights organs the possibilities that exist under the Voluntary Fund of providing advisory services and technical assistance to Governments at their request;

9. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services and technical assistance in that field;

10. Requests the Secretary-General to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund, with special emphasis on an effective mechanism for project appraisal;

11. Requests the Secretary-General to report annually to the Commission on Human Rights on the operation and administration of the Voluntary Fund as part of his annual report on advisory services in the field of human rights.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XXI.]

1989/72. Advisory services in the field of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 41/154 of 4 December 1986, in which the Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations,

Recalling also General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including activities to develop human rights institutions and infrastructures,

Recalling further its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international conventions on human rights, particularly the International Covenants on Human Rights, and its resolutions 1986/52 of 13 March 1986, 1987/37 and 1987/38 of 10 March 1987 and 1988/53 and 1988/54 of 8 March 1988,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1989/42),

Noting with appreciation the initiation of three country programmes in 1988, under which the Centre for Human Rights has begun execution of specific technical co-operation projects at the request of the Governments concerned,

Noting with appreciation the co-operation programme to assist in strengthening the capabilities of the African Commission on Human and Peoples' Rights recently established by the Organization of African Unity,

Noting with appreciation the increase in the number of regional and national training courses and workshops in 1988, which were held in Lomé, Lisbon, Kigali, Milan, Tunis, Guatemala City, Moscow, Manila, Geneva and San Remo,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Supporting, therefore, the general thrust of the plan of activities contained in the report of the Secretary-General (E/CN.4/1989/42),

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. Requests the Secretary-General to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field of human rights, taking into account the comments and views expressed by Governments at the forty-fifth session of the Commission on Human Rights;

3. Recommends to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase;

4. Welcomes the new emphasis given by the Centre for Human Rights to advisory services and technical assistance programmes available to Governments as well as the restructuring of the Secretariat in this area aimed at providing continuous impetus and effective management to those activities;

5. Requests the Secretary-General to enable the Centre for Human Rights to co-ordinate, as appropriate, within the United Nations system, the activities for the provision of advisory services and technical assistance in the field of human rights in all their aspects;

6. Notes with appreciation the co-operation between the Centre for Human Rights and the United Nations Development Programme in the execution of a specific country programme;

7. Requests the Secretary-General to explore yet further the possibilities offered by co-operation between the Centre for Human Rights and specialized bodies of the United Nations system, such as the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, and the International Committee of the Red Cross, in the development of strategies for the setting up or the strengthening of national

infrastructures for the promotion and protection of human rights and fundamental freedoms and the planning, execution and evaluation of specific projects;

8. Requests the Secretary-General to ensure close co-ordination between the activities of the regular programme of advisory services and those of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

9. Also requests the Secretary-General to bring the need for further technical assistance in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and agencies that are active in providing assistance in the field of development;

10. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, to make suggestions and proposals for the implementation of advisory services;

11. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

12. Requests the Secretary-General, within the framework of the World Public Information Campaign for Human Rights, to draw the attention of Governments to the availability of advisory services and technical assistance in the field of human rights;

13. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

14. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

15. Expresses its appreciation to all Governments and intergovernmental and non-governmental organizations which have responded to the Secretary-General's call to provide assistance to States that indicated their need for technical assistance in the field of human rights, and requests the Secretary-General to pursue his efforts to co-ordinate and facilitate the flow of bilateral assistance in such cases;

16. Requests the Secretary-General to report to the Commission at its forty-sixth session on the progress made in the implementation of the programme of advisory services in the field of human rights.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XXI.]

1989/73. Assistance to Haiti in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all Member States are required to promote and protect human rights and fundamental freedoms,

Bearing in mind the development of events in Haiti during the past three years,

Alarmed by the events of 11 September 1988 and by the threats still presented, particularly in rural areas, by armed bands using the methods of the former dictatorship,

Noting the dialogue initiated between the Government and democratic forces in a forum, with a view to the early establishment of an electoral council,

Recalling Articles 55 and 56 of the Charter of the United Nations, in which Member States pledge to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms,

Considering that the United Nations should be able to assist any nation which is going through a delicate and difficult stage on the path to the development and consolidation of democracy, in order to contribute to respect for human rights and fundamental freedoms,

Taking account of the recommendations contained in the report of the Expert, Mr. Philippe Texier (E/CN.4/1989/40),

1. Expresses its appreciation to the Expert appointed by the Secretary-General for his report and for the way in which he has discharged his mandate;



2. Welcomes the co-operation extended by the Haitian authorities to the Expert during his visit to Haiti from 15 to 22 December 1988, and the readiness of those authorities to continue their co-operation with the Commission on Human Rights;

3. Notes with concern the Expert's observation that, although there has been some improvement in the human rights situation since 17 September 1988, the basic causes of the violations have not been eradicated and may give rise to further outbreaks of violence at any time;

4. Welcomes with interest Haiti's accession to a number of human rights conventions and, in particular, to the Covenants and the declared determination of the Haitian authorities to comply with them, although those international instruments have not yet been incorporated into the Haitian legal system, pending the enforcement of the relevant constitutional provisions;

5. Urges the Haitian authorities to take measures without delay to ensure the rapid investigation of the serious violations of human rights which occurred before 17 September 1988, in particular, the sad events of 29 November 1987 and 11 September 1988, and to ensure that the mandate of the commission of inquiry enables it to single out the culprits for arrest and trial;

6. Expresses the hope that the Haitian Government will, as it has pledged, be able to restore as soon as possible a constitutional régime freely chosen by the Haitian people;

7. Encourages the Haitian Government to pursue the contacts which it has established with the various democratic forces in the country in order to expedite the resumption of the electoral process and, inter alia, to take measures to ensure the physical safety of citizens and their freedom to vote;

8. Appeals to the international community to provide all possible assistance to Haiti in order to help it in the implementation of economic, social and cultural rights, as well as civil and political rights;

9. Requests the Secretary-General to provide advisory services and all other appropriate forms of assistance in the field of human rights in order to encourage the régime's democratic development;

10. Endorses the Expert's recommendations contained in paragraph 139 (e) and (f) of his report (E/CN.4/1989/40), and requests the Secretary-General, in the programme to be established in co-operation with the Haitian Government, to give emphasis, inter alia, to measures designed to strengthen the independence of the judiciary and to promote the organization of civilian police services trained in human rights;

11. Requests the Secretary-General, in consultation with the Haitian authorities, to extend the Expert's mandate for one year, and requests the Expert to encourage the implementation of the Secretary-General's programme, as determined jointly with the Government of Haiti, and to make to the Government all necessary recommendations for the full restoration of human rights;

12. Requests the Expert, in his report, to provide information also on the development of the human rights situation in Haiti;

13. Requests the Secretary-General to provide all necessary assistance to the Expert;

14. Decides to consider the Expert's report at its forty-sixth session.

55th meeting  
8 March 1989

[Adopted without a vote. See chap. XXI.]

1989/74. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1988/50 of 8 March 1988,

Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1989/39), and endorsing his conclusions and recommendations,

Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18 and Add.1) and the reports of the Special Rapporteur on torture (E/CN.4/1989/15) and the Special Rapporteur on summary arbitrary executions (E/CN.4/1989/25),

Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and to promote the process of consolidation of democracy,

Seriously concerned, however, that the Government still has not been able to control the persistent climate of social violence, in which violations of civil and political rights, especially deaths and disappearances, are still taking place,

Seriously concerned also at the grave deficiencies with regard to respect for economic, social and cultural rights,

Seriously concerned further at the human rights situation of the indigenous populations,

Considering that it is desirable to continue to provide advisory services in the field of human rights to Guatemala, in support of the Government's efforts to ensure full respect for human rights and fundamental freedoms in that country,

1. Expresses its gratitude to the Expert for his report and for the manner in which he has discharged his mandate;

2. Expresses its appreciation to the Government of Guatemala for its collaboration with the Commission on Human Rights, as well as the facilities and co-operation afforded to the Expert, and its interest in continuing this collaboration;

3. Expresses its appreciation also to the Government of Guatemala for the invitations extended to the Special Rapporteur on torture and to the Working Group on Enforced or Involuntary Disappearances to visit the country and for the report on progress in the protection of human rights (E/CN.4/1989/76, annex), which includes the investigation of enforced and involuntary disappearances;

4. Recognizes that the Government of Guatemala is committed to guaranteeing and promoting the protection of human rights and fundamental freedoms;

5. Expresses its serious concern at the harmful conditions that still exist and place severe limitations on any genuine process of improving the human rights situation in Guatemala;

6. Urges the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of its citizens;

7. Encourages the Government of Guatemala to continue its examination of and comprehensive planning with regard to the situation of the indigenous populations, and to take into account their demands and proposals in the expectation that a solution will be sought aiming at the full enjoyment of human rights and fundamental freedoms for the members of those populations;

8. Requests the Secretary-General to continue to provide such advisory services and other appropriate forms of assistance in the field of human rights as may be requested by the constitutional Government of Guatemala, with a view to fostering advances in democracy and strengthening the institutions responsible for ensuring respect for human rights, in accordance with recommendations contained in the Expert's report;

9. Decides to request the Secretary-General to renew the mandate of the Expert for one year to give assistance to the Government of Guatemala in the field of human rights and further to request the Expert to report to the Commission at its forty-sixth session taking into account the situation in the country.

55th meeting

8 March 1989

[Adopted without a vote. See chap. XXI.]

1989/75. Human rights situation in Romania

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Concerned at the allegations of serious violations of human rights and fundamental freedoms in Romania,

Noting that Romania is a party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights,

Reaffirming the essential task of the United Nations to ensure the observance, promotion and strengthening of human rights among Member States,

1. Expresses its concern at the allegations of serious violations of human rights and fundamental freedoms in Romania;

2. Notes that the Romanian Government's policy of rural systematization, which involves forcible resettlement and affects long-standing traditions, would, if implemented, lead to a further violation of the human rights of large sectors of the population;

3. Notes further that widespread expressions of international concern have contributed to a change in the presentation of this policy;

4. Expresses its concern at the imposition of increasingly severe obstacles to the maintenance of the cultural identity of Romania's national minorities;

5. Notes with concern that nationals of Romania have sought and continue to seek protection and refuge in neighbouring countries for reasons related to the serious violations of their human rights;

6. Urges the Romanian Government to abide by its international obligations under the Covenants;

7. Decides to request its Chairman, after consultation with the Bureau, to appoint a special rapporteur of the Commission with the mandate to examine the human rights situation in Romania;

8. Authorizes the Special Rapporteur to seek relevant information from the Government of Romania, specialized agencies and intergovernmental and non-governmental organizations;

9. Requests the Special Rapporteur to report to the Commission at its forty-sixth session;

10. Urges the Government of Romania to extend its co-operation to the Commission and its Special Rapporteur;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

12. Decides to continue its consideration of the human rights situation in Romania at its forty-sixth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

56th meeting

9 March 1989

[Adopted by a roll-call vote of 21 to 7, with  
10 abstentions. See chap. XII.]

## B. Decisions

### 1989/101. Organization of work

(a) At its 2nd meeting, on 31 January 1989, the Commission decided, without a vote, to set up informal open-ended working groups for the consideration of items 13, 20 and 23.

(b) At the same meeting, the Commission decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. M. L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (iii) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;
- (iv) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (v) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J. A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and experts and representatives of States in respect of which situations were being considered under item 12 (b);
- (vi) In connection with item 19: Mr. M. C. Bhandare, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
- (vii) In connection with item 21: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. A. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

- (viii) In connection with item 22: Mr. A. V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;
- (ix) In connection with decision 1988/106 of 10 March 1988: Mr. A. Sene, Chairman of the Commission at its forty-fourth session, Chairman of the group established under decision 1988/106.

[See chap. III.]

1989/102. Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106

At its 31st meeting, on 21 February 1989, the Commission decided, without a vote, that the report of the group established under Commission decision 1988/106 of 10 March 1988 would be discussed under agenda item 11 bis, entitled "Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106".

[See chap. III.]

1989/103. Realization of economic, social and cultural rights

At its 47th meeting, on 2 March 1989, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/33 of 1 September 1988, approved, without a vote, the Sub-Commission's decision to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights and its request to him to make a preliminary report to the Sub-Commission at its forty-first session, and further approved the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance which he might require for the successful completion of those tasks.

[See chap. VIII.]

1989/104. Postponement of consideration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

At its 51st meeting, on 6 March 1989, the Commission, recalling its resolution 1986/56 of 13 March 1986, by which it had decided to defer until its forty-fifth session consideration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment submitted on 6 March 1980 by Costa Rica (E/CN.4/1409), which had provided for a system of visits by a committee of experts to places of detention within the jurisdiction of the States parties to the protocol, and

bearing in mind the importance of that draft optional protocol, which could represent a major step forward towards the effective prevention of torture, but expressing the belief that, before considering it, it would be advisable to take note, on the one hand, of the experience of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which had entered into force on 1 February 1988, and, on the other hand, of the work being carried out in other regions designed to establish regional systems of visits to places of detention, decided, without a vote, to postpone until its forty-seventh session consideration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, submitted by Costa Rica.

[See chap. X.]

1989/105. Question of human rights and states of emergency

At its 51st meeting, on 6 March 1989, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/24 of 1 September 1988, approved, without a vote, the Sub-Commission's request to its Special Rapporteur on the question of human rights and states of emergency to continue to update his work and to submit to the Sub-Commission at its forty-first session an annual report and a list updated on the basis of the information received, and to update his report submitted to the Sub-Commission at its forty-first session for the forty-sixth session of the Commission on Human Rights, and further approved the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance he might require in order to enable him to carry out his work.

[See chap. X.]

1989/106. Human rights and disability

At its 51st meeting, on 6 March 1989, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/8 of 25 August 1988, approved, without a vote, the Sub-Commission's request to the Special Rapporteur to continue his work and to submit a final report to the Sub-Commission at its forty-second session, and further approved the Sub-Commission's request to the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate his work and contacts with the Centre for Social Development and Humanitarian Affairs and with organizations for the disabled.

[See chap. XIX.]



1989/107. Traditional practices

At its 51st meeting, on 6 March 1989, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/34 of 1 September 1988, approved, without a vote, the Sub-Commission's request to Mrs. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children and to bring the results of her study to the attention of the Sub-Commission at its forty-first session, and further approved the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance.

[See chap. XIX.]

1989/108. The status of the individual and contemporary international law

At its 51st meeting, on 6 March 1989, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/40 of 1 September 1988, approved, without a vote, the Sub-Commission's request to the Special Rapporteur to update her study and to present it to the Sub-Commission at its forty-first session, and further approved the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance she might require to update her study.

[See chap. XIX.]

1989/109. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

At its 53rd (closed) meeting, on 7 March 1989, the Commission decided, without a vote, subject to the approval of the Economic and Social Council, to set up a working group (Working Group on Situations) composed of five of its members to meet for one week prior to its forty-sixth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized.

[See chap. XII.]

1989/110. Question of human rights in Cyprus

At its 53rd meeting, on 7 March 1989, the Commission decided, without a vote, that the debate under agenda item 12 (a) (Question of human rights in Cyprus) should be postponed to the forty-sixth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1989/111. Situation of human rights in Iraq

At its 55th meeting, on 8 March 1989, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 17 to 13, with 9 abstentions, to take no decision on draft resolution E/CN.4/1989/L.82.

[See chap. XII.]

1989/112. Situation in Burma

At its 55th meeting, on 8 March 1989, the Commission, concerned at the reports and allegations of violations of human rights in Burma in 1988 and also at the obstacles to be overcome in the way of the implementation of the democratic aspirations of the Burmese people, decided, without a vote, to:

(a) Encourage the Burmese authorities to take all measures necessary to assure fundamental freedoms, including freedom of expression, freedom of assembly and freedom of association, with a view to enhancing the prospects for democracy;

(b) Note with appreciation that the Burmese authorities have been responding to the requests by rapporteurs on specific questions;

(c) Welcome the undertaking by the Burmese authorities to organize free and fair multiparty democratic elections;

(d) Urge the Burmese authorities to implement their undertaking as early as possible with a view to assuring the human rights and fundamental freedoms of the people of Burma;

(e) Invite the Burmese delegation to continue to provide the Commission on Human Rights with the necessary information on this question.

[See chap. XII.]

1989/113. Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106

At its 56th meeting, on 9 March 1989, the Commission decided, by a roll-call vote of 32 to 1, with 10 abstentions:

(a) To take note of the serious and comprehensive report (E/CN.4/1989/46 and Corr.1) submitted by the Chairman of its forty-fourth session, together with the other members of the mission appointed under its decision 1988/106, as a result of their observation of human rights in Cuba;

(b) To thank the Government and people of Cuba for the co-operation extended to the mission in carrying out its visit and the reaffirmation of the desire of the Cuban authorities to continue co-operation in the human rights sphere and to keep the Secretary-General informed;

(c) Also to bear in mind the willingness of the Government of Cuba to analyse the observations made by the mission in its report and to take into account the objective assessments formulated in the course of the debate with regard to the exercise and enjoyment of human rights in Cuba;

(d) To welcome the willingness of the Government of Cuba to co-operate with the Secretary-General in maintaining their direct contacts on the issues and questions contained in the report; these contacts and their results will be taken up by the Secretary-General in an appropriate manner;

(e) To emphasize the spirit of multilateral co-operation which characterized the fulfilment of the mission established by decision 1988/106.

[See chap. XI bis.]

1989/114. Organization of the work of the forty-sixth session

At its 57th meeting, on 10 March 1989, the Commission, taking into account its heavy schedule of work and that of its sessional working groups as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to forty-fifth sessions, decided, without a vote, (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 30 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's forty-sixth session, and (b) to request the Chairman of the Commission at its forty-sixth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

### III. ORGANIZATION OF THE FORTY-FIFTH SESSION

#### A. Opening and duration of the session

1. The Commission on Human Rights held its forty-fifth session at the United Nations Office at Geneva from 30 January to 10 March 1989.
2. The session was opened (1st meeting) by Mr. Alioune Sene (Senegal), Chairman of the Commission at its forty-fourth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Commission.

#### B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

#### C. Election of officers

4. At its 1st meeting, on 30 January 1989, the Commission elected the following officers by acclamation:

Chairman:	Mr. Marc Bossuyt (Belgium)
Vice-Chairmen:	Mr. Claude Heller (Mexico) Mr. Qian Jiadong (China) Mrs. Zagorka Ilic (Yugoslavia)
Rapporteur:	Mrs. Christy Ezim Mbonu (Nigeria).

#### D. Agenda

5. At its 1st meeting, on 30 January 1989, the Commission adopted the provisional agenda for the forty-fifth session (E/CN.4/1989/1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its forty-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII). The agenda, as adopted and as modified by the decision taken at the 31st meeting (see paras. 12 and 13 below), is given in annex II below.

#### E. Organization of work

6. At its 2nd meeting, on 31 January 1989, the Commission considered the organization of its work.

7. At the same meeting, it decided to set up informal open-ended working groups for the consideration of items 13, 20 and 23.

8. At the same meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;

(b) In connection with item 6: Mr. M. L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(c) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(d) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(e) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J. A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and experts and representatives of States in respect of which situations were being considered under item 12 (b);

(f) In connection with item 19: Mr. M. C. Bhandare, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(g) In connection with item 21: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. A. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

(h) In connection with item 22: Mr. A. V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;

(i) In connection with decision 1988/106, Mr. A. Sene, Chairman of the Commission at its forty-fourth session, Chairman of the group established under decision 1988/106.

9. For the text of the decision, see chapter II, section B, decision 1989/101.

10. At the same meeting, bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered concurrently: items 6, 7, 16 and 17; items 8 and 18; items 5 and 12. It was also agreed that, at two meetings, delegations could address themselves to item 9 when considering item 4. The Commission further agreed to consider the items on its agenda in the following order: 4; 9; 6, 7, 16, 17; 8, 18; 19; 11; 10; 22; 15; 5, 12; 19; 21; 14; 20; 23; 24; 25.

11. The Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or to two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation of two replies, 10 minutes for the first and 5 minutes for the second, would again be observed.

12. At its 31st meeting, on 21 February 1989, upon the recommendation of its officers, the Commission decided, without a vote, that the report of the group established under decision 1988/106 of 10 March 1988 would be discussed under agenda item 11 bis, entitled "Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106".

13. For the text as adopted, see chapter II, section B, decision 1989/102.

14. At the 57th meeting, on 10 March 1989, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed a draft decision.

15. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft decision. 1/

16. The draft decision was adopted without a vote.

17. For the text as adopted, see chapter II, section B, decision 1989/114.

#### F. Meetings, resolutions and documentation

18. The Commission held 57 meetings, of which 12 were extended to the equivalent of 18 additional meetings. Extended meetings were also held by the informal open-ended working groups established by the Commission; these were equivalent to 11 additional meetings.

19. The resolutions and decisions adopted by the Commission at its forty-fifth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

20. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

21. Annex IV contains a list of documents issued for the forty-fifth session of the Commission.

#### G. Other matters

22. At the 10th meeting, on 6 February 1989, the Prime Minister of France, Mr. M. Rocard, addressed the Commission. At the 11th meeting, on 7 February 1989, the observer for Romania made a statement equivalent to a right of reply.

23. At the 15th meeting, on 9 February 1989, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Mr. T. Eggar, addressed the Commission.

24. At the 27th meeting, on 17 February 1989, the President of the General Assembly at its forty-third session and Minister for Foreign Affairs of Argentina, Mr. D. Caputo, addressed the Commission.

25. At the 29th meeting, on 20 February 1989, the State Secretary of the Holy See, Cardinal Casaroli, addressed the Commission.

26. At the 33rd meeting, on 22 February 1989, the Chairman of the Council of Ministers of the European Community and Minister for Foreign Affairs of Spain, Mr. F. Fernández Ordoñez, addressed the Commission. At the 35th meeting, on 23 February 1989, the observer for Romania made a statement equivalent to a right of reply.

27. At the 35th meeting, on 23 February 1989, the Minister for Foreign Affairs of Sweden, Mr. S. Andersson, addressed the Commission.

28. At the 35th meeting, on 23 February 1989, the Minister of Justice of Peru, Mr. C. Delgado Barreto, addressed the Commission.

29. At the 35th meeting, on 23 February 1989, the Minister of Justice and Attorney General of the Gambia, Mr. H. B. Jallow, addressed the Commission.

30. At the 39th meeting, on 27 February 1989, the Secretary of State for Foreign Affairs of Hungary, Mr. G. Horn, addressed the Commission. At the 41st meeting, on 28 February 1989, the observer for Romania made a statement equivalent to a right of reply.

31. At the 46th meeting, on 2 March 1989, the Vice-President of Afghanistan, Mr. A. R. Hatef, addressed the Commission.

32. At the 51st meeting, on 6 March 1989, the Permanent Representative of the United States of America to the United Nations, Mr. V. Walters, addressed the Commission.

33. At the 53rd meeting, on 7 March 1989, the Vice-Minister for External Relations of Guatemala, Mr. A. Rivera Irias, addressed the Commission in relation to item 12.

34. At the 55th meeting, on 8 March 1989, the Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Mr. A. Adamishin, addressed the Commission.



IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE  
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

35. The Commission considered agenda item 4 at its 2nd to 5th meetings, held from 31 January to 2 February 1989; it continued its consideration of this item concurrently with item 9 (see chap. IX) at its 6th to 8th meetings, held on 2 and 3 February 1989, and at its 27th meeting, held on 17 February 1989. 2/

36. The Commission had before it the following documents:

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 42/160 D) (A/43/694);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: report of the Secretary-General (in pursuance of General Assembly resolution 43/21) (A/43/806);

Letter dated 27 April 1988 from the League of Arab States to the Under-Secretary-General for Human Rights (E/CN.4/1989/2-E/CN.4/Sub.2/1988/38);

Report of the Secretary-General on the measures taken to give Commission resolutions 1988/1 A and B and 1988/2 the widest possible publicity (E/CN.4/1989/4);

Letter dated 23 January 1989 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/5);

Note by the Secretary-General listing all United Nations reports issued since the forty-fourth session of the Commission that deal with the situation of the population of the occupied Arab territories, including Palestine (E/CN.4/1989/6);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/8);

Written statement submitted by the Parliamentary Association for Euro-Arab Co-operation, a non-governmental organization on the Roster (E/CN.4/1989/NGO/25);

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/26);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/27);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/34);

Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/36);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/63).

37. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (5th), Bangladesh (4th), Belgium (6th), Brazil (5th), Bulgaria (3rd), Canada (6th), China (4th), Cuba (6th), Cyprus (5th), France (6th), German Democratic Republic (4th), India (6th), Iraq (6th), Italy (7th), Japan (5th), Morocco (3rd), Nigeria (4th), Pakistan (3rd), Peru (5th), Philippines (6th), Portugal (5th), Senegal (3rd), Spain (5th), Sri Lanka (3rd), Sweden (4th), Ukrainian Soviet Socialist Republic (3rd), Union of Soviet Socialist Republics (5th), United Kingdom of Great Britain and Northern Ireland (6th), United States of America (7th), Yugoslavia (6th).

38. The Commission also heard statements by the observers for: Afghanistan (3rd), Algeria (4th), Austria (8th), Bahrain (5th), Czechoslovakia (5th), Democratic Yemen (7th), Egypt (8th), Hungary (5th), Ireland (4th), Israel (7th), Jordan (2nd), Kuwait (2nd), Libyan Arab Jamahiriya (4th), Mongolia (7th), Nicaragua (4th), Oman (6th), Poland (7th), Qatar (7th), Romania (5th), Saudi Arabia (3rd), Sudan (8th), Syrian Arab Republic (2nd), Tunisia (5th), Turkey (4th), United Arab Emirates (8th), United Republic of Tanzania (4th), Yemen (5th).

39. A statement was made by the observer for the League of Arab States (5th).

40. Statements were made by the observer for Palestine (2nd and 3rd).

41. The Commission also heard statements by the following non-governmental organizations: Afro-Asian Peoples' Solidarity Organization (2nd), Amnesty International (2nd), Arab Lawyers Union (6th), Commission of the Churches on International Affairs of the World Council of Churches (3rd), International Bar Association (3rd), International Commission of Jurists (7th), International Organization for the Elimination of All Forms of Racial Discrimination (7th), International Union of Students (7th), International Youth and Student Movement for the United Nations (6th), Parliamentary Association for Euro-Arab Co-operation (6th), Pax Romana (3rd), Rädde Barnen

International (7th), Union of Arab Jurists (7th), World Confederation of Labour (7th), World Federation of Democratic Youth (3rd), World Federation of Trade Unions (7th), World Union for Progressive Judaism (2nd).

42. Statements equivalent to right of reply were made by the observers for Jordan (2nd and 8th), Lebanon (8th), the Libyan Arab Jamahiriya (8th), and the Syrian Arab Republic (8th); and by the observer for Palestine (8th).

43. At its 27th meeting, on 17 February 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

44. The representative of Cuba introduced draft resolution E/CN.4/1989/L.2, sponsored by Afghanistan\*, Algeria\*, Bahrain\*, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Cuba, Democratic Yemen\*, the German Democratic Republic, India, the Islamic Republic of Iran\*, Jordan\*, Kuwait\*, Lebanon\*, the Libyan Arab Jamahiriya\*, Morocco, Nicaragua\*, Oman\*, Pakistan, Qatar\*, Saudi Arabia\*, Senegal, Somalia, the Sudan\*, the Syrian Arab Republic\*, Tunisia\*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Emirates\*, Yemen\* and Yugoslavia.

45. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the last preambular paragraph of draft resolution E/CN.4/1989/L.2.

46. The last preambular paragraph was adopted by 21 votes to 12, with 9 abstentions. The voting was as follows:

In favour: Bangladesh, Botswana, Bulgaria, China, Cuba, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Rwanda, Senegal, Somalia, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Argentina, Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Colombia, Cyprus, Panama, Peru, Philippines, Swaziland, Togo, Venezuela.

The representative of Mexico subsequently indicated that his delegation had intended to abstain and not to vote in favour. The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

47. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1989/L.2 as a whole. The draft resolution was adopted by 31 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

48. Statements in explanation of vote after the vote were made by the representatives of Argentina, Brazil, Mexico, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.

49. For the text as adopted, see chapter II, section A, resolution 1989/1.

50. At the same meeting, the representative of India introduced two draft resolutions, A and B (E/CN.4/1989/L.4), sponsored by Afghanistan\*, Algeria\*, Bahrain\*, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic\*, China, Cuba, Cyprus, Democratic Yemen\*, Egypt\*, the German Democratic Republic, India, Iraq, Jordan\*, Kuwait\*, Lebanon\*, the Libyan Arab Jamahiriya\*, Madagascar\*, Morocco, Oman\*, Pakistan, Qatar\*, Saudi Arabia\*, Somalia, the Sudan\*, the Syrian Arab Republic\*, Tunisia\*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates\*, Viet Nam\* and Yemen\*. Senegal and Sri Lanka subsequently joined the sponsors.

51. The representative of France made a statement in explanation of vote before the vote.

52. At the request of the representative of the United States of America, the vote on draft resolution A (E/CN.4/1989/L.4) was taken by roll-call. The draft resolution was adopted by 32 votes to 8, with 2 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Somalia, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Spain.

The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

53. For the text as adopted, see chapter II, section A, resolution 1989/2 A.

54. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on operative paragraph 1 of draft resolution B (E/CN.4/1989/L.4), and at the request of the representative of the Federal Republic of Germany, a roll-call vote was taken on operative paragraph 4 of the draft resolution.

55. Operative paragraph 1 was adopted by 42 votes to none. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Iraq, Italy, Japan, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

56. Operative paragraph 4 was adopted by 31 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Portugal, Spain.

The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

57. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution B (E/CN.4/1989/L.4) as a whole. The draft resolution was adopted by 32 votes to 1, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Somalia, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

The representative of Sao Tome and Principe subsequently indicated that, had he been present, he would have voted in favour.

58. For the text as adopted, see chapter II, section A, resolution 1989/2 B.

59. Statements in explanation of vote after the vote on resolutions 1989/2 A and B were made by the representatives of Argentina, Brazil, Canada, Colombia, Mexico, Peru, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.

60. The observer for the Syrian Arab Republic made a statement on the resolutions adopted under agenda item 4.

## V. QUESTION OF HUMAN RIGHTS IN CHILE

61. The Commission considered agenda item 5 concurrently with item 12 and sub-item 12 (a) (see chap. XII) at its 33rd meeting, held on 22 February 1989, at its 44th to 53rd meetings, held from 1 to 7 March, and at its 55th meeting, held on 8 March 1989. 2/

62. The Commission had before it the following documents:

Report of the Special Rapporteur on the situation of human rights in Chile to the General Assembly (A/43/624);

Report of the Special Rapporteur on the situation of human rights in Chile to the Commission on Human Rights (E/CN.4/1989/7);

Letter dated 20 February 1989 from the Permanent Representative of Chile to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/72);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/9);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/17);

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/20);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/29);

Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/45);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/58);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/60);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/65).

63. At the 44th meeting, on 1 March 1989, a letter from the Special Rapporteur, Mr. F. Volio Jiménez, was read out.

64. In the general debate on this item, 3/ statements were made by the following members of the Commission: Cuba (51st), German Democratic Republic (48th), Spain (48th). (The representatives of Brazil, Bulgaria, Canada, Germany, Federal Republic of, Italy, Japan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela referred to this question under item 12.)

65. The Commission also heard statements by the observers for: Byelorussian Soviet Socialist Republic (50th), Chile (45th), Czechoslovakia (49th), Mongolia (50th). (The observers for Australia, Austria, Bolivia, Ireland, the Netherlands and Norway referred to this question under item 12.)

66. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (48th), Indian Council of South America (49th), International Association against Torture (47th), International Confederation of Free Trade Unions (47th), International Federation of Human Rights (45th), International Federation Terre des Hommes (47th), International League for Human Rights (47th), International League for the Rights and Liberation of Peoples (47th), International Union of Students (47th), International Union of Young Christian Democrats (47th), Latin American Federation of Associations of Relatives of Disappeared Detainees (47th), Women's International League for Peace and Freedom (47th), World Federation of Democratic Youth (49th), World Federation of Trade Unions (47th), World Peace Council (47th), World Student Christian Federation (48th), World Union for Progressive Judaism (45th).

67. At the 55th meeting, on 8 March 1989, the representative of Mexico introduced draft resolution E/CN.4/1989/L.60, sponsored by Australia\*, Denmark\*, France, Greece\*, Italy, Luxembourg\*, Mexico, Norway\*, Portugal, Spain and Sweden. Bolivia\*, Cuba and the Netherlands\* subsequently joined the sponsors.

68. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1988/L.100) of draft resolution E/CN.4/1988/L.60. 1/

69. The sponsors orally revised the draft resolution as follows:

(a) At the end of the fourth preambular paragraph, the words "in particular, in its resolution 1988/16 of 1 September 1988" were deleted;

(b) The seventh preambular paragraph, which read:

"Deploing the fact that, notwithstanding the repeated visits of the Special Rapporteur to Chile and the adoption of positive measures by the Government, the institutional and legal framework that makes violations



of human rights possible has remained unchanged and account has not been taken of a number of the repeated appeals of the General Assembly and the Commission on Human Rights for the full re-establishment of human rights and fundamental freedoms in Chile,"

was reworded;

(c) Some additions were made to operative paragraph 3;

(d) In operative paragraph 4, the words "Urges the Government of Chile to honour the requests from all political and social sectors in the country and to adopt the necessary measures for the restoration" were replaced by the words "Takes note of the partial response of the Government of Chile to the demands of various political and social elements in the country, and urges the Chilean Government to work for the re-establishment";

(e) Some additions were made to operative paragraph 7 (c) and (d).

70. A statement relating to the draft resolution was made by the observer for Chile.

71. At the request of the representative of the United States of America, a roll-call vote was taken on operative paragraph 7 of the draft resolution, as orally revised. Operative paragraph 7 was adopted by 32 votes to none, with 11 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Botswana, Bulgaria, Canada, Cuba, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Italy, Mexico, Panama, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh, Brazil, China, Colombia, Iraq, Japan, Morocco, Nigeria, Pakistan, Somalia, United States of America.

72. Draft resolution E/CN.4/1989/L.60, as orally revised, was adopted without a vote.

73. Statements in explanation of vote after the vote were made by the representatives of Argentina, Japan and the United States of America.

74. For the text as adopted, see chapter II, section A, resolution 1989/62.

VI. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF  
THE AD HOC WORKING GROUP OF EXPERTS

75. The Commission considered agenda item 6 concurrently with items 7, 16 and 17 (see chaps. VII, XVI and XVII) at its 12th to 18th meetings, held from 7 to 10 February, and at its 35th meeting, held on 23 February 1989. 2/

76. The Commission had before it the following documents:

Report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8);

Letter dated 30 December 1988 from the Chargé d'affaires a.i. of the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/49);

Letter dated 20 January 1989 from the Chargé d'affaires a.i. of South Africa to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/60);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/28);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/37);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/39);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/53.)

77. At the 14th meeting, on 8 February 1989, Mr. Leliel Mikuin Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the Group's report.

78. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (16th), Bangladesh (16th), Belgium (13th), Botswana (17th), Brazil (14th), Bulgaria (16th), Canada (14th), China (15th), Cuba (17th), Cyprus (15th), Ethiopia (14th), France (13th), German Democratic Republic (13th), Germany, Federal Republic of (13th), India (17th), Iraq (16th), Italy (17th), Japan (13th), Morocco (14th), Nigeria (13th), Pakistan (14th), Panama (17th), Peru (14th), Philippines (15th), Portugal (15th), Rwanda (16th), Sao Tome and Principe (16th), Senegal (13th, 14th), Spain (13th), Sri Lanka (17th),

Sweden (14th), Togo (17th), Ukrainian Soviet Socialist Republic (13th), Union of Soviet Socialist Republics (15th), United Kingdom of Great Britain and Northern Ireland (17th), United States of America (17th), Venezuela (16th), Yugoslavia (16th).

79. The Commission also heard statements by the observers for: Afghanistan (15th), Algeria (18th), Austria (13th), Bahrain (18th), Byelorussian Soviet Socialist Republic (16th), Czechoslovakia (15th), Democratic Yemen (16th), Egypt (16th), Gabon (18th), Ghana (15th), Hungary (12th), Israel (18th), Kenya (16th), Lebanon (16th), Libyan Arab Jamahiriya (18th), Nicaragua (18th), Romania (16th), Sudan (18th), Syrian Arab Republic (15th), Tunisia (15th), Turkey (15th), United Republic of Tanzania (15th). A statement was also made by the observer for the Democratic People's Republic of Korea (15th).

80. A statement was made by the representative of the International Labour Organisation (13th).

81. Statements were made by the observers for the League of Arab States (16th) and the Organization of African Unity (18th).

82. The Commission heard statements by the observers for the African National Congress of South Africa (18th), the Pan Africanist Congress of Azania (13th) and the South West Africa People's Organization (12th and 14th).

83. The Commission also heard statements by the following non-governmental organizations: Afro-Asian People's Solidarity Organization (12th), Commission of the Churches on International Affairs of the World Council of Churches (12th), International Confederation of Free Trade Unions (18th), International Movement for Fraternal Union among Races and Peoples (18th), International Union of Students (12th), Pax Romana (18th), Women's International Democratic Federation (16th), World Confederation of Labour (17th), World Federation of Democratic Youth (18th), World Peace Council (18th), World Union for Progressive Judaism (17th), World Young Women's Christian Association (12th).

84. At its 35th meeting, on 23 February 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 6.

85. The representative of the Gambia introduced draft resolution E/CN.4/1989/L.13, sponsored by Algeria\*, Cuba, Egypt\*, Ethiopia, Gabon\*, the Gambia, the German Democratic Republic, Ghana\*, Mauritania\*, Nigeria, Rwanda, Senegal, Somalia, the Sudan\*, Swaziland, Togo, the Ukrainian Soviet Socialist Republic, Zaire\* and Zimbabwe\*. Angola\*, Bangladesh, Bulgaria, Iraq, Kenya\*, Morocco, Nicaragua\*, the Syrian Arab Republic\* and Tunisia\* subsequently joined the sponsors.

86. A statement in explanation of vote before the vote was made by the representative of the Union of Soviet Socialist Republics.

87. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1989/L.13. The draft resolution was adopted by 32 votes to none, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

88. Statements in explanation of vote after the vote were made by the representatives of Botswana, Canada, France, Germany, Federal Republic of, Japan, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

89. For the text as adopted, see chapter II, section A, resolution 1989/3.

90. At the same meeting, the representative of Nigeria introduced draft resolution E/CN.4/1989/L.14, sponsored by Bulgaria, Cameroon\*, Côte d'Ivoire\*, Egypt\*, Ethiopia, the German Democratic Republic, Ghana\*, Kenya\*, the Libyan Arab Jamahiriya\*, Morocco, Nigeria, Rwanda, Senegal, Somalia, Swaziland, Togo, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania\*, Yugoslavia and Zaire\*. Algeria\*, Angola\*, Bangladesh, Cuba, India, Iraq, Kuwait\*, Nicaragua\*, the Syrian Arab Republic\*, Tunisia\* and Zimbabwe\* subsequently joined the sponsors.

91. The draft resolution was adopted without a vote.

92. Statements in explanation of vote after the vote were made by the representatives of Botswana and the United States of America.

93. For the text as adopted, see chapter II, section A, resolution 1989/4.

94. The representative of Nigeria also introduced draft resolution E/CN.4/1989/L.15, sponsored by Bulgaria, China, Egypt\*, Ethiopia, Ghana\*, the German Democratic Republic, Kenya\*, the Libyan Arab Jamahiriya\*, Morocco, Nigeria, Rwanda, Senegal, Somalia, Togo, the Ukrainian Soviet Socialist Republic and the United Republic of Tanzania\*. Algeria\*, Angola\*, Bangladesh, Cuba, India, Iraq, Kuwait\*, Nicaragua\*, the Syrian Arab Republic\*, Tunisia\* and Zimbabwe\* subsequently joined the sponsors.

95. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1989/L.15. The draft resolution was adopted by 35 votes to 3, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Italy, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, France, Japan, Portugal.

96. Statements in explanation of vote after the vote were made by the representatives of Botswana, the Federal Republic of Germany, Japan, Spain, Swaziland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

97. An estimate of the administrative and programme budget implications (E/CN.4/1989/L.27) of draft resolution E/CN.4/1989/L.15 was read out. 1/

98. For the text as adopted, see chapter II, section A, resolution 1989/5.

VII. 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

99. The Commission considered agenda item 7 concurrently with items 6, 16 and 17 (see chaps. VI, XVI and XVII) at its 12th to 18th meetings, held from 7 to 10 February, and at its 35th meeting, held on 23 February 1989. 2/

100. The Commission had before it the updated report on banks, transnational corporations and other organizations assisting the racist régime of South Africa prepared by Mr. A. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1988/6 and Add.1).

101. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (16th), Bangladesh (16th), Belgium (13th), Brazil (14th), Bulgaria (16th), Canada (14th), Cuba (17th), Cyprus (15th), Ethiopia (14th), France (13th), India (17th), Iraq (16th), Japan (13th), Morocco (14th), Nigeria (13th), Pakistan (14th), Peru (14th), Philippines (15th), Sao Tome and Principe (16th), Spain (13th), Sweden (14th), Togo (17th), Ukrainian Soviet Socialist Republic (13th), Union of Soviet Socialist Republics (15th), United Kingdom of Great Britain and Northern Ireland (17th).

102. The Commission also heard statements by the observers for: Afghanistan (15th), Algeria (18th), Byelorussian Soviet Socialist Republic (16th), Czechoslovakia (15th), Egypt (16th), Israel (18th), Lebanon (16th), Sudan (18th), Syrian Arab Republic (15th), Tunisia (15th), United Republic of Tanzania (15th).

103. Statements were also made by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (12th), World Confederation of Labour (17th), World Federation of Democratic Youth (18th).

104. At its 35th meeting, on 23 February 1989, the Commission took up consideration of the draft resolutions submitted under item 7.

105. The observer for Egypt introduced draft resolution E/CN.4/1989/L.6, sponsored by Bangladesh, Bulgaria, Cuba, Czechoslovakia\*, Egypt\*, Ethiopia, the Gambia, the German Democratic Republic, India, the Libyan Arab Jamahiriya\*, Mauritania\*, Morocco, Nigeria, Pakistan, Rwanda, Senegal, Somalia, the Sudan\*, the Syrian Arab Republic\*, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania\* and Zimbabwe\*. Afghanistan\*, Algeria\*, Angola\*, Kenya\*, Nicaragua\*, Tunisia\* and the Union of Soviet Socialist Republics subsequently joined the sponsors.

106. The observer for Egypt orally revised the beginning of operative paragraph 12 of the draft resolution recommended to the Economic and Social Council for adoption to read "Decides that the Commission on Human Rights shall consider the updated report at its forty-sixth session ...".

107. An estimate of the administrative and programme budget implications (E/CN.4/1989/L.16) of draft resolution E/CN.4/1989/L.6 was read out. 1/

108. The representative of the United Kingdom of Great Britain and Northern Ireland requested a roll-call vote on draft resolution E/CN.4/1989/L.6. The draft resolution, as orally revised, was adopted by 32 votes to 7, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Japan, Spain, Sweden.

109. Statements in explanation of vote after the vote were made by the representatives of Botswana and the United States of America.

110. For the text as adopted, see chapter II, section A, resolution 1989/6.

111. In view of the adoption of resolution 1989/6, the Commission did not consider draft resolution II recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. A).

112. At the same meeting, the observer for Egypt introduced draft resolution E/CN.4/1989/L.7, sponsored by Bangladesh, Bulgaria, Cuba, Czechoslovakia\*, Egypt\*, Ethiopia, the Gambia, the German Democratic Republic, India, Iraq, the Libyan Arab Jamahiriya\*, Mauritania\*, Morocco, Nigeria, Pakistan, Rwanda, Somalia, the Sudan\*, the Syrian Arab Republic\*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania\* and Zimbabwe\*. Afghanistan\*, Algeria\*, Angola\*, Kenya\*, Nicaragua\* and Tunisia\* subsequently joined the sponsors.

113. The representative of the United Kingdom of Great Britain and Northern Ireland requested a roll-call vote on draft resolution E/CN.4/1989/L.7. The draft resolution was adopted by 31 votes to 8, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Panama, Spain, Sweden.

114. Statements in explanation of vote after the vote were made by the representatives of Botswana and the United States of America.

115. For the text as adopted, see chapter II, section A, resolution 1989/7.



VIII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

116. The Commission considered agenda item 8 concurrently with item 18 (see chap. XVIII) at its 18th to 22nd meetings, held from 10 to 14 February, at its 46th and 47th meetings, held on 2 March, and at its 51st meeting, held on 6 March 1989. 2/

117. The Commission had before it the following documents:

Report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States (A/43/739);

Report of the Secretary-General (E/CN.4/1989/9);

Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1989/10);

Report of the Secretary-General on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1989/11);

Study by the Secretary-General of laws and practices regarding popular participation (E/CN.4/1989/12);

Note verbale dated 23 December 1988 from the Permanent Mission of Haiti to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/50-E/CN.4/Sub.2/1989/18);

Written statements submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1989/NGO/13 and E/CN.4/1989/NGO/42);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/16);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1989/NGO/22);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/23);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/24);

Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/43);

Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/44);

Written statement submitted by the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Council of Women, the Society for International Development, Soroptimist International and Zonta International, non-governmental organizations in consultative status (category I); the Afro-Asian People's Solidarity Organization, Caritas Internationalis, the International Association of Democratic Lawyers, the International Association of Educators for World Peace, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau, the International Catholic Migration Commission, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Movement A.T.D. Fourth World, the International Movement for Fraternal Union among Races and Peoples, the Lutheran World Federation, Pax Christi, Pax Romana, the Women's International League for Peace and Freedom, the World Alliance of Young Men's Christian Associations, the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers, the World Organization of the Scout Movement, the World Union of Catholic Women's Organizations and the World Young Women's Christian Association, non-governmental organizations in consultative status (category II); and the International League for the Rights and Liberation of Peoples, the Medical Women's International Association and the World Union for Progressive Judaism, non-governmental organizations on the Roster (E/CN.4/1989/NGO/46);

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/51).

118. At the 19th meeting, on 13 February 1989, Mr. Alioune Sene, Chairman-Rapporteur of the Working Group of Governmental Experts on the Right to Development, introduced the Group's report (E/CN.4/1989/10).

119. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (19th), Bangladesh (21st), Belgium (21st), Bulgaria (20th), Canada (19th), China (19th), Colombia (21st), Cuba (21st), Ethiopia (20th), France (19th), German Democratic Republic (20th), India (20th), Iraq (20th), Mexico (20th), Pakistan (20th), Peru (21st), Philippines (21st), Portugal (20th), Ukrainian Soviet Socialist Republic (20th), Union of Soviet Socialist Republics (19th), Venezuela (20th), Yugoslavia (20th).

120. The Commission also heard statements by the observers for: Afghanistan (19th), Algeria (22nd), Austria (20th), Byelorussian Soviet Socialist Republic (21st), Ecuador (19th), Egypt (21st), Ireland (22nd), Lebanon (22nd), Libyan Arab Jamahiriya (20th), Netherlands (21st), Romania (21st), Syrian Arab Republic (20th).

121. A statement was made by the observer for the International Labour Organisation (22nd).

122. The Commission also heard statements by the following non-governmental organizations: Christian Democratic International (20th), Commission of the Churches on International Affairs of the World Council of Churches (22nd), Four Directions Council (22nd), Grand Council of the Crees (of Quebec) (20th), Indian Council of South America (20th), Inter-American Press Association (20th), International Association against Torture (22nd), International Bar Association (22nd), International Commission of Jurists (20th), International Council of Jewish Women (20th), International Federation of Human Rights (22nd), International Indian Treaty Council (22nd), International League for the Rights and Liberation of Peoples (20th), International Movement A.T.D. Fourth World (20th), International Union of Students (22nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), World Confederation of Labour (22nd), World Student Christian Federation (20th).

123. A statement in right of reply was made by the representative of Cuba (20th).

124. At its 46th meeting, on 2 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 8.

125. The representative of France introduced draft resolution E/CN.4/1989/L.12, sponsored by Argentina, Belgium, Colombia, France, the German Democratic Republic, Iraq, Italy, Morocco, Panama, the Philippines, Portugal, Senegal, Spain, Togo and the Union of Soviet Socialist Republics. Czechoslovakia\*, Lebanon\*, Luxembourg\*, Nicaragua\*, Nigeria, Rwanda and Swaziland subsequently joined the sponsors.

126. The draft resolution was adopted without a vote.

127. For the text as adopted, see chapter II, section A, resolution 1989/10.

128. At the same meeting, the representative of France introduced draft resolution E/CN.4/1989/L.18, sponsored by France, the German Democratic Republic, Italy, Japan, Panama, Portugal, Senegal, Togo, the Union of Soviet Socialist Republics and Yugoslavia. Czechoslovakia\*, Lebanon\*, Luxembourg\*, Peru and Swaziland subsequently joined the sponsors.

129. A statement relating to the draft resolution was made by the representative of the World Health Organization.

130. The representative of India proposed that the words "and women" should be inserted after the word "men" in the fifth preambular paragraph of the draft resolution; the amendment was accepted by the sponsors.

131. The resolution, as amended, was adopted without a vote.

132. For the text as adopted, see chapter II, section A, resolution 1989/11.

133. At the same meeting, the representative of the German Democratic Republic introduced draft resolution E/CN.4/1989/L.20, sponsored by Argentina, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Cuba, Ethiopia, the German Democratic Republic, Hungary\* and the Ukrainian Soviet Socialist Republic. India and Swaziland subsequently joined the sponsors.

134. A statement in explanation of vote before the vote was made by the representative of the Federal Republic of Germany.

135. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of the German Democratic Republic, the vote was taken by roll-call. Draft resolution E/CN.4/1989/L.20 was adopted by 31 votes to 10, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela and Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Portugal.

136. At the 47th meeting, on 2 March 1989, statements in explanation of vote after the vote were made by the representatives of Belgium and Brazil.

137. For the text as adopted, see chapter II, section A, resolution 1989/12.

138. At the 46th meeting, on 2 March 1989, the representative of Portugal introduced draft resolution E/CN.4/1989/L.21, sponsored by Australia\*, Belgium, Bulgaria, Cyprus, France, the German Democratic Republic, Hungary\*, Norway\*, Peru, the Philippines, Portugal, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Finland\* and Swaziland subsequently joined the sponsors.

139. A statement relating to the draft resolution was made by the representative of Argentina.

140. The draft resolution was adopted without a vote.

141. For the text as adopted, see chapter II, section A, resolution 1989/13.

142. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1989/L.24, sponsored by Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, the German Democratic Republic, India, Nicaragua\*, Poland\*, the Syrian Arab Republic\* and Yugoslavia. Algeria\*, Peru and the Philippines subsequently joined the sponsors.

143. The draft resolution was adopted without a vote.

144. Statements in explanation of vote after the vote were made by the representatives of Belgium and the Federal Republic of Germany.

145. For the text as adopted, see chapter II, section A, resolution 1989/14.

146. At the same meeting, the representative of Peru introduced draft resolution E/CN.4/1989/L.23/Rev.1, sponsored by Colombia, Cuba, Mexico, Nicaragua\*, Panama, Peru and Venezuela. Romania\* subsequently joined the sponsors.

147. Statements relating to the draft resolution were made by the representatives of Argentina, Sweden and Venezuela.

148. The representative of the United Kingdom of Great Britain and Northern Ireland moved, under rule 54 of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission should decide that it was not competent to adopt the draft resolution submitted to it.

149. Statements relating to the motion were made 3/ by the representatives of Argentina (47th), Belgium (47th), Brazil (46th), Canada (46th), China (47th), France (46th and 47th), the Gambia (47th), Germany, Federal Republic of (46th), India (46th), Mexico (46th), Nigeria (46th), Peru (46th and 47th),

Portugal (46th), Senegal (46th and 47th), Spain (46th), the Union of Soviet Socialist Republics (47th), the United Kingdom of Great Britain and Northern Ireland (46th and 47th) and Venezuela (46th and 47th).

150. At the 47th meeting, on 2 March 1989, the representative of Cuba requested a roll-call vote on the motion proposed by the representative of the United Kingdom of Great Britain and Northern Ireland, which was rejected by 26 votes to 11, with 3 abstentions. The voting was as follows:

In favour: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sri Lanka, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Abstaining: Senegal, Somalia, Swaziland.

The representatives of Argentina and the Gambia stated that their delegations were not participating in the vote.

151. Statements in explanation of vote before the vote on draft resolution E/CN.4/1989/L.23/Rev.1 were made by the representatives of Belgium, the Federal Republic of Germany and Portugal.

152. The representative of Canada requested a vote on the draft resolution. At the request of the representative of Peru, the vote was taken by roll-call. Draft resolution E/CN.4/1989/L.23/Rev.1 was adopted by 30 votes to 6, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Italy, Portugal, Somalia, Spain.

153. Statements in explanation of vote after the vote were made by the representatives of Canada, Italy, Japan, Nigeria and Sweden.
154. For the text as adopted, see chapter II, section A, resolution 1989/15.
155. At the 47th meeting, on 2 March 1989, the Commission considered draft decision 3 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. B). The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.48) of draft decision 3.
156. The draft decision was adopted without a vote.
157. For the text as adopted, see chapter II, section B, decision 1989/103.
158. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1989/L.26, sponsored by Algeria\*, Argentina, Brazil, China, Colombia, Cuba, Egypt\*, Ethiopia, India, Iraq, Mexico, Senegal and Yugoslavia. Bulgaria, Nicaragua\*, Peru, the Philippines, Romania\*, the Syrian Arab Republic\* and the Ukrainian Soviet Socialist Republic subsequently joined the sponsors.
159. The representative of the United Kingdom of Great Britain and Northern Ireland moved the adjournment of the debate on the draft resolution.
160. Statements relating to the motion proposed by the representative of the United Kingdom of Great Britain and Northern Ireland were made by the representatives of Argentina, Brazil, Canada, Cuba, France, India, Mexico, Peru, Senegal and Venezuela.
161. At the 51st meeting, on 6 March 1989, the Commission resumed its consideration of draft resolution E/CN.4/1989/L.26.
162. The representative of Yugoslavia orally revised operative paragraph 5 of the draft resolution by inserting the words "within existing resources," after the words "to organize, in 1989,".
163. Afghanistan\* and Zaire\* joined the sponsors of the draft resolution as orally revised.
164. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.40) of draft resolution E/CN.4/1989/L.26. 1/

165. An explanation of vote before the vote was made by the representative of the United States of America, who stated that, although draft resolution E/CN.4/1989/L.26 would be adopted without a vote, his delegation would not participate in that action.

166. Draft resolution E/CN.4/1989/L.26, as orally revised, was adopted without a vote.

167. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, Japan and the United Kingdom of Great Britain and Northern Ireland.

168. For the text as adopted, see chapter II, section A, resolution 1989/45.



IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

169. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 6th to 8th meetings, held on 2 and 3 February 1989. Item 9 was further considered at the Commission's 9th to 11th meetings, held on 6 and 7 February, at its 40th meeting, held on 27 February, and at its 51st meeting, held on 6 March 1989. 2/

170. The Commission had before it the following documents:

Preliminary report prepared by Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries (A/43/735, annex);

Report by the Secretary-General prepared in accordance with Commission resolution 1988/3 (E/CN.4/1989/13);

Report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur, Mr. Enrique Bernales Ballesteros, in accordance with Commission resolution 1988/7 (E/CN.4/1989/14);

Letter dated 30 December 1988 from the Chargé d'affaires a.i. of the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/49);

Letter dated 9 December 1988 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/52);

Letter dated 10 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/53);

Letter dated 18 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/55);

Letter dated 25 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/59);

Letter dated 30 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/61);

Letter dated 1 February 1989 from the head of the delegation of Viet Nam to the Chairman of the Commission on Human Rights (E/CN.4/1989/65);

Letter dated 16 February 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/70);

Letter dated 2 March 1989 from the head of the delegation of Viet Nam to the Chairman of the Commission on Human Rights (E/CN.4/1989/78);

Letter dated 3 March 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/79);

Letter dated 2 March 1989 from the Permanent Representative of Maldives to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/80);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/33);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1988/NGO/35).

171. At the 6th meeting, on 2 February 1989, Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries, introduced his report (E/CN.4/1989/14).

172. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (11th and 40th), Bangladesh (9th), Belgium (9th), Bulgaria (9th), China (40th), Cuba (6th and 40th), Cyprus (9th), German Democratic Republic (8th), Germany, Federal Republic of (6th), India (6th), Iraq (8th), Italy (7th), Japan (8th), Morocco (40th), Pakistan (40th), Philippines (9th), Portugal (9th), Sao Tome and Principe (10th), Somalia (11th), Spain (7th), Sri Lanka (40th), Sweden (9th), Togo (40th), Ukrainian Soviet Socialist Republic (8th), Union of Soviet Socialist Republics (9th and 40th), United Kingdom of Great Britain and Northern Ireland (11th and 40th), United States of America (8th and 40th).

173. The Commission also heard statements by the observers for: Afghanistan (40th), Algeria (10th), Byelorussian Soviet Socialist Republic (9th), Democratic Kampuchea (10th), Democratic Yemen (7th), Egypt (8th), Greece (9th), Indonesia (11th), Israel (7th), Lebanon (11th), Mongolia (7th), Nicaragua (9th), Oman (6th), Poland (7th), Qatar (7th), Saudi Arabia (11th), Syrian Arab Republic (10th), Thailand (9th), Turkey (11th), United Arab Emirates (8th), Viet Nam (10th).

174. The Commission heard a statement by the observer for the Organization of African Unity (8th).

175. A statement was also made by the observer for Palestine (11th).

176. The Commission also heard statements by the following non-governmental organizations: Arab Lawyers Union (40th), Centre Europe-Tiers Monde (40th), International Confederation of Free Trade Unions (11th), International Federation of Free Journalists (11th), International Indian Treaty Council (40th), International League for the Rights and Liberation of Peoples (11th), International Organization for the Elimination of All Forms of Racial Discrimination (40th), International Union of Students (10th), Pax Christi (40th), Pax Romana (40th), Procedural Aspects of International Law Institute (11th), World Confederation of Labour (7th), World Federation of Democratic Youth (11th), World Movement of Mothers (11th), World Union for Progressive Judaism (10th).

177. Statements in right of reply or equivalent to right of reply were made by the representatives of Ethiopia (11th and 40th), India (40th), Pakistan (40th), Portugal (11th and 40th) and the United States of America (11th), by the observers for Indonesia (11th and 40th), Israel (11th) and Nicaragua (11th), and by the observer for Palestine (11th).

178. At its 51st meeting, on 6 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

179. The representative of Cuba introduced draft resolution E/CN.4/1989/L.28, sponsored by Afghanistan\*, Algeria\*, Bolivia\*, Botswana, Cuba, Cyprus, Ethiopia, Ghana\*, Madagascar\*, Mexico, Nicaragua\*, Panama, Rwanda, the United Republic of Tanzania\*, Viet Nam\*, Yugoslavia and Zimbabwe\*. Swaziland and Togo subsequently joined the sponsors.

180. A statement in explanation of vote before the vote was made by the representative of Sao Tome and Principe.

181. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1989/L.28. The draft resolution was adopted by 24 votes to none, with 17 abstentions. The voting was as follows:

In favour: Argentina, Botswana, Brazil, Bulgaria, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Mexico, Nigeria, Panama, Peru, Philippines, Rwanda, Spain, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh, Belgium, Canada, China, France, Gambia, Germany, Federal Republic of, Iraq, Italy, Japan, Pakistan, Portugal, Senegal, Somalia, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of Sao Tome and Principe stated that his delegation was not participating in the vote. The representative of Morocco subsequently indicated that if his delegation had been present, it would not have participated in the vote.

182. Statements in explanation of vote after the vote were made by the representatives of Brazil, the Gambia and Sweden.

183. For the text as adopted, see chapter II, section A, resolution 1989/18.

184. The representative of Bangladesh introduced draft resolution E/CN.4/1989/L.29, sponsored by Algeria\*, Bahrain\*, Bangladesh, Bulgaria, Cuba, the Gambia, the German Democratic Republic, India, Iraq, Kuwait\*, Morocco, Oman\*, Pakistan, Qatar\*, Saudi Arabia\*, Senegal, Somalia, the Ukrainian Soviet Socialist Republic, the United Arab Emirates\*, Yemen\* and Yugoslavia. Afghanistan\*, Democratic Yemen\*, Egypt\*, Nicaragua\*, the Syrian Arab Republic\*, Tunisia\* and Zimbabwe\* subsequently joined the sponsors.

185. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1989/L.29. The draft resolution was adopted by 31 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

186. Statements in explanation of vote after the vote were made by the representatives of Brazil, the Federal Republic of Germany, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

187. For the text as adopted, see chapter II, section A, resolution 1989/19.

188. The representative of the Philippines introduced draft resolution E/CN.4/1989/L.32, sponsored by Belgium, Brunei Darussalam\*, Cameroon\*, Canada, France, the Gambia, Germany, Federal Republic of, Greece\*, Honduras\*, Ireland\*, Italy, Japan, Luxembourg\*, Malaysia\*, Malta\*, Nepal\*, Oman\*,

the Philippines, Singapore\*, Somalia, Swaziland, Thailand\*, Togo, Turkey\* and the United Kingdom of Great Britain and Northern Ireland. Morocco and the Netherlands\* subsequently joined the sponsors.

189. Statements relating to the draft resolution were made by the observers for Democratic Kampuchea and Viet Nam.

190. At the request of the representative of the Ukrainian Soviet Socialist Republic, a roll-call vote was taken on draft resolution E/CN.4/1989/L.32. The draft resolution was adopted by 35 votes to 7, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Canada, China, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Italy, Japan, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Cuba, Ethiopia, German Democratic Republic, India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Iraq.

191. Statements in explanation of vote after the vote were made by the representatives of Brazil, Sweden and the United States of America.

192. For the text as adopted, see chapter II, section A, resolution 1989/20.

193. The representative of Nigeria introduced draft resolution E/CN.4/1989/L.53, sponsored by Algeria\*, Angola\*, Botswana, the Byelorussian Soviet Socialist Republic\*, Egypt\*, Ethiopia, the German Democratic Republic, Ghana\*, Kenya\*, the Libyan Arab Jamahiriya\*, Madagascar\*, Morocco, Nicaragua\*, Nigeria, Peru, Swaziland, the Syrian Arab Republic\*, the Ukrainian Soviet Socialist Republic and the United Republic of Tanzania\*. Afghanistan\*, Bulgaria, Cuba, India, Somalia and Zimbabwe\* subsequently joined the sponsors.

194. The estimate of the administrative and programme budget implications (E/CN.4/1989/L.79) of draft resolution E/CN.4/1989/L.53 was read out. 1/

195. The representative of Canada requested a vote on draft resolution E/CN.4/1989/L.53. At the request of the representative of Bulgaria, the vote was taken by roll-call. The draft resolution was adopted by 32 votes to 10, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Sweden.

196. Statements in explanation of vote after the vote were made by the representatives of Brazil and the United States of America.

197. For the text as adopted, see chapter II, section A, resolution 1989/21.

198. The representative of Ethiopia introduced draft resolution E/CN.4/1989/L.54, sponsored by Algeria\*, Angola\*, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Cameroon\*, Cuba, Democratic Yemen\*, Egypt\*, Ethiopia, the Gambia, the German Democratic Republic, Ghana\*, India, Iraq, the Libyan Arab Jamahiriya\*, Nigeria, Rwanda, Senegal, Somalia, Sudan\*, the Syrian Arab Republic\*, Togo, Tunisia\*, the Ukrainian Soviet Socialist Republic, Yugoslavia and Zimbabwe\*. Afghanistan\*, Nicaragua\* and Sao Tome and Principe subsequently joined the sponsors.

199. At the request of the representative of the Federal Republic of Germany, a separate vote was taken on operative paragraph 10 of draft resolution E/CN.4/1989/L.54. Operative paragraph 10 was adopted by 31 votes to 8, with 4 abstentions.

200. At the request of the representative of Ethiopia, a roll-call vote was taken on draft resolution E/CN.4/1989/L.54 as a whole. The draft resolution was adopted by 33 votes to 2, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain.

201. Statements in explanation of vote after the vote were made by the representatives of Botswana, Brazil, Canada, the Federal Republic of Germany, Portugal, Sweden and the United States of America.

202. For the text as adopted, see chapter II, section A, resolution 1989/22.

203. The Chairman of the Commission introduced draft resolution E/CN.4/1989/L.55.

204. The draft resolution was adopted without a vote.

205. For the text as adopted, see chapter II, section A, resolution 1989/23.

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

206. The Commission considered agenda item 10 and sub-items 10 (a), 10 (b) and 10 (c) at its 24th meeting, held on 15 February, at its 26th to 33rd meetings, held from 16 to 22 February, at its 51st meeting, held on 6 March, and at its 53rd meeting, held on 7 March 1989. 2/

207. In relation to item 10, the Commission had before it the following documents:

Updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1989/19);

Note verbale dated 24 January 1989 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/58);

Note verbale dated 1 February 1989 from the Permanent Mission of Argentina to the United Nations Office at Geneva addressed to the Centre for Human Rights, transmitting two statements by the President of Argentina and the texts of Decrees Nos. 32/89 and 83/89 (E/CN.4/1989/63);

Letter dated 1 March 1989 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/77);

Revised and updated report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1988/18/Rev.1);

- Revised version of the draft universal declaration on the independence of justice, prepared by the Special Rapporteur, Mr. L. M. Singhvi, pursuant to Sub-Commission resolution 1987/23 (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/3);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/30);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/38);



Written statement submitted by the International Commission of Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/49);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/52).

208. In the general debate on item 10, 3/ statements were made by the following members of the Commission: Argentina (31st), Belgium (30th), Canada (30th), China (31st), Colombia (30th), Germany, Federal Republic of (26th), India (30th), Italy (31st), Philippines (31st), Portugal (30th and 31st), Senegal (26th), Spain (31st), Sweden (28th), Union of Soviet Socialist Republics (29th), United Kingdom of Great Britain and Northern Ireland (30th), Yugoslavia (31st).

209. The Commission heard statements by the observers for: Australia (28th), Austria (31st), Costa Rica (28th), Egypt (29th), Lebanon (31st), Netherlands (31st), Nicaragua (26th), Norway (27th).

210. A statement was also made by the representative of the International Labour Organisation (26th).

211. The Commission also heard a statement by the observer for the African National Congress of South Africa (27th).

212. The Commission heard statements by the following non-governmental organizations: Amnesty International (32nd), Andean Commission of Jurists (32nd), Centre Europe-Tiers Monde (28th), Christian Democratic International (32nd), Commission of the Churches on International Affairs of the World Council of Churches (32nd), Grand Council of the Crees (of Quebec) (28th), Indian Council of South America (28th), Indigenous World Association (28th), International Association for the Defence of Religious Liberty (28th), International Centre of Sociological, Penal and Penitentiary Research and Studies (32nd), International Commission of Jurists (20th), International Federation of Free Journalists (32nd), International Federation of Human Rights (32nd), International Federation Terre des Hommes (32nd), International Indian Treaty Council (32nd), International League for the Rights and Liberation of Peoples (28th), International PEN (28th), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International Union of Students (32nd), Pax Christi (28th), Pax Romana (32nd), Regional Council on Human Rights in Asia (32nd), Service, Justice and Peace in Latin America (31st), Women's International Democratic Federation (28th), Women's International League for Peace and Freedom (32nd), World Confederation of Labour (30th), World Federation of Democratic Youth (32nd), World Student Christian Federation (30th), World Union for Progressive Judaism (28th).

213. Statements in right of reply or equivalent to right of reply were made by the representatives of China (33rd), Cuba (33rd), Japan (33rd), Peru (28th and 33rd), the Philippines (33rd), Portugal (33rd), Somalia (33rd) and Yugoslavia (28th) and by the observers for Algeria (33rd), Ecuador (33rd), El Salvador (33rd), Guatemala (33rd), Indonesia (33rd), the Libyan Arab Jamahiriya (33rd), Malaysia (33rd) and the Syrian Arab Republic (33rd).

214. At the 51st meeting, on 6 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 10.

215. The representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1989/L.33, sponsored by Argentina, Austria\*, Canada, Colombia, Costa Rica\*, Cyprus, Finland\*, France, the Gambia, Germany, Federal Republic of, Italy, the Netherlands\*, New Zealand\*, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Belgium, Luxembourg\*, Peru and the Philippines subsequently joined the sponsors.

216. The draft resolution was adopted without a vote.

217. For the text as adopted, see chapter II, section A, resolution 1989/24.

218. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1989/L.39, sponsored by Argentina, Australia\*, Austria\*, Colombia, Costa Rica\*, Cyprus, Denmark\*, France, the German Democratic Republic, Germany, Federal Republic of, Honduras\*, Italy, the Netherlands\*, Nicaragua\*, Norway\*, Panama, Peru, Portugal, Spain, Sweden, Switzerland\* and the Ukrainian Soviet Socialist Republic. Finland\*, Luxembourg\*, Sao Tome and Principe and Uruguay\* subsequently joined the sponsors.

219. The representative of the Federal Republic of Germany orally revised the draft resolution as follows:

(a) In the second preambular paragraph, the words "Noting with satisfaction" were replaced by the words "Taking note of";

(b) A new paragraph was added after the third preambular paragraph;

(c) In operative paragraph 5, the words ", as a matter of priority, the adoption at an early date of" were replaced by the words "taking suitable action on".

220. The draft resolution, as orally revised, was adopted without a vote.

221. A statement in explanation of vote after the vote was made by the representative of Japan.

222. For the text as adopted, see chapter II, section A, resolution 1989/25.

223. The representative of France introduced draft resolution E/CN.4/1989/L.41, sponsored by Argentina, Belgium, France, Germany, Federal Republic of Germany, Italy, Japan, Togo, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Colombia and Luxembourg\* subsequently joined the sponsors.
224. The draft resolution was adopted without a vote.
225. For the text as adopted, see chapter II, section A, resolution 1989/26.
226. The representative of Portugal introduced draft resolution E/CN.4/1989/L.44, sponsored by Austria\*, Costa Rica\*, Germany, Federal Republic of, Italy, Nicaragua\*, the Philippines, Portugal, Togo and the United Kingdom of Great Britain and Northern Ireland. France, Luxembourg\* and the United States of America subsequently joined the sponsors.
227. The draft resolution was adopted without a vote.
228. For the text as adopted, see chapter II, section A, resolution 1989/28.
229. The representative of Canada introduced draft resolution E/CN.4/1989/L.50, sponsored by Argentina, Austria\*, Belgium, Bulgaria, Canada, the Gambia, Germany, Federal Republic of, India, Japan, the Netherlands\*, Peru, Spain, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland. Luxembourg\* subsequently joined the sponsors.
230. The draft resolution was adopted without a vote.
231. For the text as adopted, see chapter II, section A, resolution 1989/31.
232. The representative of Belgium introduced draft resolution E/CN.4/1989/L.51, sponsored by Argentina, Austria\*, Belgium, Botswana, Canada, Colombia, Cyprus, the Gambia, Germany, Federal Republic of, Italy, Luxembourg\*, Nicaragua\*, the Philippines, Portugal, Togo and Yugoslavia.
233. The draft resolution was adopted without a vote.
234. For the text as adopted, see chapter II, section A, resolution 1989/32.
235. At the same meeting, the Commission considered draft decision 2 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. B).
236. Draft decision 2 was adopted without a vote.
237. For the text as adopted, see chapter II, section B, decision 1989/105.

238. On 28 February 1989, a draft resolution (E/CN.4/1989/L.49) was submitted by Argentina, Belgium, Costa Rica\*, France, the Gambia, Nicaragua\*, Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland, the operative part of which read as follows:

"1. Expresses its concern at the fact that in many parts of the world there are numerous political prisoners who are often exposed to special dangers as regards the protection of their human rights and fundamental freedoms;

"2. Requests all Governments to release all such political prisoners;

"3. Calls on all Governments, pending such release, to take effective measures to safeguard the human rights and fundamental freedoms of such political prisoners;

"4. Considers that the Commission on Human Rights should pursue the question of persons who are deprived of their liberty, whether in prison or elsewhere, for seeking peacefully to exercise the rights to freedom of expression, of assembly and of association, as provided for in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, or to promote and defend those rights and freedoms;

"5. Decides therefore to appoint for two years a special rapporteur to examine this question;

"6. Declares that nothing in this resolution shall be regarded as prejudicing the rights of persons who are deprived of their liberty because of their participation in the struggle for the implementation of the right to self-determination, freedom and independence of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial or racist régimes or other forms of alien domination;

"7. Notes that nothing in the foregoing shall be interpreted as precluding measures taken in conformity with the Covenant, including measures taken in accordance with article 4 thereof, and nothing in the foregoing shall be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized in the Covenant or at their limitation to a greater extent than is provided for therein;

"8. Requests the Chairman of the Commission, after consultation within the Bureau, to appoint an individual of recognized international standing as special rapporteur;

"9. Decides further that the Special Rapporteur in carrying out his mandate shall seek credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations;

"10. Requests the Secretary-General to appeal to all Governments to co-operate with and assist the Special Rapporteur in the performance of his duties and to furnish all information requested;

"11. Further requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

"12. Requests the Special Rapporteur to submit an interim report on his study of this question, together with his conclusions and recommendations, to the Commission at its forty-sixth session;

"13. Decides to consider this question anew at its forty-sixth session, under the agenda item 'Question of the human rights of all persons subjected to any form of detention or imprisonment'."

The preamble of the draft resolution was identical with that of the revised draft resolution (E/CN.4/1989/L.49/Rev.1) subsequently submitted (see paragraph 241 below).

239. On 1 March 1989, amendments (E/CN.4/1989/L.59) to draft resolution E/CN.4/1989/L.49 were submitted by China, India and the Ukrainian Soviet Socialist Republic, reading as follows:

"1. Delete paragraphs 5 and 8 to 12 and renumber the remaining operative paragraphs accordingly.

"2. Insert a final operative paragraph to read as follows:

'Decides to consider at its forty-sixth session the question of appointment of a special rapporteur to examine this question.'"

240. On 2 March 1989 a further amendment (E/CN.4/1989/L.77) to the draft resolution was submitted by India and Rwanda, reading as follows:

"In operative paragraph 7, after the words 'taken in accordance with', replace 'article 4 thereof,' by the words 'articles 4, 9, paragraph 1, and 12, paragraph 3, thereof,'."

241. At the 53rd meeting, on 7 March 1989, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a revised draft resolution (E/CN.4/1989/L.49/Rev.1), sponsored by Argentina, Belgium, Canada, Costa Rica\*, France, the Gambia, Luxembourg\*, Nicaragua\*, Portugal, Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland.

242. The revised draft resolution was adopted without a vote.

243. For the text as adopted, see chapter II, section A, resolution 1989/56.

A. Torture and other cruel, inhuman or degrading treatment or punishment

244. In connection with agenda item 10 (a), the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/43/779);

Report by the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1988/32 (E/CN.4/1989/15);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1989/16);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/41).

245. At the 29th meeting, on 20 February 1989, the Special Rapporteur, Mr. Peter Kooijmans, introduced his report (E/CN.4/1989/15) to the Commission.

246. In the general debate on item 10 (a), 3/ statements were made by the following members of the Commission: Argentina (31st), Belgium (30th), Canada (30th), China (31st), Colombia (30th), Cyprus (30th), Germany, Federal Republic of (26th), India (30th), Italy (31st), Philippines (31st), Portugal (30th and 31st), Senegal (26th), Spain (27th), Sweden (28th), Union of Soviet Socialist Republics (29th), United Kingdom of Great Britain and Northern Ireland (30th), United States of America (29th), Yugoslavia (31st).

247. The Commission also heard statements by the observers for: Afghanistan (29th), Austria (31st), Costa Rica (28th), Egypt (29th), Ireland (26th), Netherlands (31st), Nicaragua (26th), Norway (27th), Turkey (31st). Statements were also made by the observers for the Republic of Korea (29th) and Switzerland (29th).

248. Statements were also made by the observers for the African National Congress of South Africa (27th) and the Pan Africanist Congress of Azania (27th).

249. The Commission also heard statements by the following non-governmental organizations: Amnesty International (32nd), Centre Europe-Tiers Monde (28th), Christian Democratic International (32nd), Commission of the Churches on International Affairs of the World Council of Churches (32nd), Grand Council of the Crees (of Quebec) (28th), Indian Council of South America (28th), Indigenous World Association (28th), International Association against

Torture (30th), International Association for the Defence of Religious Liberty (28th), International Centre of Sociological, Penal and Penitentiary Research and Studies (30th), International Federation of Free Journalists (27th), International Federation of Human Rights (32nd), International Federation Terre des Hommes (32nd), International League for the Rights and Liberation of Peoples (28th), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International PEN (28th), International Union of Students (32nd), Minority Rights Group (28th), Pax Christi (28th), Pax Romana (32nd), Service, Justice and Peace in Latin America (31st), Women's International Democratic Federation (28th), Women's International League for Peace and Freedom (32nd), World Federation of Democratic Youth (32nd), World Movement of Mothers (29th), World University Service (29th).

250. Statements in right of reply or equivalent to right of reply were made by the representatives of China (33rd), Cuba (33rd), Japan (33rd), Peru (28th), the Philippines (33rd) and Somalia (33rd) and by the observers for Algeria (33rd), El Salvador (33rd) and Indonesia (33rd).

251. At the 51st meeting, on 6 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 10 (a).

252. The representative of Sweden introduced draft resolution E/CN.4/1989/L.47, sponsored by Argentina, Austria\*, Belgium, Brazil, Canada, Costa Rica\*, Denmark\*, Finland\*, France, Germany, Federal Republic of, Greece\*, Italy, Japan, the Netherlands\*, Nicaragua\*, Norway\*, Senegal, Spain, Sweden, Switzerland\* and the United Kingdom of Great Britain and Northern Ireland. The Gambia, Luxembourg\*, Peru and the United States of America subsequently joined the sponsors.

253. The draft resolution was adopted without a vote.

254. For the text as adopted, see chapter II, section A, resolution 1989/30.

255. The representative of Belgium introduced draft resolution E/CN.4/1989/L.52, sponsored by Argentina, Australia\*, Austria\*, Belgium, Canada, Cyprus, Costa Rica\*, Denmark\*, the Gambia, Greece\*, Ireland\*, Italy, Luxembourg\*, the Netherlands\*, Nicaragua\*, Norway\*, Peru, the Philippines, Portugal, Senegal, Spain, Sweden and Switzerland\*. Finland\*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

256. Operative paragraph 8 of the draft resolution, which read as follows:

"Endorses the recommendation of the Special Rapporteur aiming at the organization of regular medical inspection for arrested or detained persons;"

was orally revised by the sponsors.

257. The draft resolution, as orally revised, was adopted without a vote.
258. For the text as adopted, see chapter II, section A, resolution 1989/33.

B. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

259. In relation to agenda item 10 (b), the Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1989/17);

Note verbale dated 23 December 1988 from the Permanent Mission of Haiti to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/50-E/CN.4/Sub.2/1989/18);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/12).

260. In the general debate on item 10 (b), 3/ statements were made by the following members of the Commission: Argentina (31st), Canada (30th), China (31st), Cyprus (30th), Germany, Federal Republic of (26th), Italy (31st), Philippines (31st), Portugal (30th), Senegal (26th), Spain (27th), Sweden (28th), Union of Soviet Socialist Republics (29th), United Kingdom of Great Britain and Northern Ireland (30th), United States of America (29th).

261. The Commission heard statements by the observers for: Afghanistan (29th), Austria (31st), Costa Rica (28th), Egypt (29th), Netherlands (31st), Norway (27th). The observers for the Republic of Korea (29th) and Switzerland (29th) also made statements.

262. Statements were also made by the following non-governmental organizations: International Centre of Sociological, Penal and Penitentiary Research and Studies (30th), International Indian Treaty Council (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Minority Rights Group (28th), Pax Romana (32nd).

263. At the 51st meeting, on 6 March 1989, the representative of Argentina introduced draft decision E/CN.4/1989/L.30, sponsored by Argentina, Costa Rica\*, Cyprus, Peru and Sweden. Austria\*, Switzerland\* and Uruguay\* subsequently joined the sponsors.

264. The draft decision was adopted without a vote.

265. For the text as adopted, see chapter II, section B, decision 1989/104.



266. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1989/L.46, sponsored by Argentina, Austria\*, Brazil, Canada, Costa Rica\*, Denmark\*, Finland\*, France, the Gambia, Germany, Federal Republic of, Greece\*, Italy, Luxembourg\*, Mexico, the Netherlands\*, Nicaragua\*, Norway\*, Portugal, Senegal, Spain, Sweden, Switzerland\*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Afghanistan\*, the Byelorussian Soviet Socialist Republic\*, Cameroon,\* Peru, the Philippines, Togo and the United States of America subsequently joined the sponsors.

267. The draft resolution was adopted without a vote.

268. For the text as adopted, see chapter II, section A, resolution 1989/29.

C. Question of enforced or involuntary disappearances

269. In relation to agenda item 10 (c), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18 and Add.1);

Note verbale dated 1 March 1989 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/76);

Letter dated 10 March 1989 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/84);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/35);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/40);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/52).

270. At the 29th meeting, on 20 February 1989, Mr. Ivan Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the Group's report (E/CN.4/1989/18 and Add.1).

271. In the general debate on item 10 (c), 3/ statements were made by the following members of the Commission: Argentina (31st), Belgium (30th), Canada (30th), Colombia (30th), Cyprus (30th), Germany, Federal Republic of (26th), India (30th), Italy (31st), Philippines (31st), Portugal (31st).

Senegal (26th), Spain (31st), Sweden (28th), Union of Soviet Socialist Republics (29th), United Kingdom of Great Britain and Northern Ireland (30th), Yugoslavia (31st).

272. The Commission heard statements by the observers for: Afghanistan (29th), Austria (31st), Netherlands (31st), Nicaragua (26th), Norway (27th), Sweden (28th).

273. A statement was made by the representative of the International Labour Organisation (26th).

274. The observer for the African National Congress of South Africa (27th) also made a statement.

275. Statements were also made by the following non-governmental organizations: Amnesty International (32nd), Andean Commission of Jurists (32nd), Commission of the Churches on International Affairs of the World Council of Churches (32nd), Grand Council of the Crees (of Quebec) (28th), Indian Council of South America (28th), International Association against Torture (30th), International Centre of Sociological, Penal and Penitentiary Research and Studies (30th), International Federation Terre des Hommes (32nd), International Movement for Fraternal Union among Races and Peoples (26th), International Union of Students (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Minority Rights Group (28th), Pax Christi (28th), Service, Justice and Peace in Latin America (31st), Women's International League for Peace and Freedom (32nd), World Federation of Democratic Youth (32nd), World Student Christian Federation (30th), World University Service (29th).

276. Statements in right of reply or equivalent to right of reply were made by the representatives of Peru (28th and 33rd), the Philippines (33rd) and Portugal (33rd) and by the observers for Ecuador (33rd) and Indonesia (33rd).

277. At the 51st meeting, on 6 March 1989, the representative of France introduced draft resolution E/CN.4/1989/L.43, sponsored by Argentina, Austria\*, Belgium, Canada, Colombia, Costa Rica\*, France, the Gambia, Germany, Federal Republic of, Greece\*, Ireland, Italy, Japan, Luxembourg\*, Norway\*, Peru, Portugal, Senegal, Spain, Sweden, Switzerland\*, Togo, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.

278. The draft resolution was adopted without a vote.

279. For the text as adopted, see chapter II, section A, resolution 1989/27.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

280. The Commission considered agenda item 11 at its 24th to 27th meetings, held from 15 to 17 February at its 33rd meeting, held on 22 February, and at its 53rd meeting, held on 7 March 1989. 2/

281. The Commission had before it the following documents:

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian-Pacific region (E/CN.4/1989/20);

Report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1989/21);

Updated report of the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/1989/47 and Add.1);

Letter dated 8 March 1989 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/82);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/32);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1989/NGO/59).

282. During the general debate on this item, 3/ statements were made by the following members of the Commission: Bangladesh (26th), Belgium (26th), Canada (26th), India (25th), Italy (27th), Morocco (25th), Nigeria (25th), Peru (26th), Philippines (26th), Portugal (25th), Togo (33rd), Ukrainian Soviet Socialist Republic (25th), United Kingdom of Great Britain and Northern Ireland (25th), United States of America (25th), Yugoslavia (25th).

283. The Commission heard statements by the observers for: Austria (25th), Byelorussian Soviet Socialist Republic (25th), Egypt (25th), Ireland (26th), Netherlands (26th), Poland (25th).

284. The Commission also heard statements by the following non-governmental organizations: Bahá'í International Community (24th), Commission of the Churches on International Affairs of the World Council of Churches (25th),

Four Directions Council (24th), Grand Council of the Crees (of Quebec) (26th), Indian Council of South America (26th), International Indian Treaty Council (26th), International Movement for Fraternal Union among Races and Peoples (24th), Latin American Federation of Associations of Relatives of Disappeared Detainees (25th), World Movement of Mothers (24th), World Peace Council (24th), World University Service (25th).

285. At the 26th meeting, on 16 February 1989, a statement equivalent to a right of reply was made by the representative of Uruguay.

286. At the 53rd meeting, on 7 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

287. The observer for Austria introduced draft resolution E/CN.4/1989/L.62, sponsored by Argentina, Austria\*, India, the Netherlands\*, the Philippines, Portugal, Senegal, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Australia\*, and Cyprus subsequently joined the sponsors.

288. The draft resolution was adopted without a vote.

289. For the text as adopted, see chapter II, section A, resolution 1989/48.

290. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1989/L.65, sponsored by Austria\*, Canada, Hungary\*, Madagascar\*, Mongolia\*, Poland\*, Sweden, the Ukrainian Soviet Socialist Republic and Yugoslavia. Bulgaria subsequently joined the sponsors.

291. The draft resolution was adopted without a vote.

292. For the text as adopted, see chapter II, section A, resolution 1989/49.

293. At the same meeting, the representative of the Philippines introduced draft resolution E/CN.4/1989/L.66, sponsored by Australia\*, China, Cyprus, the Philippines and Sri Lanka. Thailand\* subsequently joined the sponsors.

294. The draft resolution was adopted without a vote.

295. For the text as adopted, see chapter II, section A, resolution 1989/50.

296. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1989/L.70, sponsored by Austria\*, Belgium, Canada, Cyprus, France, Germany, Federal Republic of, Hungary\*, India, Italy, Malta\*, the Philippines, Spain, Turkey\*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Portugal and Sri Lanka subsequently joined the sponsors.

297. Statements relating to the draft resolution were made by the representatives of Argentina, Cuba, India, Mexico, the United States of America and Venezuela.
298. The representative of the United States of America orally revised the draft resolution by inserting a new item between items IB and IC of section I in the annex to the draft resolution.
299. The draft resolution, as orally revised, was adopted without a vote.
300. For the text as adopted, see chapter II, section A, resolution 1989/51.
301. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1989/L.71, sponsored by Australia\*, Colombia, India, Iraq, Italy, Poland\* and Sri Lanka. Bulgaria, Finland\*, France and Somalia subsequently joined the sponsors.
302. The draft resolution was adopted without a vote.
303. For the text as adopted, see chapter II, section A, resolution 1989/52.
304. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1989/L.72, sponsored by Argentina, Australia\*, Bolivia\*, Colombia, Costa Rica\*, India, Ireland\*, Italy, Mexico, the Netherlands\*, Spain, Sweden, Switzerland\*, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia. Greece\*, Peru, the Philippines, Portugal and the Union of Soviet Socialist Republics subsequently joined the sponsors.
305. The representative of Italy orally revised operative paragraphs 11 and 17 of the draft resolution and made the following further changes:
- (a) In operative paragraph 12, the words "as a focal point for the development and implementation of public information activities, including those within the framework of the World Public Information Campaign for Human Rights;" were replaced by the words "and within the Department of Public Information, of a human rights section of the Communications and Project Management Service;"
- (b) In operative paragraph 16, the words "Centre for Human Rights" were replaced by the word "Secretariat".
306. The draft resolution, as orally revised, was adopted without a vote.
307. For the text as adopted, see chapter II, section A, resolution 1989/53.
308. At the same meeting, the Commission considered draft resolution I recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. A).

309. The representative of China introduced amendments to draft resolution I (E/CN.4/1989/L.3/Rev.1) submitted by Bangladesh, China, Cuba, Cyprus, India, Iraq, Japan, Pakistan, the Philippines and Sri Lanka.

310. The amendments were adopted without a vote.

311. Draft resolution I, as amended, was adopted without a vote.

312. For the text as adopted, see chapter II, section A, resolution 1989/54.

313. Draft resolution E/CN.4/1989/L.25 and administrative and programme budget implications relating thereto (E/CN.4/1989/L.37) and a revised draft resolution (E/CN.4/1989/L.25/Rev.1) were submitted under items 11 and 18 and were considered under item 18 (see chap. XVIII).

XI bis. CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE  
IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106

314. The Commission considered agenda item 11 bis at its 41st to 44th meetings, held on 28 February and 1 March, and at its 56th meeting, held on 9 March 1989. 2/

315. The Commission had before it the following documents:

Report of the mission which took place in Cuba in accordance with Commission decision 1988/106 (E/CN.1989/46 and Corr.1);

Letter dated 28 February 1989 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/74);

Note by the Secretariat, transmitting a note verbale dated 28 February 1989 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Chairman of the group established under Commission decision 1988/106 (E/CN.4/1989/75).

316. At the 41st meeting, on 28 February 1989, the Chairman of the group established under Commission decision 1988/106, Mr. Alioune Sene, introduced the group's report (E/CN.4/1989/46 and Corr.1).

317. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (43rd), Belgium (42nd), Canada (42nd), China (43rd), Cuba (41st), Ethiopia (42nd), France (43rd), German Democratic Republic (42nd), Germany, Federal Republic of (42nd), India (43rd), Italy (43rd), Japan (42nd), Mexico (42nd), Panama (43rd), Portugal (42nd), Spain (42nd), Sweden (42nd), Union of Soviet Socialist Republics (42nd), United Kingdom of Great Britain and Northern Ireland (42nd), United States of America (42nd).

318. The Commission heard statements by the observers for: Angola (43rd), Czechoslovakia (43rd), Democratic People's Republic of Korea (43rd), Democratic Yemen (43rd), Iran (Islamic Republic of) (43rd), Libyan Arab Jamahiriya (43rd), Netherlands (43rd), Nicaragua (43rd), Syrian Arab Republic (43rd), Viet Nam (43rd). The observer for the Holy See also made a statement (43rd).

319. A statement was also made by the observer for Palestine (43rd).

320. The Commission heard statements by the following non-governmental organizations: Christian Democratic International (44th), Disabled People's International (44th), International Association of Educators for World Peace (44th), International Commission of Jurists (44th), International Indian Treaty Council (44th), International League for Human Rights (44th), International Union of Students (44th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th), Service, Justice

and Peace in Latin America (44th), Women's International Democratic Federation (44th), Women's International League for Peace and Freedom (44th), World Federation of Democratic Youth (44th), World Federation of Trade Unions (44th), World Movement of Mothers (43rd), World Peace Council (44th).

321. At the 44th meeting, on 1 March 1989, the Chairman of the group established under Commission decision 1988/106, Mr. Alioune Sene, made a statement.

322. Statements in right of reply were made by the representatives of Cuba (42nd and 43rd), the United Kingdom of Great Britain and Northern Ireland (42nd) and the United States of America (44th).

323. At the 44th meeting, on 1 March 1989, the representative of Cuba made a statement.

324. On 3 March 1989, a draft resolution (E/CN.4/1989/L.89) was submitted by Canada and the United States of America, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms,

"Recalling its decision 1988/106 of 10 March 1988,

"1. Expresses its appreciation for the manner in which the group of the Commission which visited Cuba pursuant to decision 1988/106 discharged its responsibilities and for the co-operation provided to the group by the Government and people of Cuba;

"2. Notes recent improvements in the human rights situation in Cuba, in particular: (a) the release of many political prisoners; (b) improvements in some aspects of relations between church and government; (c) improvements in prison conditions; (d) revisions in the Penal Code which have resulted in reduced sentences and the release of thousands of prisoners; (e) indications of increased tolerance for domestic human rights groups; (f) the reception of some internationally recognized human rights groups and of the International Committee of the Red Cross, which has been invited to return to Cuba in 1989;

"3. Nevertheless expresses its concern at the number, specificity and gravity of alleged human rights violations to which the report of the group refers, as well as allegations referred to therein of reprisals taken against persons who provided the group with testimony;



"4. Notes that the report of the group (E/CN.4/1989/46 and Corr.1) also refers to several outstanding inquiries of the group, in particular regarding constitutional and legal aspects of the human rights situation in Cuba and approximately 1,500 communications received by the group;

"5. Therefore requests the group to maintain direct contacts with the Government and people of Cuba in order to continue to observe the human rights situation in that country, and to submit a report to the Commission at its forty-sixth session on its observations, conclusions and recommendations, on the basis inter alia of information from all relevant sources;

"6. Welcomes the willingness of the Government of Cuba to continue to provide its co-operation to the United Nations in the field of human rights and accordingly, underlining the spirit of international co-operation which led to decision 1988/106 and which persisted and characterized the relationship between the group and the Cuban authorities, invites the Government to receive a further visit of the group to that country in 1989;

"7. Decides to consider this question further at its forty-sixth session under the agenda item 'Question of the violation of human rights and fundamental freedoms in any part of the world'."

325. On 3 March 1989, a draft decision (E/CN.4/1989/L.90) was submitted by Colombia, Mexico, Panama and Peru.

326. On 8 March 1989, a revised draft resolution (E/CN.4/1989/L.89/Rev.1) was submitted by Canada, Morocco, the Netherlands\*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The preamble and operative paragraphs 1 and 2 of the revised draft resolution were identical with those of draft resolution E/CN.4/1989/L.89 (see para. 324). The remainder of the revised draft resolution read as follows:

"3. Notes that a number of allegations concerning human rights violations to which the report of the group refers, including those concerning reprisals taken against persons who provided the group with testimony, have not yet been appropriately addressed;

"4. Therefore requests the Chairman, in consultation with the group, to designate appropriately representative members of the Commission to maintain direct contacts with the Government and people of Cuba and to submit a report to the Commission at its forty-sixth session on the basis inter alia of information from all relevant sources;

"5. Welcomes the willingness of the Government of Cuba to continue to provide its co-operation to the United Nations in the field of human rights and accordingly, underlining the spirit of international co-operation which led to decision 1988/106 and which persisted and

characterized the relationship between the group and the Cuban authorities, expresses the hope that the Government will wish to consider receiving a further visit by the representatives of the Commission to that country in 1989;

"6. Decides to consider at its forty-sixth session the manner in which it will give further consideration to this matter."

327. At the 55th meeting, on 8 March 1989, the Commission took up consideration of the proposals submitted under agenda item 11 bis.

328. The representative of the United Kingdom of Great Britain and Northern Ireland moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, the adjournment of the debate on the item under discussion.

329. Statements in favour of the motion were made by the representatives of Cuba and Spain.

330. The motion was adopted without a vote.

331. At the 56th meeting, on 9 March 1989, the representative of the United Kingdom of Great Britain and Northern Ireland moved, under rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission first take a decision on draft decision E/CN.4/1989/L.90. He also proposed an oral amendment to the draft decision, which would insert between subparagraphs (c) and (d) a new subparagraph reading as follows:

"To request the Secretary-General to maintain direct contacts with the Government and people of Cuba for the purposes of: receiving information from the Government and people of Cuba regarding issues and questions contained in the report, communicating to the Government of Cuba any additional information and inquiries he may receive from all appropriate sources, and reporting to the Commission as appropriate;".

332. The representative of Panama, speaking on behalf of the sponsors of draft decision E/CN.4/1989/L.90, also moved, under rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission first take a decision on draft decision E/CN.4/1989/L.90, and orally revised the draft decision by inserting a new subparagraph between subparagraphs (c) and (d), reading as follows:

"To welcome the willingness of the Government of Cuba to co-operate with the Secretary-General in maintaining their direct contacts on the issues and questions contained in the report; these contacts and their results will be taken up by the Secretary-General in an appropriate manner;".

333. The Commission agreed, without a vote, to take a decision on draft decision E/CN.4/1989/L.90, as orally revised, before draft resolution E/CN.4/1989/L.89/Rev.1.

334. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote, under rule 64 of the rules of procedure of the functional commissions of the Economic and Social Council, on his oral amendment to draft decision E/CN.4/1989/L.90, as orally revised.

335. A statement in explanation of vote before the vote was made by the representative of Cuba.

336. The representatives of the Federal Republic of Germany and Morocco supported the amendment proposed by the representative of the United Kingdom of Great Britain and Northern Ireland.

337. At the request of the representative of Cuba, a roll-call vote was taken on the proposed amendment to the revised draft decision. The amendment was not adopted, the votes being 17 in favour, 17 against and 8 abstentions. The voting was as follows:

In favour: Bangladesh, Belgium, Canada, France, Gambia, Germany, Federal Republic of, Italy, Japan, Morocco, Philippines, Portugal, Senegal, Somalia, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Botswana, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Argentina, Brazil, Nigeria, Pakistan, Rwanda, Spain, Swaziland, Venezuela.

The representative of Sao Tome and Principe stated that his delegation was not participating in the vote.

338. At the request of the representative of Cuba, a roll-call vote was taken on draft decision E/CN.4/1989/L.90, as orally revised. The draft decision, as orally revised, was adopted by 32 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Bangladesh, Botswana, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Iraq, Italy, Japan, Mexico, Nigeria, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against: Morocco.

Abstaining: Argentina, Belgium, Brazil, Pakistan, Portugal, Rwanda, Spain, Swaziland, Togo, Venezuela.

339. Statements in explanation of vote after the vote were made by the representatives of Argentina, Bangladesh, Brazil, Canada, France, Japan, Morocco, Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland.

340. For the text as adopted, see chapter II, section B, decision 1989/113.

341. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced the revised draft resolution in document E/CN.4/1989/L.89/Rev.1.

342. Statements relating to the revised draft resolution were made by the representatives of Cuba and Panama.

343. The representative of Cuba moved, under rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on the revised draft resolution (E/CN.4/1989/L.89/Rev.1).

344. At the request of the representative of Cuba, a roll-call vote was taken on his motion, which was adopted by 16 votes to 7, with 19 abstentions. The voting was as follows:

In favour: Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Bangladesh, Canada, Gambia, Germany, Federal Republic of, Morocco, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Brazil, France, Italy, Japan, Nigeria, Pakistan, Philippines, Portugal, Rwanda, Senegal, Somalia, Spain, Swaziland, Sweden, Togo, Venezuela.

The representative of Sao Tome and Principe stated that his delegation was not participating in the vote.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

345. The Commission considered agenda item 12 and sub-item 12 (a) concurrently with item 5 (see chap. V) at its 33rd meeting, held on 22 February 1989, at its 44th to 53rd meetings, held from 1 to 7 March, at its 55th meeting, held on 8 March, and at its 56th meeting, held on 9 March 1989. 2/ Sub-item 12 (b) was considered by the Commission in closed session, at its 34th meeting, held on 22 February, at its 36th to 38th meetings, held on 23 and 24 February, and at its 53rd meeting, held on 7 March 1989.

346. In connection with the consideration of item 12, the Commission had before it the following documents:

Report of the Secretary-General to the General Assembly on human rights in southern Lebanon submitted pursuant to Commission on Human Rights resolution 1988/66 (A/43/630);

Note by the Secretary-General transmitting to the General Assembly the interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights (A/43/705);

Note by the Secretary-General transmitting to the General Assembly the report on the situation of human rights in El Salvador prepared by the Special Representative of the Commission on Human Rights (A/43/736);

Note by the Secretary-General transmitting to the General Assembly the report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights (A/43/742);

Report of the Secretary-General on human rights and mass exoduses (A/43/743 and Add.1);

Final report to the Commission on Human Rights on the situation of human rights in El Salvador, submitted by the Special Representative Mr. J. A. Pastor Ridruejo, in pursuance of the mandate conferred by Commission resolution 1988/65 (E/CN.4/1989/23);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1988/67 (E/CN.4/1989/24);

Report on summary or arbitrary executions submitted by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38 (E/CN.4/1989/25);

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1988/69 (E/CN.4/1989/26);

Human rights and mass exoduses: note by the Secretariat (E/CN.4/1989/27);

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1988/105 (E/CN.4/1989/28);

Note verbale dated 24 January 1989 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/58);

Letter dated 2 February 1989 from the Permanent Representative of Thailand to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/64);

Note verbale dated 17 February 1989 from the Permanent Mission of Lebanon to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/71);

Note verbale dated 21 February 1989 from the Permanent Mission of El Salvador to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/81);

Letter dated 6 March 1989 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/83);

Note verbale dated 6 March 1989 from the Permanent Mission of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1989/85);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1989/NGO/1);

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/5, E/CN.4/1989/NGO/6, E/CN.4/1989/NGO/7, E/CN.4/1989/NGO/57 and E/CN.4/1989/NGO/61);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/10);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/31);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/47);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/54);

Written statement submitted by the Indian Council of South America, a non-governmental organization on the Roster (E/CN.4/1989/NGO/56);

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster (E/CN.4/1989/NGO/62);

Written statement submitted by the Disabled People's International, the International Indian Treaty Council, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Service, Justice and Peace in Latin America and the World University Service, non-governmental organizations in consultative status (category II) (E/CN.4/1989/NGO/66);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/67).

347. In the general debate on item 12 as a whole, 3/ statements were made by the following members of the Commission: Bangladesh (49th), Belgium (48th), Brazil (51st), Bulgaria (47th and 49th), Canada (51st), China (52nd), Colombia (49th), Cuba (49th and 52nd), Cyprus (49th), Ethiopia (49th), Gambia (52nd), German Democratic Republic (48th - also on behalf of Bulgaria, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics - and 51st), Germany, Federal Republic of (52nd), India (49th and 51st), Iraq (47th), Italy (51st), Japan (51st), Mexico (49th), Morocco (48th), Nigeria (48th), Pakistan (51st), Philippines (49th), Portugal (51st), Spain (48th and 53rd), Sri Lanka (48th and 49th), Sweden (48th), Ukrainian Soviet Socialist Republic (49th and 52nd), Union of Soviet Socialist Republics (51st), United Kingdom of Great Britain and Northern Ireland (52nd), United States of America (51st), Venezuela (52nd), Yugoslavia (49th and 51st).

348. The Commission also heard statements by the observers for: Algeria (50th), Angola (49th), Australia (49th), Austria (50th), Bahrain (49th), Bolivia (50th), Burma (47th), Burundi (47th), Byelorussian Soviet Socialist Republic (50th), Chile (45th), Czechoslovakia (50th), Democratic Kampuchea (50th), El Salvador (49th), Finland (45th), Greece (49th), Iran (Islamic Republic of) (50th), Ireland (50th), Israel (50th), Lebanon (47th), Libyan Arab Jamahiriya (49th), Madagascar (50th), Malaysia (48th), Mongolia (50th), Netherlands (49th), Nicaragua (49th), Norway (49th), Paraguay (45th), Romania (50th), Sudan (49th), Syrian Arab Republic (49th), Turkey (50th).

349. The Commission also heard a statement by the observer for Switzerland (50th).

350. Statements were made by the representatives of the Office of the United Nations High Commissioner for Refugees (47th) and the World Health Organization (49th).

351. A statement was also made by the observer for the League of Arab States (49th).

352. A statement was made by the observer for the Pan Africanist Congress of Azania (49th).

353. The Commission also heard statements by the following non-governmental organizations: Amnesty International (45th), Andean Commission of Jurists (45th), Anti-Slavery Society for the Protection of Human Rights (47th), Arab Lawyers Union (45th), Bahá'í International Community (45th), Centre Europe Tiers Monde (45th), Christian Democratic International (47th), Commission of the Churches on International Affairs of the World Council of Churches (47th), Disabled People's International (45th), Four Directions Council (45th), Grand Council of the Crees (of Quebec) (45th), Greek Orthodox Archdiocesan Council of North and South America (45th), Human Rights Advocates, Inc. (47th), Human Rights Internet (47th), Indian Council of South America (49th), Inter-Parliamentary Union (47th), International Association for the Defence of Religious Liberty (45th), International Association of Democratic Lawyers (45th), International Association against Torture (47th), International Association of Educators for World Peace (48th), International Commission of Health Professionals for Health and Human Rights (45th), International Commission of Jurists (45th), International Confederation of Free Trade Unions (48th), International Federation of Free Journalists (47th), International Falcon Movement - Socialist Educational International (48th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (47th), International Federation of Human Rights (45th), International Federation of Newspaper Publishers (45th), International League for Human Rights (47th), International League for the Rights and Liberation of Peoples (45th), International Movement for Fraternal Union among Races and Peoples (47th), International Organization for the Elimination of All Forms of Racial Discrimination (47th), International Organization of Journalists (47th), International Union of Students (45th), International Union of Young Christian Democrats (47th), International Youth and Student Movement for the United Nations (48th), Latin American Federation of Associations of Relatives of Disappeared Detainees (47th), Liberation (46th), Minority Rights Group (45th), Pax Christi (47th), Pax Romana (47th), Service, Justice and Peace in Latin America (45th), Survival International Limited (45th), Women's International Democratic Federation (45th), Women's International League for Peace and Freedom (47th), World Confederation of Organizations of the Teaching Profession (48th), World Federation of Democratic Youth (46th), World Federation of Labour (45th), World Federation of Trade Unions (47th), World Movement of Mothers (47th), World Muslim Congress (49th), World Peace Council (47th), World Student Christian Federation (48th), World Union for Progressive Judaism (47th), World University Service (47th).



354. Statements in right of reply or equivalent to right of reply were made by the representatives of Argentina (51st), Cuba (46th, 49th, 51st and 53rd), Cyprus (51st), Ethiopia (46th and 53rd), the German Democratic Republic (53rd), Iraq (53rd), Peru (51st), Portugal (53rd), Sri Lanka (53rd), the United Kingdom of Great Britain and Northern Ireland (49th and 53rd) and the United States of America (51st); by the observers for Austria (51st), Czechoslovakia (53rd), El Salvador (53rd), Greece (51st), Guatemala (48th and 51st), Indonesia (51st and 53rd), Lebanon (51st), the Libyan Arab Jamahiriya (53rd), Nicaragua (51st), Romania (46th and 49th), Somalia (53rd), the Syrian Arab Republic (53rd) and Zaire (48th); and by the observer for Palestine (51st).

#### Human rights and mass exoduses

355. In connection with this matter, the Commission had before it documents A/43/743 and Add.1 and E/CN.4/1989/27.

356. At the 38th meeting, on 24 February 1989, the Assistant Secretary-General, Office for Research and the Collection of Information of the Secretariat, Mr. J. Jonah, made a statement.

357. On 2 March 1989, a draft resolution (E/CN.4/1989/L.63) was submitted by Canada, Costa Rica\*, the Gambia, Germany, Federal Republic of, Ireland\*, Japan, Pakistan and Senegal. Somalia subsequently joined the sponsors.

358. At the 55th meeting, on 8 March 1989, the draft resolution was adopted without a vote.

359. For the text as adopted, see chapter II, section A, resolution 1989/63.

#### Summary of arbitrary executions

360. In connection with this matter, the Commission had before it the following documents: E/CN.4/1989/25, E/CN.4/1989/64, E/CN.4/1989/NGO/54.

361. At the 45th meeting, on 1 March 1989, the Special Rapporteur, Mr. S. A. Wako, introduced his report (E/CN.4/1989/25) to the Commission.

362. On 2 March 1989, a draft resolution (E/CN.4/1989/L.75) was submitted by Belgium, Cyprus, Denmark\*, Finland\*, France, the Gambia, Greece\*, Italy, Luxembourg\*, the Netherlands\*, Norway\*, Spain, Sweden, Switzerland\* and the United Kingdom of Great Britain and Northern Ireland. Togo subsequently joined the sponsors.

363. At the 55th meeting, on 8 March 1989, the draft resolution was adopted without a vote.

364. For the text as adopted, see chapter II, section A, resolution 1989/64.

Situation of human rights in southern Lebanon

365. At the 55th meeting, on 8 March 1989, the representative of Morocco introduced draft resolution E/CN.4/1989/L.80, sponsored by Algeria\*, Bahrain\*, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Cuba, Democratic Yemen\*, India, Iraq, Kuwait\*, Lebanon\*, Morocco, Nicaragua\*, Pakistan, Qatar\*, Somalia, the Syrian Arab Republic\*, Tunisia\*, the Ukrainian Soviet Socialist Republic and Yemen\*. Afghanistan\*, Czechoslovakia\* and Jordan\* subsequently joined the sponsors.

366. A statement in explanation of vote before the vote was made by the representative of the United States of America.

367. The representative of the United States of America requested a roll-call vote on draft resolution E/CN.4/1989/L.80. The draft resolution was adopted by 30 votes to 1, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Peru, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela.

368. Statements in explanation of vote after the vote were made by the representatives of Argentina, France, Japan, Mexico, Peru and the United Kingdom of Great Britain and Northern Ireland.

369. For the text as adopted, see chapter II, section A, resolution 1989/65.

Situation of human rights in the Islamic Republic of Iran

370. In connection with this matter, the Commission had before it the following documents: A/43/705, E/CN.4/1989/26, E/CN.4/1989/NGO/31.

371. At the 45th meeting, on 1 March 1989, the Special Representative, Mr. R. Galindo Pohl, introduced his report (E/CN.4/1989/26) to the Commission.

372. On 3 March 1989, a draft resolution (E/CN.4/1989/L.81) was submitted by Australia\*, Belgium, Canada, Denmark\*, France, Germany, Federal Republic of, Ireland\*, Luxembourg\*, the Netherlands\*, Norway\*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland. Greece\*, Italy and Spain subsequently joined the sponsors.

373. At the 55th meeting, on 8 March 1989, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.96) of draft resolution E/CN.4/1989/L.81. 1/

374. A statement relating to the draft resolution was made by the observer for the Islamic Republic of Iran.

375. The representative of Pakistan requested a roll-call vote on draft resolution E/CN.4/1989/L.81. The draft resolution was adopted by 20 votes to 6, with 12 abstentions. The voting was as follows:

In favour: Belgium, Botswana, Canada, Colombia, France, Germany, Federal Republic of, Iraq, Italy, Japan, Mexico, Peru, Philippines, Portugal, Rwanda, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, Cuba, Ethiopia, Pakistan, Somalia, Sri Lanka.

Abstaining: Argentina, Brazil, Cyprus, Gambia, India, Morocco, Nigeria, Panama, Sao Tome and Principe, Senegal, Swaziland, Yugoslavia.

The representatives of Bulgaria, China, the German Democratic Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

376. A statement in explanation of vote after the vote was made by the representative of Sao Tome and Principe.

377. For the text as adopted, see chapter II, section A, resolution 1989/66.

#### Situation of human rights in Iraq

378. On 3 March 1989, a draft resolution (E/CN.4/1989/L.82) was submitted by Australia\*, Belgium, Canada, Denmark\*, Germany, Federal Republic of, Luxembourg\*, the Netherlands\*, Norway\*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland. Greece\*, Ireland\*, Italy and Spain subsequently joined the sponsors. The draft resolution read as follows:

"The Commission on Human Rights,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

"Concerned by reliable reports of mass extrajudicial executions, enforced or involuntary disappearances and arbitrary detention in Iraq, as reflected in the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1989/25, paras. 149-164), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18, paras. 177-189) and specific and detailed reports of non-governmental organizations,

"Recalling Security Council resolution 620 (1988) of 26 August 1988,

"1. Expresses concern at the situation of human rights and fundamental freedoms in Iraq;

"2. Expresses grave concern about reports of the killing of unarmed Kurdish civilians, in particular by military attacks during 1988 using, inter alia, chemical weapons and causing a mass exodus to neighbouring countries;

"3. Urges the Government of Iraq to ensure full respect for human rights and fundamental freedoms;

"4. Requests the Chairman, after consultation within the Bureau, to appoint a special rapporteur of the Commission whose mandate will be to make a thorough study of the human rights situation in Iraq, based on all information which he may deem relevant, including any comments and material provided by the Government of Iraq, and to report thereon to the Commission at its forty-sixth session;

"5. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission;

"6. Decides to continue its consideration of human rights and fundamental freedoms in Iraq at its forty-sixth session."

379. At the 55th meeting, on 8 March 1989, the representative of Iraq moved, under rule 65, paragraph 2, of the rules of procedures of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1989/L.82.

380. Statements relating to the motion were made by the representatives of Bangladesh, Belgium, the Federal Republic of Germany, Morocco and Sweden.

381. The representative of Iraq requested a roll-call vote on the motion, which was adopted by 17 votes to 13, with 9 abstentions. The voting was as follows:

In favour: Bangladesh, Botswana, Brazil, China, Cuba, Cyprus, Ethiopia, India, Iraq, Morocco, Pakistan, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Peru, Portugal, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Colombia, Gambia, Mexico, Nigeria, Panama, Rwanda, Swaziland, Venezuela.

The representatives of Bulgaria, the German Democratic Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

382. For the text of the decision, see chapter II, section B, decision 1989/111.

#### Situation in Burma

383. On 7 March 1989, a draft decision (E/CN.4/1989/L.84) was submitted by the Chairman.

384. At the 55th meeting, on 8 March 1989, the draft decision was adopted without a vote.

385. For the text of the decision, see chapter II, section B, decision 1989/112.

#### Question of human rights and fundamental freedoms in Afghanistan

386. In connection with this matter, the Commission had before it the following documents: A/43/742, E/CN.4/1989/24, E/CN.4/1989/NGO/57.

387. At the 44th meeting, on 1 March 1989, the Special Rapporteur, Mr. F. Ermacora, introduced his report (E/CN.4/1989/24) to the Commission.

388. At the 55th meeting, on 8 March 1989, the representative of Italy introduced draft resolution E/CN.4/1989/L.85, sponsored by Australia\*, Belgium, Canada, Denmark\*, France, Germany, Federal Republic of, Greece\*, Ireland\*, Italy, Japan, Luxembourg\*, the Netherlands\*, Norway\*, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

389. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.98) of draft resolution E/CN.4/1989/L.85. 1/

390. A statement relating to the draft resolution was made by the observer for Afghanistan.

391. The draft resolution was adopted without a vote.

392. For the text as adopted, see chapter II, section A, resolution 1989/67.

Situation of human rights in El Salvador

393. In connection with this matter, the Commission had before it the following documents: A/43/736, E/CN.4/1989/23, E/CN.1989/NGO/7.

394. At the 45th meeting, on 1 March 1989, the Special Representative, Mr. J. A. Pastor Ridruejo, introduced his report (E/CN.4/1989/23) to the Commission.

395. At the 55th meeting, on 8 March 1989, the representative of Colombia introduced draft resolution E/CN.4/1989/L.86, sponsored by Argentina, Brazil, Colombia, Mexico, Panama, Peru and Venezuela.

396. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.97) of draft resolution E/CN.4/1989/L.86. 1/

397. A statement relating to the draft resolution was made by the observer for El Salvador.

398. The draft resolution was adopted without a vote.

399. For the text as adopted, see chapter II, section A, resolution 1989/68.

Situation of human rights in Albania

400. At the 55th meeting, on 8 March 1989, the representative of Portugal introduced draft resolution E/CN.4/1989/L.87, sponsored by Belgium, Canada, Morocco, the Netherlands\*, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

401. Statements relating to the draft resolution were made by the representatives of Argentina and Portugal.

402. The representative of the Ukrainian Soviet Socialist Republic requested a roll-call vote on draft resolution E/CN.4/1989/L.87. The draft resolution was adopted by 23 votes to 3, with 13 abstentions. The voting was as follows:

In favour: Belgium, Botswana, Brazil, Canada, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Morocco, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Spain, Swaziland, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: China, Cuba, Pakistan.

Abstaining: Argentina, Bangladesh, Ethiopia, India, Iraq, Italy, Japan, Mexico, Nigeria, Panama, Somalia, Sri Lanka, Yugoslavia.

The representatives of Bulgaria, the German Democratic Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

403. Statements of explanation of vote after the vote were made by the representatives of Cuba, France and Italy.

404. For the text as adopted, see chapter II, section A, resolution 1989/69.

#### Human rights situation in Romania

405. On 2 March 1989, a draft resolution (E/CN.4/1989/L.76) was submitted by Australia\*, Austria\*, France, Hungary\*, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland.

406. At the 55th meeting, on 8 March 1989, the Commission decided, on the proposal of the Chairman, to postpone consideration of the draft resolution.

407. At the 56th meeting, on 9 March 1989, the representative of Sweden introduced the draft resolution and stated that Canada, the Federal Republic of Germany, Luxembourg\* and the Netherlands\* had joined the sponsors.

408. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.94) of draft resolution E/CN.4/1989/L.76. 1/

409. Statements relating to draft resolution E/CN.4/1989/L.76 were made by the representative of Senegal and by the observer for Romania.

410. A statement in explanation of vote before the vote was made by the representative of the German Democratic Republic.

411. The representative of Cuba requested a roll-call vote on draft resolution E/CN.4/1989/L.76. The draft resolution was adopted by 21 votes to 7, with 10 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Canada, Colombia, France, Gambia, Germany, Federal Republic of, Italy, Japan, Mexico, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, Ethiopia, Pakistan, Somalia, Sri Lanka.

Abstaining: Botswana, Brazil, Cyprus, India, Iraq, Nigeria, Panama, Rwanda, Togo, Yugoslavia.

The representatives of Bulgaria, the German Democratic Republic, Morocco, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote.

412. A statement relating to the draft resolution was made by the observer for Romania.

413. A statement in explanation of vote after the vote was made by the representative of Yugoslavia.

414. For the text as adopted, see chapter II, section A, resolution 1989/75.

A. Question of human rights in Cyprus

415. In connection with agenda item 12 (a), the Commission had before it documents E/CN.4/1989/28 and E/CN.4/1989/83.

416. Statements were made 3/ by the following members of the Commission: Argentina (51st), Belgium (48th), Bulgaria (49th), Cuba (49th), Cyprus (49th), Ethiopia (49th), German Democratic Republic (51st), India (49th), Italy (51st), Japan (51st), Mexico (49th), Morocco (48th), Nigeria (48th), Pakistan (51st), Peru (51st), Sri Lanka (49th), Ukrainian Soviet Socialist Republic (49th), Union of Soviet Socialist Republics (51st), United Kingdom of Great Britain and Northern Ireland (52nd), United States of America (51st), Yugoslavia (49th and 51st).

417. The Commission also heard statements by the observers for: Algeria (50th), Angola (49th), Byelorussian SSR (50th), Czechoslovakia (50th), Greece (49th), Madagascar (50th), Mongolia (50th), Nicaragua (49th), Syrian Arab Republic (49th), Turkey (50th).

418. Statements were also made by the following non-governmental organizations: Greek Orthodox Archdiocesan Council of North and South America (45th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (47th), International League for Human Rights (47th), International Youth and Student Movement for the United Nations (48th), World Peace Council (47th).



419. At the 53rd meeting, on 7 March 1989, the Chairman proposed that the debate on item 12 (a) should be postponed to the forty-sixth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

420. The Commission adopted the draft decision without a vote.

421. For the text as adopted, see chapter II, section B, decision 1989/110.

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

422. The Commission considered sub-item 12 (b) in closed session at its 34th meeting, held on 22 February, at its 36th to 38th meetings, held on 23 and 24 February, and at its 53rd meeting, held on 7 March 1989. It examined the human rights situations in Brunei Darussalam, Haiti, Honduras, Iraq, Paraguay, Somalia, the Syrian Arab Republic and Zaire under Economic and Social Council resolution 1503 (XLVIII), as publicly announced by the Chairman after the closed part of the 53rd meeting. He also announced that the human rights situations in Honduras, Iraq, the Syrian Arab Republic and Zaire were no longer under consideration by the Commission under Council resolution 1503 (XLVIII).

423. Also at the closed part of the 53rd meeting, the Commission adopted, without a vote, a general decision concerning the establishment, with the approval of the Economic and Social Council, of a working group of five of its members (Working Group on Situations) to meet for one week prior to the Commission's forty-sixth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized. It was agreed that the general decision should be made public.

424. The Commission's attention was drawn to an estimate of the administrative and programme budget implications of the decision. 1/

425. For the text of the decision, see chapter II, section B, decision 1989/109.

426. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

427. At the 57th meeting, on 10 March 1989, the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been designated to serve in their personal capacity on the Working Group on Situations meeting prior to its forty-sixth session in 1990:

Mr. António Costa Lobo (Portugal)  
Mr. Todor Ditchhev (Bulgaria)  
Mr. Gmor Abdou Secka (Gambia)  
Mr. Armando Villaneuva del Campo (Peru).

The Chairman stated that the member for the Asian group would be designated in due course.

XIII. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

428. The Commission considered agenda item 13 at its 54th and 55th meetings, held on 8 March 1989. 2/

429. The Commission had before it the following documents:

Text of the draft Convention on the Rights of the Child as adopted by the working group on second reading (E/CN.4/1989/29 and Corr.1);

Report of the working group on a draft convention on the rights of the child (E/CN.4/1989/48);

Note by the Secretariat (E/CN.4/1989/54);

Note verbale dated 9 December 1988 from the Permanent Mission of Argentina to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/66);

Written statement submitted by the World Association of Children's Friends, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/15);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/21);

Written statement submitted by the International Right to Life Federation, a non-governmental organization on the Roster (E/CN.4/1989/NGO/55);

Written statement submitted by the International Council of Jewish Women, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/77).

430. At the 54th meeting, on 8 March 1989, the Chairman-Rapporteur of the working group on a draft convention on the rights of the child, Mr. A. Lopatka, introduced the report of the working group.

431. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (54th), Bangladesh (55th), Belgium (54th), Brazil (54th), Canada (54th), China (54th), France (54th), German Democratic Republic (54th), Germany, Federal Republic of (54th), Italy (54th), Morocco (54th), Portugal (54th), Senegal (54th), Spain (54th), Sri Lanka (54th), Sweden (54th), United Kingdom of Great Britain and Northern Ireland (54th), Venezuela (54th), Yugoslavia (55th).

432. The Commission also heard statements by the observers for: Algeria (54th), Australia (55th), Austria (54th), Egypt (54th), Libyan Arab Jamahiriya (55th), Netherlands (54th), Poland (54th), Switzerland (55th), Tunisia (55th), Turkey (55th), Uruguay (55th).

433. Statements were made by the representatives of the International Labour Organisation (55th) and the World Health Organization (54th).

434. The Commission heard statements by the following non-governmental organizations: Caritas Internationalis (55th), Defence for Children International Movement (55th), Four Directions Council (55th), Friends World Committee for Consultation (55th), Grand Council of the Crees (of Quebec) (55th), Indian Council of South America (55th), International Association of Educators for World Peace (55th), International Committee of the Red Cross (55th), International Council of Jewish Women (55th), International Indian Treaty Council (55th), International Institute of Higher Studies in Criminal Sciences (55th), International Movement A.T.D. Fourth World (55th), International Right to Life Federation (55th), International Youth and Student Movement for the United Nations (55th), Latin American Federation of Associations of Relatives of Disappeared Detainees (55th), Rädde Barnen International (55th), Save the Children Federation (55th), World Movement of Mothers (55th).

435. At the 55th meeting, on 8 March 1989, the observer for Poland introduced draft resolution E/CN.4/1989/L.88, sponsored by Afghanistan\*, Argentina, Australia\*, Bangladesh, Botswana, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Canada, China, Costa Rica\*, Cyprus, Denmark\*, Egypt\*, Ethiopia, Finland\*, France, the German Democratic Republic, Greece\*, Hungary\*, Ireland\*, Lebanon\*, the Libyan Arab Jamahiriya\*, Madagascar\*, Mexico, Mongolia\*, Morocco, New Zealand\*, Norway\*, the Philippines, Poland\*, Portugal, Romania\*, Senegal, the Syrian Arab Republic\*, Sweden and Yugoslavia. Bolivia\*, Cuba, Czechoslovakia\*, Democratic Yemen\*, the Gambia, Kenya\*, Nicaragua\*, Peru, Somalia, Spain, Ukrainian Soviet Socialist Republic, Yemen\* and Zimbabwe\* subsequently joined the sponsors.

436. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.102) of draft resolution E/CN.4/1989/L.88. 1/

437. Statements in explanation of vote before the vote were made by the representatives of Japan and the United States of America.

438. The draft resolution was adopted without a vote.

439. For the text as adopted, see chapter II, section A, resolution 1989/57.

XIV. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE  
HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

440. The Commission considered agenda item 14 at its 53rd meeting, held on 7 March 1989. 2/

441. The Commission had before it the reports of the General Assembly's Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/43/1 and A/C.3/43/7).

442. The representative of Mexico introduced draft resolution E/CN.4/1989/L.68, sponsored by Algeria\*, Argentina, Bangladesh, Bolivia\*, China, Colombia, Cuba, Egypt\*, Greece\*, India, Italy, Mexico, Nicaragua\*, Pakistan, Peru, the Philippines, Portugal, Rwanda, Senegal, Tunisia\*, Turkey\* and Yugoslavia. Morocco subsequently joined the sponsors.

443. The draft resolution was adopted without a vote.

444. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

445. For the text as adopted, see chapter II, section A, resolution 1989/55.

XV. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF  
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS  
OBJECTION TO MILITARY SERVICE

446. The Commission considered agenda item 15 at its 55th meeting, held on 8 March 1989. 2/

447. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1989/30);

Note by the Secretary-General pursuant to paragraph 2 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/37 (E/CN.4/1989/69);

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster (E/CN.4/1989/NGO/18);

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/50);

Written statement submitted by the International Peace Bureau, a non-governmental organization on the Roster (E/CN.4/1989/NGO/71);

Written statement submitted by the War Resisters International, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/72);

Written statement submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/76).

448. The observer for the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1989/L.64, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic\*, Czechoslovakia\*, Mongolia\* and Poland\*.

449. The representative of the United States of America proposed an oral amendment to operative paragraph 4 of the draft resolution replacing the words "economic and social" by the word "overall". The amendment was accepted by the sponsors.

450. The draft resolution, as orally amended, was adopted without a vote.

451. For the text as adopted, see chapter II, section A, resolution 1989/58.

452. The representative of Spain introduced draft resolution E/CN.4/1989/L.69, sponsored by Austria\*, Canada, Costa Rica\*, France, Germany, Federal Republic of, Hungary\*, the Netherlands\*, Spain and Sweden. Portugal and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

453. The representative of Spain orally revised the last preambular paragraph of the draft resolution by deleting the words "ethical, moral" between the words "religious" and "or similar motives".

454. The draft resolution as orally revised, was adopted without a vote.

455. Statements in explanation of vote after the vote were made by the representatives of China, Cuba, Cyprus, Ethiopia, Iraq, Mexico, the Union of Soviet Socialist Republics and Yugoslavia.

456. For the text as adopted, see chapter II, section A, resolution 1989/59.

XVI. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID

457. The Commission considered agenda item 16 concurrently with items 6, 7 and 17 (see chaps. VI, VII and XVII) at its 12th to 18th meetings, held from 7 to 10 February, and at its 35th meeting, held on 23 February 1989. 2/

458. The Commission had before it the following documents:

Note by the Secretary-General concerning the status of the Convention and of the submission of reports by States parties under article VII (E/CN.4/1989/31);

Reports submitted by States parties under article VII of the Convention (E/CN.4/1989/31/Add.1-11);

Note by the Secretary-General transmitting views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1988/14 (E/CN.4/1989/32);

Report of the Group of Three established under the Convention (E/CN.4/1989/33);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/2).

459. At the 13th meeting, on 8 February 1989, Mr. V. Montemayor Cantú, Chairman-Rapporteur of the Group of Three, introduced the report of the Group on its twelfth session (E/CN.4/1989/33).

460. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (16th), Bangladesh (16th), Belgium (13th), Bulgaria (16th), Ethiopia (14th), India (17th), Pakistan (14th), Panama (17th), Peru (14th), Philippines (15th), Rwanda (16th), Sri Lanka (17th), Ukrainian Soviet Socialist Republic (13th), Union of Soviet Socialist Republics (15th), Yugoslavia (16th).

461. The Commission also heard statements by the observers for: Afghanistan (19th), Algeria (18th), Egypt (16th), Libyan Arab Jamahiriya (18th), Nicaragua (18th).

462. A statement was made by the Women's International Democratic Federation (16th), a non-governmental organization.

463. At the 35th meeting, on 23 February 1989, the representative of Ethiopia introduced draft resolution E/CN.4/1989/L.8, sponsored by Algeria\*, Bulgaria, the Byelorussian Soviet Socialist Republic\*, Cuba, Egypt\*, Ethiopia,



the German Democratic Republic, Ghana\*, India, Iraq, the Libyan Arab Jamahiriya\*, Mexico, Nigeria, Rwanda, Senegal, Somalia, Sri Lanka, the Syrian Arab Republic\*, Togo, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania\*, Yugoslavia, Zaire\* and Zimbabwe\*. Afghanistan\*, Angola\*, the Gambia, Kenya\*, Nicaragua\* and Tunisia\* subsequently joined the sponsors.

464. The representative of the Federal Republic of Germany requested a separate roll-call vote on the sixth, seventh, ninth, twelfth and thirteenth preambular paragraphs and operative paragraphs 9, 10, 15 and 16. The sixth, seventh, ninth, twelfth and thirteenth preambular paragraphs and operative paragraphs 9, 10, 15 and 16 were adopted by 29 votes to 7, with 7 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Italy, Japan, Spain, Swaziland, Sweden.

465. At the request of the representative of Ethiopia, a roll-call vote was taken on draft resolution E/CN.4/1989/L.8 as a whole. The draft resolution was adopted by 32 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

466. Statements in explanation of vote after the vote were made by the representatives of Botswana, the Federal Republic of Germany, Spain, Sweden and the United States of America.

467. For the text as adopted, see chapter II, section A, resolution 1989/8.

468. At the 57th meeting, on 10 March 1989, the Chairman announced that, in accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the following members of the Commission had been designated to serve on the Group of Three: Nigeria, Panama, Ukrainian Soviet Socialist Republic.

XVII. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

469. The Commission considered agenda item 17 concurrently with items 6, 7 and 16 (see chaps. VI, VII and XVI) at its 12th to 18th meetings, held from 7 to 10 February, and at its 35th meeting, held on 23 February 1989. 2/

470. The Commission had before it the following documents:

Study on the role of private group action to combat racism and racial discrimination: report of the Secretary-General (A/43/631);

Global compilation of national legislation against racial discrimination: report of the Secretary-General (A/43/637);

Analysis of the replies received from Governments on action taken under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (E/1988/8);

Annual report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1988/9 and Add.1 and 2);

United Nations training course on the preparation of national legislation to combat racism and racial discrimination: report of the Secretary-General (E/1988/10);

Report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1989/34);

Annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1989/35);

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1989/36);

Letter dated 18 January 1989 from the Permanent Observer a.i. for the Organization of African Unity to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1989/57);

Study by Mr. Asbjørn Eide on the achievements made and obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1985/7; E/CN.4/Sub.2/1987/6; E/CN.4/Sub.2/1988/5).

471. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (16th), Bangladesh (16th), Belgium (13th), Brazil (14th), Bulgaria (16th), Canada (14th), China (15th), Cyprus (15th), Ethiopia (14th), France (13th), Germany, Federal Republic of (13th), Italy (17th), Japan (13th), Morocco (14th), Pakistan (14th), Panama (17th), Peru (14th), Philippines (15th), Portugal (15th), Spain (13th), Sri Lanka (17th), Sweden (14th), Ukrainian Soviet Socialist Republic (13th), Union of Soviet Socialist Republics (15th), United Kingdom of Great Britain and Northern Ireland (17th).

472. The Commission also heard statements by the observers for: Afghanistan (15th), Algeria (18th), Bahrain (18th), Byelorussian Soviet Socialist Republic (16th), Czechoslovakia (15th), Egypt (16th), Gabon (18th), Hungary (12th), Lebanon (16th), Tunisia (15th).

473. A statement was made by the observer for the Democratic People's Republic of Korea (15th).

474. A statement was made by the representative of the International Labour Organisation (13th).

475. Statements were also made by the following non-governmental organizations: Bahá'í International Community (13th), International Movement for Fraternal Union among Races and Peoples (18th), Women's International Democratic Federation (16th), World Confederation of Labour (17th).

476. At the 35th meeting, on 23 February 1989, the representative of Togo introduced draft resolution E/CN.4/1989/L.9, sponsored by Afghanistan\*, Algeria\*, Botswana, Brazil, Côte d'Ivoire\*, Cuba, Egypt\*, Ethiopia, Gabon\*, the Gambia, Ghana\*, Iran (Islamic Republic of)\*, Iraq, Kenya\*, the Libyan Arab Jamahiriya\*, Mauritania\*, Nigeria, Pakistan, Rwanda, Senegal, Somalia, the Sudan\*, Swaziland, the Syrian Arab Republic\*, Togo, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania\*, Yugoslavia, Zaire\* and Zimbabwe\*. Angola\*, Nicaragua\* and Tunisia\* subsequently joined the sponsors.

477. The draft resolution was adopted without a vote.

478. A statement in explanation of vote after the vote was made by the representative of Botswana.

479. For the text as adopted, see chapter II, section A, resolution 1989/9.

XVIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

480. The Commission considered agenda item 18 concurrently with item 8 (see chap. VIII) at its 18th to 22nd meetings, held from 10 to 14 February, at its 47th meeting, held on 2 March, and at its 51st meeting, held on 6 March 1989. 2/

481. The Commission had before it the following documents:

Report of the Secretary-General on the status of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/43/518);

Note by the Secretary-General on the reservations, declarations, notifications and objections relating to the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.1);

Note by the Secretary-General on the reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

Note verbale dated 23 December 1988 from the Permanent Mission of Haiti to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/50-E/CN.4/Sub.2/1988/18);

Reporting obligations of States parties under United Nations instruments on human rights: note by the Secretary-General (E/CN.4/1989/62);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/11).

482. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (20th), Belgium (21st), Bulgaria (20th), Canada (19th), Cyprus (20th), German Democratic Republic (20th), Germany, Federal Republic of (19th), India (20th), Iraq (20th), Italy (21st), Japan (19th), Philippines (21st), Portugal (21st), Spain (20th), Sweden (19th), Ukrainian Soviet Socialist Republic (20th), Union of Soviet Socialist Republics (19th), United Kingdom of Great Britain and Northern Ireland (20th), Yugoslavia (20th).

483. The Commission also heard statements by the observers for: Austria (20th), Byelorussian Soviet Socialist Republic (21st), Hungary (19th), Lebanon (22nd), Netherlands (21st), Romania (21st).

484. A statement was made by the representative of the International Labour Organisation.

485. Statements were also made by the following non-governmental organizations: Four Directions Council (22nd), World Student Christian Federation (20th).

486. At the 47th meeting, on 2 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 18.

487. The observer for the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1989/L.17, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic\* and Poland\*.

488. Draft resolution E/CN.4/1989/L.17 was adopted without a vote.

489. For the text as adopted, see chapter II, section A, resolution 1989/16.

490. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1989/L.19, sponsored by Argentina, Austria\*, Bulgaria, Canada, Cyprus, Denmark\*, Finland\*, the German Democratic Republic, Hungary\*, the Netherlands\*, Nicaragua\*, Norway\*, Peru, Senegal, Spain, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Luxembourg\*, the Philippines and Togo subsequently joined the sponsors.

491. Draft resolution E/CN.4/1989/L.19 was adopted without a vote.

492. For the text as adopted, see chapter II, section A, resolution 1989/17.

493. At the 51st meeting, on 6 March 1989, the representative of Italy introduced draft resolution E/CN.4/1989/L.22, sponsored by Denmark\*, France, Germany, Federal Republic of, India, Italy and Yugoslavia. Australia\*, Austria\*, Canada, Japan, Mexico, Peru, the Philippines, Portugal and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

494. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.38) of draft resolution E/CN.4/1989/L.22. 1/

495. The draft resolution was adopted without a vote.

496. For the text as adopted, see chapter II, section A, resolution 1989/46.

497. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1989/L.25, sponsored by Argentina, Austria\*, Canada, Denmark\*, Italy, the Netherlands\*, the Philippines, Portugal, Sweden and the Ukrainian Soviet Socialist Republic. Peru, Togo and Yugoslavia subsequently joined the sponsors.

498. The representative of Canada orally revised the draft resolution. In operative paragraph 3, the word "Endorses" was replaced by the word "Acknowledges", the word "urges" by the words "notes that" and the words "to ensure that these are alleviated" by the words "could consider alleviating these difficulties, inter alia". In operative paragraph 5, the words "within existing resources" were inserted between the words "study" and "on". The revised draft resolution subsequently appeared as document E/CN.4/1989/L.25/Rev.1.

499. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.37) of draft resolution E/CN.4/1989/L.25. 1/

500. The draft resolution was adopted without a vote.

501. Statements in explanation of vote after the vote were made by the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland.

502. For the text as adopted, see chapter II, section A, resolution 1989/47.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES ON ITS FORTIETH SESSION

503. The Commission considered agenda item 19 at its 22nd to 24th meetings, held from 13 to 15 February, at its 38th and 39th meetings, held on 24 and 27 February, and at its 51st meeting, held on 6 March 1989. 2/

504. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fortieth session (E/CN.4/1989/3);

Report of Mr. M. C. Bhandare, Chairman of the Sub-Commission at its fortieth session, prepared in accordance with paragraph 20 of Commission on Human Rights resolution 1988/43 (E/CN.4/1989/37);

Comments on the study on the significance of treaties, agreements and other constructive arrangements for the promotion and protection of the human rights and fundamental freedoms of indigenous populations, received pursuant to Commission resolution 1988/56 (E/CN.4/1989/51);

Note verbale dated 8 February 1989 from the Permanent Mission of Albania to the United Nations Office at Geneva addressed to the United Nations Secretariat (E/CN.4/1989/67);

Note by the Secretary-General pursuant to paragraph 2 of Sub-Commission resolution 1988/37 (E/CN.4/1989/69);

Written statements submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/14 and E/CN.4/1989/NGO/17);

Written statement submitted by the Disabled People's International, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/75).

505. At the 38th meeting, on 24 February 1989, Mr. M. C. Bhandare, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session, introduced his report (E/CN.4/1989/37) prepared in accordance with paragraph 20 of Commission on Human Rights resolution 1988/43.

506. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (24th), Bangladesh (23rd), Belgium (24th), Brazil (38th), Canada (23rd), China (23rd), Cyprus (38th), Ethiopia (23rd), France (24th), German Democratic Republic (23rd), Germany, Federal Republic of (22nd), India (38th), Italy (24th), Nigeria (24th and 39th), Philippines (38th), Portugal (24th), Senegal (24th), Spain (24th),



Sweden (24th), Ukrainian Soviet Socialist Republic (24th), Union of Soviet Socialist Republics (23rd), United Kingdom of Great Britain and Northern Ireland (24th), United States of America (38th).

507. The Commission also heard statements by the observers for: Afghanistan (24th), Austria (23rd), Ireland (22nd), Israel (24th), Lebanon (39th), Netherlands (24th), Norway (24th), Romania (39th), Turkey (24th), Zaire (24th).

508. The observer for the Holy See (22nd) made a statement.

509. The representative of the International Labour Organisation (22nd) also made a statement.

510. Statements were made by the following non-governmental organizations: Amnesty International (23rd), Co-ordinating Board of Jewish Organizations (23rd), Four Directions Council (23rd), Friends World Committee for Consultation (23rd), Grand Council of the Crees (of Quebec) (23rd), Indian Council of South America (23rd), International Association for the Defence of Religious Liberty (23rd), International Centre of Sociological, Penal and Penitentiary Research and Studies (23rd), International Commission of Jurists (24th), International Federation of Human Rights (24th), International Indian Treaty Council (39th), International Movement for Fraternal Union among Races and Peoples (22nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Liberation (23rd), World Jewish Congress (23rd), World Peace Council (23rd), World Student Christian Federation (39th), World Union for Progressive Judaism (24th).

511. At the 24th meeting, on 15 February 1989, a statement equivalent to a right of reply was made by the observer for the Syrian Arab Republic.

512. At the 51st meeting, held on 6 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 19.

513. The representative of Canada introduced draft resolution E/CN.4/1989/L.31, sponsored by Argentina, Australia\*, Canada, Colombia, Denmark\*, the Gambia, the German Democratic Republic, the Netherlands\*, New Zealand\*, Norway\*, the Philippines, Senegal and Sweden. Afghanistan\*, China, Cuba, Cyprus, Peru and Zaire\* subsequently joined the sponsors.

514. The representative of Canada orally revised the eighth preambular paragraph of the draft resolution and in operative paragraph 8 replaced the words "on the effect of racism and racial discrimination" by the words "held pursuant to Economic and Social Council resolution 1988/35".

515. The draft resolution, as orally revised, was adopted without a vote.

516. For the text as adopted, see chapter II, section A, resolution 1989/34.

517. The representative of Belgium introduced draft resolution E/CN.4/1989/L.34, sponsored by Belgium, Colombia, Costa Rica\*, France,

the Gambia, Luxembourg\*, the Netherlands\*, Nicaragua\*, the Philippines, Portugal and Togo. Algeria\* and Zaire\* subsequently joined the sponsors.

518. The draft resolution was adopted without a vote.

519. For the text as adopted, see chapter II, section A, resolution 1989/35.

520. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1989/L.35, sponsored by Austria\*, Belgium, France, Germany, Federal Republic of, the Netherlands\*, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Luxembourg\* and Zaire\* subsequently joined the sponsors.

521. The draft resolution was adopted without a vote.

522. For the text as adopted, see chapter II, section A, resolution 1989/36.

523. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1989/L.36, sponsored by Austria\*, France, Germany, Federal Republic of, Ireland\*, and the United Kingdom of Great Britain and Northern Ireland. Luxembourg\* subsequently joined the sponsors.

524. At the request of the representative of the German Democratic Republic, a roll-call vote was taken on draft resolution E/CN.4/1989/L.36. The draft resolution was adopted by 26 votes to 5, with 12 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Brazil, Canada, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, India, Italy, Japan, Mexico, Nigeria, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bulgaria, Cuba, German Democratic Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Bangladesh, Botswana, China, Ethiopia, Iraq, Morocco, Pakistan, Rwanda, Somalia, Sri Lanka, Togo, Yugoslavia.

525. The observer for Romania made a statement relating to the draft resolution.

526. For the text as adopted, see chapter II, section A, resolution 1989/37.

527. The representative of France introduced draft resolution E/CN.4/1989/L.42, sponsored by Argentina, Austria\*, Belgium, France, Germany, Federal Republic of, Italy, the Netherlands\*, Peru, Senegal, Spain, Togo, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Luxembourg\* subsequently joined the sponsors.

528. The draft resolution was adopted without a vote.
529. For the text as adopted, see chapter II, section A, resolution 1989/38.
530. The representative of Belgium introduced draft resolution E/CN.4/1989/L.45, sponsored by Argentina, Belgium, France, Germany, Federal Republic of, Luxembourg\*, the Philippines and Senegal. Ireland\*, Peru and Spain subsequently joined the sponsors.
531. The draft resolution was adopted without a vote.
532. For the text as adopted, see chapter II, section A, resolution 1989/39.
533. The representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1989/L.48, sponsored by Colombia, Costa Rica\*, France, the Gambia, Germany, Federal Republic of, Italy, Luxembourg\*, Nigeria, Panama, the Philippines, Spain, Togo and the United Kingdom of Great Britain and Northern Ireland. Peru and Zaire\* subsequently joined the sponsors.
534. The attention of the Commission was drawn to the estimate of the administrative and programme budget implications (E/CN.4/1989/L.92) of draft resolution E/CN.4/1989/L.48. 1/
535. The representative of India made a statement.
536. The draft resolution was adopted without a vote.
537. For the text as adopted, see chapter II, section A, resolution 1989/40.
538. At the same meeting, the Commission had before it draft resolutions III, V, VI, VII and VIII recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. A).
539. The attention of the Commission was drawn to the administrative and programme budget implications relating to draft resolutions II, III and VII contained in annex II to the Sub-Commission's report (E/CN.4/1989/3), which were also orally presented by the Deputy Director of the Centre for Human Rights. 1/
540. An explanation of vote before the vote was made by the representative of the United States of America, who stated that, although draft resolution III would be adopted without a vote, his delegation would not participate in that action.
541. Draft resolution III was adopted without a vote.
542. For the text as adopted, see chapter II, section A, resolution 1989/41.

543. The representative of Nigeria proposed an oral amendment to operative paragraph 3 of draft resolution V, which was adopted by the Commission.

544. Draft resolution V, as orally amended, was adopted without a vote.

545. For the text as adopted, see chapter II, section A, resolution 1989/42.

546. In view of the adoption of draft resolution E/CN.4/1989/L.48 (see paras. 533-537), the Commission decided to take no action on draft resolution VI.

547. With regard to draft resolution VII, the representative of the United States of America proposed oral amendments, deleting operative paragraphs 2 and 3 of the draft resolution recommended to the Economic and Social Council for adoption, which read as follows:

"2. Decides that the study on 'Guidelines for the regulation of computerized personal data files' should be published;

"3. Recommends that the General Assembly should consider and adopt the guidelines."

and adding new operative paragraphs 2 to 5.

548. The representative of France made a statement relating to the amendments proposed by the United States of America.

549. The amendments were accepted by the Commission.

550. Draft resolution VII, as orally amended, was adopted without a vote.

551. A statement in explanation of vote after the vote was made by the representative of Japan.

552. For the text as adopted, see chapter II, section A, resolution 1989/43.

553. In view of the adoption of draft resolution E/CN.4/1989/L.34 (see paras. 517-519), the Commission decided to take no action on draft resolution VIII.

554. At the same meeting, the Commission took up consideration of draft decisions 1, 4 and 5 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. B).

555. The Commission adopted draft decisions 1, 4 and 5 without a vote.

556. For the text as adopted, see chapter II, section B, decisions 1989/106, 1989/107 and 1989/108.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,  
RELIGIOUS AND LINGUISTIC MINORITIES

557. The Commission considered agenda item 20 at its 55th meeting, held on 8 March 1989. 2/

558. The Commission had before it the following documents:

Report of the open-ended working group established by the Commission on Human Rights at its forty-fifth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1989/38);

Letter dated 25 January 1989 from the Permanent Representative of Hungary to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights, transmitting the text of a resolution adopted by the National Assembly of Hungary (E/CN.4/1989/56);

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1989/NGO/4 and E/CN.4/1989/NGO/19);

Written statement submitted by the International Council of Jewish Women, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/69);

Written statement submitted by the Minority Rights Group, a non-governmental organization on the Roster (E/CN.4/1989/NGO/70);

Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster (E/CN.4/1989/NGO/73).

559. An informal open-ended working group was established by the Commission in order to consider further the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

560. At the 55th meeting, on 8 March 1989, Mrs. Z. Ilic, Chairman-Rapporteur, introduced the report of the working group (E/CN.4/1989/38).

561. The representative of Yugoslavia introduced draft resolution E/CN.4/1989/L.58, sponsored by her delegation.

562. The draft resolution was adopted without a vote.

563. For the text as adopted, see chapter II, section A, resolution 1989/61.

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

564. The Commission considered agenda item 21 at its 53rd meeting, held on 7 March, and at its 55th meeting, held on 8 March 1989. 2/

565. The Commission had before it the following documents:

Report on the United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (Geneva, 16-20 January 1989) (E/CN.4/1989/22);

Report on Guatemala submitted by the Expert, Mr. Héctor Gros Espiell, in pursuance of paragraph 8 of Commission resolution 1988/50 (E/CN.4/1989/39);

Report on Haiti submitted by the Expert, Mr. Philippe Texier, in pursuance of Commission resolution 1988/51 (E/CN.4/1989/40);

Report by the Secretary-General on Equatorial Guinea submitted in pursuance of Commission resolution 1988/52 (E/CN.4/1989/41);

Report of the Secretary-General (E/CN.4/1989/42);

Report on the United Nations seminar on the teaching of human rights (E/CN.4/1989/68);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/48);

Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in consultative status (category II) (E/CN.4/1989/NGO/64).

566. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (53rd), Colombia (53rd), Germany, Federal Republic of (53rd), Italy (53rd), Japan (53rd), Morocco (53rd), Portugal (53rd), Sweden (53rd), United Kingdom of Great Britain and Northern Ireland (53rd).

567. The Commission heard statements by the observers for: Austria (53rd), Guatemala (53rd), Switzerland (53rd).

568. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (53rd), Arab Lawyers Union (53rd), Disabled People's International (55th), International Association against Torture (55th), International Commission of Jurists (53rd), International Federation of Human Rights (53rd), International Indian Treaty Council (55th), International League for the Rights and Liberation of Peoples (53rd), International Organization for the Elimination of All Forms of Racial

Discrimination (55th), Latin American Federation of Associations of Relatives of Disappeared Detainees (53rd), Pax Christi (53rd), Service, Justice and Peace in Latin America (55th), World Student Christian Federation (53rd), World Union for Progressive Judaism (53rd), World University Service (55th).

569. Statements in right of reply were made by the representatives of Argentina (55th) and Senegal (55th).

570. At its 55th meeting, on 8 March 1989, the Commission took up consideration of the draft resolutions submitted under agenda item 21.

571. The representative of Argentina introduced draft resolution E/CN.4/1989/L.56, sponsored by Argentina and Bolivia\*. Canada, Peru and Sweden subsequently joined the sponsors.

572. The draft resolution was adopted without a vote.

573. For the text as adopted, see chapter II, section A, resolution 1989/70.

574. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1989/L.73, sponsored by Austria\*, Canada, Colombia, Finland\*, France, Germany, Federal Republic of, Italy, the Netherlands\*, Norway\*, Peru, Senegal, Sweden, Togo and the United Kingdom of Great Britain and Northern Ireland. New Zealand\* subsequently joined the sponsors.

575. The draft resolution was adopted without a vote.

576. For the text as adopted, see chapter II, section A, resolution 1989/71.

577. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1989/L.74, sponsored by Argentina, Austria\*, Belgium, Canada, Colombia, Cyprus, Finland\*, France, the Gambia, Germany, Federal Republic of, Italy, the Netherlands\*, Norway\*, Peru, Senegal, Sweden, Togo, the Ukrainian Soviet Socialist Republic and the United Kingdom of Great Britain and Northern Ireland. Costa Rica\*, El Salvador\*, New Zealand\* and the Philippines subsequently joined the sponsors.

578. The representative of the Federal Republic of Germany orally revised operative paragraph 10 of draft resolution E/CN.4/1989/L.74.

579. The draft resolution, as orally revised, was adopted without a vote.

580. For the text as adopted, see chapter II, section A, resolution 1989/72.

581. The representative of France introduced the revised draft resolution in document E/CN.4/1989/L.83/Rev.1, sponsored by Canada, France, Germany, Federal Republic of, Italy, the Netherlands\*, Senegal, Sweden and Togo.

582. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.101) of the revised draft resolution (E/CN.4/1989/L.83/Rev.1). 1/

583. The representative of France orally revised operative paragraph 5 of the revised draft resolution by deleting the word "judicial".

584. Draft resolution E/CN.4/1989/L.83/Rev.1, as orally revised, was adopted without a vote.

585. For the text as adopted, see chapter II, section A, resolution 1989/73.

586. The representative of Mexico introduced draft resolution E/CN.4/1989/L.91, sponsored by Argentina, Brazil, Canada, Colombia, France, Mexico, Peru, Spain and Venezuela. The Netherlands\* and Uruguay\* subsequently joined the sponsors.

587. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.99) of draft resolution E/CN.4/1989/L.91. 1/

588. The draft resolution was adopted without a vote.

589. For the text as adopted, see chapter II, section A, resolution 1989/74.

590. At the same meeting, the Commission decided, in view of the adoption of draft resolution E/CN.4/1989/L.74 (see paras. 577-580), to take no action on draft resolution IV recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1989/3, chap. I, sect. A).



XXII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

591. The Commission considered agenda item 22 at its 30th meeting, held on 20 February, at its 33rd meeting, held on 22 February, at its 39th to 41st meetings, held on 27 and 28 February, at its 47th meeting, held on 2 March, at its 51st meeting, held on 6 March, at its 55th meeting, held on 8 March, and at its 56th meeting, held on 9 March 1989. 2/

592. The Commission had before it the following documents:

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20 (E/CN.4/1989/44);

Note verbale dated 8 February 1989 from the Permanent Mission of Albania to the United Nations Office at Geneva addressed to the United Nations Secretariat (E/CN.4/1989/67);

Note verbale dated 23 February 1989 from the Permanent Mission of Nicaragua to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1989/73);

Written statement submitted by the Christian Peace Conference, a non-governmental organization in consultative status (category II), (E/CN.4/1989/NGO/68);

Written statement submitted by the World Union of Progressive Judaism, a non-governmental organization on the Roster (E/CN.4/1989/NGO/74).

593. At the 30th meeting, on 20 February 1989, the Special Rapporteur, Mr. A. Vidal d'Almeida Ribeiro, introduced his report.

594. In the general debate on this item, 3/ statements were made by the following members of the Commission: Bangladesh (39th), Belgium (39th), Botswana (40th), Canada (39th), China (40th), Ethiopia (40th), France (55th), India (40th), Iraq (40th), Italy (33rd), Japan (39th), Portugal (40th), Union of Soviet Socialist Republics (33rd), United Kingdom of Great Britain and Northern Ireland (39th), United States of America (40th).

595. The Commission heard statements by the observers for: Austria (40th), Bolivia (41st), Costa Rica (40th), Czechoslovakia (40th), Hungary (41st), Ireland (41st), Libyan Arab Jamahiriya (41st), Syrian Arab Republic (40th), Turkey (41st).

596. The Commission also heard statements by the following non-governmental organizations: Bahá'í International Community (55th), Christian Democratic International (47th), International Fellowship of Reconciliation (55th),

International Movement for Fraternal Union among Races and Peoples (55th), International Organization for the Elimination of All Forms of Racial Discrimination (55th), Minority Rights Group (55th).

597. Statements in right of reply or equivalent to right of reply were made by the representatives of China (56th), Indonesia (40th) and the Islamic Republic of Iran (41st).

598. At the 51st meeting, on 6 March 1989, the representative of Canada introduced draft resolution E/CN.4/1989/L.57, sponsored by Argentina, Austria\*, Belgium, Canada, Finland\*, France, the Gambia, Germany, Federal Republic of, Ireland\*, Italy, Luxembourg\*, the Netherlands\*, the Philippines, Portugal, Senegal, Sweden, Switzerland\* and the United States of America. Peru subsequently joined the sponsors.

599. At the same meeting, the representative of Canada orally revised operative paragraph 10 of the draft resolution.

600. The draft resolution, as orally revised, was adopted without a vote.

601. For the text as adopted, see chapter II, section A, resolution 1989/44.

XXIII. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

602. The Commission considered agenda item 23 at its 55th meeting, held on 8 March 1989. 2/

603. The Commission had before it the report of the open-ended working group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1989/45).

604. The representative of Portugal introduced draft resolution E/CN.4/1989/L.67, sponsored by Argentina, Australia\*, Austria\*, Canada, Norway\*, the Philippines, Portugal, Sweden and the United States of America. The United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

605. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1989/L.93) of draft resolution E/CN.4/1989/L.67. 1/

606. The draft resolution was adopted without a vote.

607. For the text as adopted, see chapter II, section A, resolution 1989/60.

XXIV. DRAFT PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION  
OF THE COMMISSION

608. The Commission considered agenda item 24 at its 57th meeting, held on 10 March 1989. 2/

609. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1989/L.1) containing a draft provisional agenda for the forty-sixth session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

610. The Commission took note of the draft provisional agenda, as modified by decisions taken at the forty-fifth session.

611. The draft provisional agenda for the forty-sixth session of the Commission reads as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.

Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

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

Legislative authority: Commission resolutions 1989/1, 1989/2 A and 1989/2 B

Documentation:

- (a) Reports of the Secretary-General (paragraph 12 of resolution 1989/1, paragraph 5 of resolution 1989/2 A and paragraph 7 of resolution 1989/2 B);
- (b) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (paragraph 6 of resolution 1989/2 A).

5. Question of human rights in Chile.

Legislative authority: Commission resolution 1989/62.

The Commission will determine how the item is to be dealt with on the agenda in the light of developments in the human rights situation in Chile (paragraph 11).

Documentation:

Report of the Special Rapporteur (paragraph 9).

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolutions 1989/3, 1989/4 and 1989/5.

Documentation:

(a) Report of the Ad Hoc Working Group of Experts (paragraph 8 of resolution 1989/4);

(b) Report of the Secretary-General (paragraph 10 of resolution 1989/4);

(c) Interim report of the Ad Hoc Working Group of Experts (paragraph 24 of resolution 1989/3, paragraph 32 of resolution 1989/5).

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

Legislative authority: Commission resolutions 1989/6 and 1989/7.

Documentation:

Updated report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (operative paragraph 3 (a) of draft resolution I recommended to the Economic and Social Council for adoption (resolution 1989/6)).

8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.

Legislative authority: Commission resolutions 1989/12, 1989/13, 1989/14 and 1989/15.

Documentation:

Report of the Secretary-General (paragraph 3 of resolution 1989/14).

9. Question of the realization of the right to development.

Legislative authority: Commission resolution 1989/45.

Documentation:

Report of the Secretary-General on the global consultation (paragraph 7).

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

Legislative authority: Commission resolutions 1989/18, 1989/19, 1989/20, 1989/21, 1989/22 and 1989/23.

Documentation:

- (a) Report of the Secretary-General transmitting information pertaining to the implementation of resolution 1989/19 (paragraph 10).
- (b) Report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (paragraph 16 of resolution 1989/21).

11. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular;

- (a) Torture and other cruel, inhuman or degrading treatment or punishment;
- (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (c) Question of enforced or involuntary disappearances.

Legislative authority: Commission resolutions 1989/24, 1989/26, 1989/27, 1989/28, 1989/29, 1989/30, 1989/31, 1989/33 and 1989/56.

Documentation:

- (a) Report of the Secretary-General (paragraph 7 of resolution 1989/24);
- (b) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3 of resolution 1989/27);
- (c) Updated report of the Secretary-General on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will (paragraph 5 of resolution 1989/28);
- (d) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 8 of resolution 1989/29);
- (e) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 6 of resolution 1989/30);
- (f) Report of the Special Rapporteur appointed to examine questions relevant to torture (paragraph 16 of resolution 1989/33).

12. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

- (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;
- (b) National institutions for the promotion and protection of human rights;
- (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

Legislative authority: Commission resolutions 1989/49, 1989/50, 1989/53 and 1989/54.

Documentation:

- (a) Report of the Secretary-General transmitting the comments and views of Governments and international organizations (paragraph 10 of resolution 1989/49);
- (b) Report by the Secretary-General on the progress achieved in the implementation of resolution 1989/50 (paragraph 6);
- (c) Report of the Secretary-General on public information activities (paragraph 18 of resolution 1989/53);
- (d) Report of the Secretary-General (paragraph 4 of resolution 1989/54).

13. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

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

Legislative authority: Commission resolutions 1989/64, 1989/65, 1989/66, 1989/67, 1989/68, 1989/69 and 1989/75.

Documentation:

- (a) Report of the Special Rapporteur on summary or arbitrary executions (paragraph 4 of resolution 1989/64);
- (b) Report of the Secretary-General concerning southern Lebanon (paragraph 4 of resolution 1989/65);
- (c) Report of the Special Representative on the human rights situation in the Islamic Republic of Iran (paragraph 14 of resolution 1989/66);
- (d) Report of the Special Rapporteur on Afghanistan (paragraph 17 of resolution 1989/67);



- (e) Report of the Special Representative on the situation of human rights in El Salvador (paragraph 14 of resolution 1989/68);
- (f) Report of the Secretary-General on the situation of human rights in Albania (paragraph 3 of resolution 1989/69);
- (g) Report of the Special Rapporteur on the human rights situation in Romania (paragraph 9 of resolution 1989/75).

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

Legislative authority: Commission resolution 1989/55.

Documentation:

Report of the Secretary-General on further progress made by the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (paragraph 4).

15. Human rights and scientific and technological developments.

Legislative authority: Commission resolutions 1988/59, 1988/60, 1988/61 and 1989/40.

Documentation:

- (a) Report of the United Nations University (paragraph 2 of resolution 1988/59);
- (b) Report of the Secretary-General on the implementation of resolution 1988/60 (paragraph 10);
- (c) Report of the open-ended working group (paragraph 3 of resolution 1989/40)

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

Legislative authority: Commission resolution 1989/8.

Documentation:

Report of the Group of Three established under article IX of the Convention (paragraph 16).

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

Legislative authority: Commission resolution 1989/9.

Documentation:

Report of the Secretary-General on the progress made in carrying out the plan of activities for the period 1990-1993 (paragraph 7).

18. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolutions 1989/17 and 1989/46.

Documentation:

- (a) Report of the Secretary-General (paragraph 15 of resolution 1989/17);
- (b) Report of the Secretary-General on the work of the task force on the computerization of the work of the treaty monitoring bodies (paragraph 4 of resolution 1989/46).

19. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolution 1989/47.

Documentation:

Report of an independent expert (paragraph 5).

20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session.

Legislative authority: Commission resolutions 1989/34, 1989/36 and 1989/38.

Documentation:

- (a) Recommendations of the Working Group on Indigenous Populations on ways and means of broadening the scope and activities of the Voluntary Fund for Indigenous Populations (paragraph 11 of resolution 1989/34);

(b) Report of the Chairman of the Sub-Commission on the implementation of the guidelines provided in resolution 1989/36 (paragraph 15).

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

Legislative authority: Commission resolution 1989/61.

Documentation:

Report of the open-ended working group (paragraph 2).

22. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences.

Legislative authority: Commission resolution 1988/63.

23. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1989/70, 1989/71, 1989/72, 1989/73 and 1989/74.

Documentation:

(a) Report of the Expert on Equatorial Guinea (paragraph 3 of resolution 1989/70);

(b) Report of the Secretary-General on the operation and administration of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights (paragraph 11 of resolution 1989/71);

(c) Report of the Secretary-General on the progress made in the implementation of the programme of advisory services (paragraph 16 of resolution 1989/72);

(d) Report of the Expert on Haïti (paragraph 14 of resolution 1989/73);

(e) Report of the Expert on Guatemala (paragraph 9 of resolution 1989/74).

24. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1989/44.

Documentation:

- (a) Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 10);
- (b) Report of the Secretary-General on measures to implement resolution 1989/44 (paragraph 14).

25. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1989/60.

Documentation:

Report of the working group (paragraph 1).

26. Draft provisional agenda for the forty-seventh session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-seventh session of the Commission, together with information concerning documentation relating thereto.

27. Report to the Economic and Social Council on the forty-sixth session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

## XXV. ADOPTION OF THE REPORT

612. At its 57th meeting, on 10 March 1989, the Commission considered the draft report on the work of its forty-fifth session. The draft report, as amended in the course of the discussion, was adopted.

### Notes

\* Under rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, which provides that the sponsors of proposals submitted to the Commission may include States not members of the Commission.

1/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

2/ The summary records of the meetings are issued in final form by meeting, subject to correction, and are validated by a consolidated corrigendum; for the current session, this will be E/CN.4/1989/SR.1-57/Corrigendum.

3/ The number in parentheses following the name of a country or organization indicates the meeting at which a statement was made by that country or organization and corresponds to the relevant summary record.

ANNEXES

Annex I

ATTENDANCE

Members

Argentina

Mr. Leandro Despouy, Mr. Julio Strassera\*, Mr. Sergio Cerda\*\*,  
Mr. Alberto D'Alotto\*\*

Bangladesh

Mr. Harun-ur-Rashid, Mr. Rokanuddin Mahmud\*, Mr. Muhammad Zamir\*,  
Mr. M. Motahar Hossain\*, Ms. Nasim Firdaus\*

Belgium

Mr. Marc Bossuyt, Mr. Hugo Fonder\*, Mr. Dominique Struye de Swielande\*,  
Mr. Paul Rietjens\*, Miss Machteld Fostier\*\*, Mrs. Justine Gentile\*\*

Botswana

Mr. E. W. M. J. Legwaila, Mrs. T. R. Ditlhabi-Oliphant\*

Brazil

Mr. Marcos Castrioto de Azambuja, Mr. Fernando José Moura Fagundes\*,  
Mr. Joaquim Augusto Whitaker Salles\*,  
Mrs. Marília Sardenberg Zelner Gonçalves\*, Mr. Georges Lamazière\*,  
Mr. José Humberto de Brito Cruz\*

Bulgaria

Mr. Todor Ditchev, Mr. M. Kolarov\*, Miss Ludmila Bojkova\*,  
Mr. Konstantin Andreev\*, Mr. P. Kolarov\*

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\* Alternate.

\*\* Adviser.

### Canada

Ms. A. Raynell Andreychuck, Mr. Thomas Hammond\*, Mr. Daniel Livermore\*,  
Mr. Ross Hynes\*, Miss. Hélène Lafortune\*, Mr. Michael Cleary\*\*,  
Mr. James Trottier\*\*, Mr. John Holmes\*\*, Ms. Irit Weiser\*\*,  
Mr. Jean Chartier\*\*, Mr. Patrice Lafleur\*\*, Mr. John Mason\*\*,  
Mr. Max Yalden\*\*, Mr. Robert Kaplan\*\*, Mr. Charles de Blois\*\*,  
Mrs. Pierrette Venne\*\*, Mr. Wayne Cheverie\*\*

### China

Mr. Qian Jiadong, Mr. Chen Shiqiu\*, Mr. Li Zuomin\*, Mr. Zhang Yishan\*,  
Ms. Zhang Honghong\*, Ms. Mao Yueming\*, Mr. Lin Chongfei\*,  
Mr. Wu Shanxiu\*, Mr. Pang Sen\*\*, Mr. Liu Xinsheng\*\*, Ms. Xiang Jiagu\*\*,  
Mr. Ma Jun\*\*, Mr. Zheng Yong\*\*, Mr. Si Ta\*\*

### Colombia

Mr. Rafael Rivas Posada, Mr. Alvaro Tirado Mejía\*,  
Mr. Luis Guillermo Grillo\*, Mr. Ligia Galvis\*, Mr. Luis Alberto Luna\*,  
Mr. Juan Manuel Cano\*

### Cuba

Mr. Raúl Roa Kourí, Mr. Carlos Lechuga Hevia\*, Mr. José Pérez Novoa\*,  
Mr. Miguel Alfonso Martínez\*, Mr. Pedro Campos\*,  
Miss Marianela Ferriol Echevarría\*, Mr. Julio Fernández Bultés\*,  
Mr. Antonio Ramírez Ortiz\*, Mrs. Magda Bauta\*\*,  
Mr. Humberto Rivero del Rosario\*\*, Mrs. Ana María Luetngen de Lechuga\*\*,  
Mr. Héctor Ilisástegui\*\*, Mr. Pedro Leonel González\*\*,  
Mrs. Mayda Ceijas\*\*, Mr. Miguel Jiménez Aday\*\*

### Cyprus

Mr. Andreas Mavrommatis, Mr. Vantias Markides\*,  
Mr. Christophoros Yiangou\*, Mr. George Zodiates\*,  
Mrs. Patricia Hadjisotiriou\*

### Ethiopia

Ms. Kongit Sinegiorgis, Mr. Haile Mariam Goshu\*, Mr. Mairegu Bezabih\*,  
Mr. Berhane Meskel Nega\*\*, Mrs. Nardos Worku\*\*

### France

Mr. Jacques Leprette, Mr. Jean-David Levitte\*, Mrs. Olga Morel\*\*,  
Mr. Jean-Marc de La Sablière\*\*, Mr. Jean Lévy\*\*, Mr. Jacques Boutet\*\*,  
Mr. Stéphane Gompertz\*\*, Mr. Hervé Bolot\*\*, Miss Jeanne Texier\*\*,  
Miss Isabelle Chaussade\*\*, Miss Christiane Aveline\*\*,  
Mr. Pierre-Marie Dupuy\*\*, Mrs. Viviane Le Guennec\*\*

Gambia

Mr. Hassan B. Jallow, Mr. Omar Secka\*, Mr. Raymond Sock\*\*,  
Mr. Baboucarr I. Jagne\*\*, Mr. Hassan Gibril\*\*, Mr. Dembo Badgie\*\*

German Democratic Republic

Mr. Rudolf Frambach, Mr. Gerhard Richter\*, Ms. Sabine Kramarzyk\*\*,  
Ms. Ruth Kampa\*\*, Mr. Ferdinand Thun\*\*, Mr. Thomas Adling\*\*,  
Mr. Joachim Keitz\*\*, Mr. Gerd Kohlase\*\*

Germany, Federal Republic of

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Mr. Prabhu Dayal\*\*, Mrs. B. Mukherji\*\*, Mr. Mahesh Sachdev\*\*,  
Ms. Ruchi Ghanshyam\*\*

Iraq

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Mr. Mohamade Al-Douri\*, Miss Suha Al-Turihi\*, Mr. Basil Yousif\*,  
Mr. Thamer Mohamde\*\*, Mr. Wa'ad Souliman\*\*, Mr. Hosham Flayeh\*\*,  
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Mr. Syed Hasan Javed\*\*, Mr. M. Aslam Khan\*\*

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Mr. Samuel Soriano\*, Mr. Leslie G. Gatan\*\*

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Mr. José Costa Pereira\*\*

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Mr. Ferdinand Kabagema, Mr. André Mayira\*

Sao Tome and Principe

Mr. Joaquim Rafael Branco, Mr. Ovidio Pequeno\*

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Mr. Galo Diop\*\*, Mr. Assane Gaye\*\*, Mr. Moussa Sane\*\*,  
Mrs. Mame Kouna Tondut Sene\*\*, Mr. Paul Badji\*\*, Mr. Youssoupha Ndiaye\*\*,  
Mr. Laïty Kama\*\*

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Mr. Mahamed Isse Trunji\*\*, Mr. Ahmed Mursal\*\*, Mr. Ali Hassan Hussein\*\*,  
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Mrs. W. Nanayakkara\*, Mr. H. M. G. S. Palihakkara\*\*,  
Mr. C. R. Jayasinghe\*\*

Swaziland

Mr. Mpumelelo Joseph N. Hlophe

Sweden

Mr. Jan Romare, Mr. Rolf Lindholm\*, Mr. Mikael Dahl\*, Ms. Lena Sundh\*\*,  
Mr. Björn Wulf\*\*, Mr. Anders Rönquist\*\*

Togo

Mr. Polo Aregba, Mr. Yao Kpotsra\*, Mr. Yawo Agboyibor\*\*,  
Mr. Abdou Assouma\*\*

Ukrainian Soviet Socialist Republic

Mr. Vladimir A. Vasilenko, Mr. Valeri P. Koutchinski\*,  
Mr. Boris I. Tarassiouk\*, Mr. Nikolai I. Maimeskoul\*\*

Union of Soviet Socialist Republics

Mr. Felix Stanevsky, Mr. Alexei Joukov\*, Mr. Igor Yakovlev\*,  
Mr. Rimgaudas Malishauskas\*\*, Mr. Yuri Kolosov\*\*,  
Mr. Konstantin Goutsenko\*\*, Mrs. Elena A. Loukasheva\*\*,  
Mr. Admir V. Louzinovitch\*\*, Mr. Tiran Kiouriguian\*\*,  
Mr. Allashukur Pashazada\*\*, Mr. Igor Gavritchev\*\*, Mr. Sergei Kossenko\*\*,  
Mr. Mikhail Kaitchouk\*\*, Mr. Vladimir Volodin\*\*, Mr. Vladimir Poliakov\*\*,  
Mr. Oleg Malguinov\*\*, Mr. Kirill Khitrov\*\*, Mr. Vladimir Boulishev\*\*,  
Mr. Victor Vinnik\*\*, Mr. Kirill Ermichine\*\*, Mr. Dilavar Aliev\*\*,  
Mr. Alexei Goubanov\*\*

United Kingdom of Great Britain and Northern Ireland

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Miss D. J. Walker\*\*, Mr. N. A. Thorne\*\*, Ms. K. Colvin\*\*,  
Ms. S. Foulds\*\*, Mr. G. Lupton\*\*, Mrs. C. Britton\*\*, Mr. A. G. Toothe\*\*,  
Miss J. Newbury\*\*, Mr. A. T. Cumming\*\*, Ms. J. Wigzell\*\*

United States of America

Mr. Armando Valladares, Mr. Vernon Walters\*, Mr. Richard S. Williamson\*,  
Mr. Marshall J. Breger\*, Ms. Penny Eastman\*, Mr. Joseph Carlton Petrone\*,  
Mr. David C. Fischer\*, Ms. Jennifer Boeke\*\*, Mr. Richard C. Castrodale\*\*,  
Mr. David Everett\*\*, Mr. Gordon Foote\*\*, Mr. John D. Garner\*\*,  
Mr. William A. Green\*\*, Mr. Steve Grummon\*\*, Mr. Thomas A. Johnson\*\*,  
Mr. Craig Kuehl\*\*, Mr. Stuart Lippe\*\*, Mr. William H. Marsh\*\*,  
Mr. Peter McDevitt\*\*, Mr. William C. Mithoefer\*\*, Mr. Albert Nahas\*\*,  
Ms. Anne Patterson\*\*, Mr. Peter Poltun\*\*, Mr. Joseph M. Pomper\*\*,  
Ms. Charlotte Ponticelli\*\*, Ms. Delores Ryan\*\*, Mr. Kyle R. Scott\*\*,  
Mr. Arthur L. Skop\*\*, Mr. Gordon Stirling\*\*, Mr. Neal Waldrop\*\*,  
Ms. Frances C. Westner\*\*, Ms. Beverly Zweiben\*\*, Ms. Kristina Arriaga\*\*

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Mrs. María Esperanza Ruesta de Furter\*\*,  
Mrs. Ana Esther Hernández Correa\*\*, Mrs. Martha Di Felice\*\*,  
Mrs. Jenny Clauwaert González\*\*, Mr. Luis Niño\*\*

Yugoslavia

Mrs. Zagorka Ilic, Mr. Marko Kosin\*, Mrs. Gordana Diklic-Trajkovic\*,  
Ms. Mirjana Radic\*, Mr. Danilo Türk\*, Mr. Vojislav Suc\*\*

States Members of the United Nations represented by observers

Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bhutan, Bolivia,  
Brunei Darussalam, Burma, Burundi, Byelorussian Soviet Socialist Republic,  
Cameroon, Chile, Costa Rica, Côte d'Ivoire, Czechoslovakia,  
Democratic Kampuchea, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador,  
Finland, Gabon, Ghana, Greece, Guatemala, Honduras, Hungary, Indonesia,  
Iran (Islamic Republic of), Ireland, Israel, Jordan, Kenya, Kuwait, Lebanon,  
Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Malta,  
Mauritania, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua,  
Norway, Oman, Paraguay, Poland, Qatar, Romania, Saudi Arabia, Singapore,  
Sudan, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey,  
United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen,  
Zaire, Zimbabwe

United Nations Council for Namibia, representing Namibia

Non-member States represented by observers

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland

United Nations bodies

Centre against Apartheid, Office of the United Nations High Commissioner for  
Refugees, United Nations Children's Fund

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and  
Cultural Organization, World Health Organization

Other intergovernmental organizations

Commission of the European Communities, Commonwealth Secretariat, Council of  
Europe, Inter-American Children's Institute of the Organization of American  
States, Intergovernmental Committee for Migration, League of Arab States,  
Organization of African Unity

National liberation movements

African National Congress of South Africa, Palestine, Pan Africanist Congress of Azania, South West Africa People's Organization

Non-governmental organizations in consultative status

Category I

Greek Orthodox Archdiocesan Council of North and South America, International Alliance of Women - Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Voluntary Agencies, International Council of Women, International Council on Social Welfare, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptomist International, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, World Veterans Federation, Zonta International

Category II

Afro-Asian Peoples' Solidarity Organization, Amnesty International, Andean Commission of Jurists, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Associated Country Women of the World, Bahá'í International Community, Caritas Internationalis, Christian Democratic International, Christian Peace Conference, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Co-ordinating Board of Jewish Organizations, Disabled People's International, European League for Economic Co-operation, Four Directions Council, Friends World Committee for Consultation, Human Rights Advocates Inc., Human Rights Internet, Indigenous World Association, Inter-American Press Association, International Abolitionist Federation, International Association Against Torture, International Association for Religious Freedom, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Bar Association, Juvenile and Family Court Magistrates, International Catholic Migration Commission, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Health Professionals for Health and Human Rights, International Commission of Jurists, International Committee of the Red Cross, International Council of Environmental Law, International Council of Jewish Women, International Federation of Human Rights, International Federation of Social Workers, International Federation of Women in Legal Careers, International Federation of University Women, International Federation of Women Lawyers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law,

International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Journalists, International Union of Family Organizations, International Union of Students, International Union of Young Christian Democrats, Junior Chamber International, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lutheran World Federation, Medical Women's International Association, Parliamentarians Global Action for Disarmament, Development and World Reform, Pax Christi, Pax Romana, Radda Barnen International, Salvation Army, Save the Children Alliance, Service, Justice and Peace in Latin America, Socialist International Women, Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Alliance of Young Men's Christian Associations, World Association for World Federation, World Association of Children's Friends, World Confederation of Organizations of the Teaching Profession, World Conference on Religion and Peace, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Movement of Mothers, World Organization of the Scout Movement, World Student Christian Federation, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association

#### Roster

Centre Europe-Tiers Monde, Defense for Children International, Grand Council of the Crees (of Quebec), Habitat International Coalition, Indian Council of South America, International Falcon Movement-Socialist Educational International, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Free Journalists, International Federation of Newspaper Publishers, International Federation of Rural Adult Catholic Movements, International Humanist and Ethical Union, International Human Rights Internship Program, International Institute of Higher Studies in Criminal Sciences, International League for the Rights and Liberation of Peoples, International Peace Bureau, International PEN, International Right to Life Federation, International Studies Association, International Young Catholic Students, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Parliamentary Association for Euro-Arab Co-operation, Planetary Citizens, Procedural Aspects of International Law Institute, Regional Council on Human Rights in Asia, Survival International Limited, World Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Peace Council, World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Question of the violation of human rights in the occupied Arab territories, including Palestine.
5. Question of human rights in Chile.
6. Violations of human rights in southern Africa: report of the Ad hoc Working Group of Experts.
7. 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.
8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
  - (a) Problems related to the right to enjoy an adequate standard of living; the right to development;
  - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;
  - (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
  - (a) Torture and other cruel, inhuman or degrading treatment or punishment;
  - (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- (c) Question of enforced or involuntary disappearances.
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights.
  - 11 bis. Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106.
  12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
    - (a) Question of human rights in Cyprus;
    - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its forty-fourth session.
  13. Question of a convention of the rights of the child.
  14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
  15. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.
  16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
  17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination;  
  
(b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.
  18. Status of the International Covenants on Human Rights.
  19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fortieth session
  20. Rights of persons belonging to national, ethnic, religious and linguistic minorities.



21. Advisory services in the field of human rights.
22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.
24. Draft provisional agenda for the forty-sixth session of the Commission.
25. Report to the Economic and Social Council on the forty-fifth session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND  
DECISIONS ADOPTED BY THE COMMISSION AT ITS FORTY-FIFTH SESSION

1. In the course of its forty-fifth session, the Commission on Human Rights adopted 16 resolutions and 2 decisions that have administrative and programme budget implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and programme budget implications of the proposals.

2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General will request the necessary authority for any additional resources that may be needed to implement them during the bienniums 1988-1989 and 1990-1991. These implications are summarized in the following table.

SUMMARY TABLE BY SECTION OF ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS FOR THE  
BIENNIUMS 1988-1989 AND 1990-1991 OF RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS FORTY-FIFTH SESSION  
(United States dollars)

	Section 23 Human rights				Section 29 B Conference Services Division, Geneva				Overall total
	1989	1990	1991	Total	1989	1990	1991	Total	
<b>Resolutions</b>									
1989/5	142 600	230 900	30 700	404 200	287 900	627 300	582 300	1 497 500	1 901 700
1989/6	20 100	15 000	-	35 100	-	-	-	-	35 100
1989/14	24 500	-	-	24 500	-	-	-	-	24 500
1989/40	-	-	-	-	-	224 300	-	224 300	224 300
1989/45	17 500	-	-	17 500	92 800	-	-	92 800	110 300
1989/46	10 000	-	-	10 000	-	-	-	-	10 000
1989/47	22 900	-	-	22 900	-	-	-	-	22 900
1989/57	-	-	274 900	274 900	-	-	1 167 200	1 167 200	1 442 100
1989/60	-	-	-	-	-	121 500	-	121 500	121 500
1989/62	107 700	3 600	-	111 300	-	-	-	-	111 300
1989/66	100 700	3 600	-	104 300	5 000	-	-	5 000	109 300
1989/67	105 500	2 000	-	107 500	5 000	-	-	5 000	112 500
1989/68	92 800	1 900	-	94 700	-	-	-	-	94 700
1989/73	12 600	2 200	-	14 800 a/	-	-	-	-	14 800
1989/74	23 900	4 400	-	28 300 a/	-	-	-	-	28 300
1989/75	84 100	16 100	-	100 200	5 000	-	-	5 000	105 200
<b>Decisions</b>									
1989/109	-	-	-	-	-	59 700	-	59 700	59 700
1989/114	-	-	-	-	-	514 800	-	514 800	514 800
<b>TOTAL</b>	<b>764 900</b>	<b>279 700</b>	<b>305 600</b>	<b>1 350 200</b>	<b>395 700</b>	<b>1 547 600</b>	<b>1 749 500</b>	<b>3 692 800</b>	<b>5 043 000</b>

a/ These amounts to be incurred under section 24 (Regular programme of technical co-operation).

Resolution 1989/5. Situation of human rights in South Africa

A. Requests contained in the resolution or decision

3. In paragraph 26 of resolution 1989/5, the Commission on Human Rights decided to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20 to 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

5. The following programme element of section 23 (Human rights) of the programme budget for 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Subprogramme 1 - Implementation of international standards, instruments and procedures

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iii) Substantive servicing of the Ad Hoc Working Group of Experts on human rights in southern Africa, including the organization of two series of meetings per year and hearings, field visits, consultations and maintenance of records.

C. Activities by which the requests would be implemented

6. In order to determine the programme budget implications of the draft resolution, the following assumptions were made:

(a) The Ad Hoc Working Group, composed of six experts, will meet for one week in Geneva or in London in July/August 1989 to organize and plan its work. These meetings will be followed by a field mission to Windhoek (Namibia) for one week to gather first-hand information on matters relevant to the Group's mandate;

(b) In December 1989 or January 1990 the Ad Hoc Working Group will meet in Geneva for two weeks to consider and adopt its interim report for submission to the Commission at its forty-sixth session;

(c) In February 1990 the Chairman-Rapporteur will submit the interim report of the Group to the Commission at its forty-sixth session;

(d) In July/August 1990 the Ad Hoc Working Group, accompanied by substantive, administrative and conference servicing staff of the Secretariat, will carry out a field mission of approximately four weeks to London, Dar-es-Salaam, Lusaka, Harare, Luanda and Geneva for the purpose of hearing testimony and gathering first-hand information on matters falling within its mandate;

(e) In October/November 1990 the Chairman-Rapporteur of the Group will submit the report of the Group to the General Assembly at its forty-fifth session;

(f) In December 1990 or January 1991, the Ad Hoc Working Group will meet again in Geneva for a period of two weeks to consider and adopt its final report for submission to the Commission at its forty-seventh session.

(g) In February 1991 the Chairman-Rapporteur will submit the final report to the Commission at its forty-seventh session.

D. Modifications required in the programme of work

7. No modifications are required in the approved programme of work for 1988-1989 or the proposed programme of work for 1990-1991 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

8. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>	<u>1991</u>
	(US dollars)		
I. <u>Meeting in Geneva or London*</u> <u>followed by field mission to Namibia,</u> <u>July/August 1989 (10 working days)</u>			
Travel and subsistence of experts	37 600	-	-
Travel and subsistence of staff of the Centre for Human Rights:	21 800	-	-
Principal Secretary	1		
Secretary of Group	1		
Administrative/Finance Officer	1		
Information Officer	1		
Secretary	1		

\* Estimate based on Geneva.

	<u>1989</u>	<u>1990</u>	<u>1991</u>
	(US dollars)		
General operating expenses: rental of office facilities, rooms and office space, local transportation and communications	5 000	-	-
	-----	-----	-----
Total I	64 400	-	-
	-----	-----	-----
II. <u>Meeting in Geneva, December 1989 or January 1990** (10 working days)</u>			
Travel and subsistence of experts	-	26 100	-
	-----	-----	-----
Total II	-	26 100	-
	-----	-----	-----
III. <u>Field mission to Africa, July/August 1990 (4 weeks)</u>			
Travel and subsistence of experts	-	59 900	-
Travel and subsistence of staff of the Centre for Human Rights:	-	40 900	-
Principal Secretary	1		
Secretary of the Group	1		
Administrative/Finance Officer	1		
Information Officer	1		
Secretaries	2		
General operating expenses, including rental of conference rooms and office space, local transportation and communications	-	18 500	-
	-----	-----	-----
Total III	-	119 300	-
	-----	-----	-----
IV. <u>Meeting in Geneva, January 1991 (10 working days)</u>			
Travel and subsistence of experts	-	-	26 900
	-----	-----	-----
Total IV	-	-	26 900
	-----	-----	-----

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\*\* Estimate based on January 1990.

	<u>1989</u>	<u>1990</u> (US dollars)	<u>1991</u>
<b>V. <u>Other requirements</u></b>			
Temporary assistance for gathering of information, compilation of materials and assisting in the preparation of the report (P-2 staff member for 24 months)	66 600	66 600	-
Travel and subsistence of a member of the <u>Ad Hoc</u> Working Group (accompanied by a substantive officer) to participate in conferences, meetings and seminars against <u>apartheid</u> (calculated on a notional basis of 5 working days for each trip)			
Travel and subsistence of expert (4 x \$2,500)	5 000	5 000	-
Travel and subsistence of substantive officer (4 x \$2,300)	4 600	4 600	-
Travel and subsistence of Chairman-Rapporteur to present the report of the Group to the General Assembly at its forty-fifth session	-	3 600	-
Travel and subsistence of Chairman-Rapporteur to present the reports of the Group to the Commission on Human Rights at its forty-sixth and forty-seventh sessions	-	3 700	3 800
Subscriptions to newspapers and periodicals	2 000	2 000	-
<b>Total V</b>	<u>78 200</u>	<u>85 500</u>	<u>3 800</u>

9. The relevant costs to be financed under section 23 (Human rights) are estimated at \$142,600 for 1989, \$230,900 for 1990 and \$30,700 for 1991.

10. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$287,900 for 1989, \$627,300 for 1990 and \$582,300 for 1991.

Resolution 1989/6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa; report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

A. Request contained in the draft resolution or decision

11. By operative paragraph 3 of draft resolution I, recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1989/6, the Council would invite the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as he might consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the Commission on Human Rights, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

12. By operative paragraph 6 of the draft resolution, the Council would request the Secretary-General, in accordance with General Assembly resolution 41/95, to make available to the Special Rapporteur two economists to help him to develop his work of analysis and documentation of certain specific cases of particular importance.

13. By operative paragraph 7 of the draft resolution, the Council would request the Secretary-General to give the Special Rapporteur all the assistance that he might require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid.

14. By operative paragraph 9 of the draft resolution, the Council would invite the Secretary-General to continue to give the updated report the widest distribution and publicity as a United Nations publication.

B. Relationship of requests to programme of work

15. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable



groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

16. The following programme element of section 23 (Human rights) of the programme budget for 1988-1989 is directly affected by the activities referred to in the resolution:

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (viii) Annual reports containing lists of organizations giving support to the racist régime in South Africa.

C. Activities by which the requests would be implemented

17. It is envisaged that the Special Rapporteur would travel from Cairo to New York for a period of five working days in the early part of 1989 in order to establish direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid. Later in the year he would travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in operative paragraph 6 of the draft resolution, the services of two economists would be retained on a consultancy basis for a period of three months. Computer services would also be provided to the Special Rapporteur in order to facilitate the updating of his report. The updated report would be translated and published in Arabic, Chinese, English, French, Russian and Spanish and made available to all interested parties.

D. Modifications required in the programme of work

18. No modification in the programme of work for 1988-1989 and 1990-1991 would be required.

E. Additional requirements at full cost

19. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
Travel and subsistence costs for the Special Rapporteur	5 100	-
Consultant economists to assist the Special Rapporteur	15 000	15 000
	-----	-----
Total	20 100	15 000
	-----	-----

F. Potential for absorption

20. The Secretariat intends to absorb the actual costs of computer services from within resources already appropriated under section 28 G and H of the programme budget for the biennium 1988-1989.

21. The relevant costs to be financed under section 23 (Human rights) are estimated at \$20,100 for 1989 and \$15,000 for 1990.

Resolution 1989/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

A. Requests contained in the resolution or decision

22. In paragraph 5 of resolution 1989/14, the Commission on Human Rights requested the Secretary-General to use all channels at his disposal to collect the relevant information and to prepare on that basis a study regarding the question of the extent to which the right to participation had been established and had evolved at the national level, and to submit that study to the Commission at its forty-seventh session.

B. Relationship of requests to programme of work

23. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

24. The activities are relevant to section 23 (Human rights) of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2, output (vii), which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the requests would be implemented

25. It is envisaged that an outside consultant would be engaged to prepare the necessary study.

D. Modifications required in the programme of work

26. No modifications would be required in the programme of work.

E. Additional requirements at full cost

1989  
(US dollars)

One consultant for a period of  
three months in 1989 at the P-4 level 24 500

27. The relevant costs to be financed under section 23 (Human rights) are estimated at \$24,500 for 1989.

F. Potential for absorption

28. The resources already appropriated under section 23 by the General Assembly for the biennium 1988-1989 are fully committed; however, should savings become available, a consultant would be hired to prepare the study.

Resolution 1989/40. Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorders

A. Requests contained in the resolution or decision

29. By operative paragraph 1 of draft resolution IV recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1989/40, the Council would authorize an open-ended working group of the Commission to meet for two weeks prior to the forty-sixth session of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care.

B. Relationship of requests to programme of work

30. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the objectives of and strategy for which are described in paragraphs 6.25 and 6.27 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

31. The activities are particularly relevant to the following programme element of section 23 (Human rights) of the proposed programme budget for 1990-1991:

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups.

C. Activities by which the requests would be implemented

32. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned would be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

33. A new output would have to be added to the text of section 23 of the programme budget for 1990-1991, as follows:

Subprogramme 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups.

Output: (xxxvi) Substantive servicing of an open-ended working group of the Commission on Human Rights to examine, revise and simplify as necessary the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care.

E. Additional requirements at full cost

34. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$224,300 for 1990.

Resolution 1989/45. The right to development

A. Requests contained in the resolution or decision

35. In paragraph 5 of resolution 1989/45, the Commission on Human Rights invited the Secretary-General to organize, in 1989, within existing resources, a global consultation on the realization of the right to development involving experts with relevant experience gained at the national level and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights, to focus on the fundamental problems posed by the implementation of the Declaration on the Right to Development, the criteria which might be used to identify progress, and mechanisms for evaluating and stimulating such progress.

B. Relationship of requests to programme of work

36. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the strategy for which is described in paragraph 6.40 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1). The activities are particularly relevant to section 23 (Human rights) of the programme budget for 1988-1989 (A/42/6, sect. 23), programme element 4.1, "Standard setting".

C. Activities by which the requests would be implemented

37. A global consultation on the realization of the right to development would be held at Geneva in 1989 along the pattern of similar consultations organized within the United Nations human rights programme.

D. Modifications required in the programme of work

38. A new output would have to be added to the text of section 23 of the programme budget for the biennium 1988-1989, as follows:

Subprogramme 4 - Standard setting, research and studies

Programme element 4.1 - Standard setting

Output: (x) Organization of a global consultation on the realization of the right to development involving experts and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights.

E. Additional requirements at full cost

39. On the assumption that the global consultation would be held at Geneva in 1989, using three official languages of the United Nations, over a period of five working days and be attended by five high-level experts, the costs are estimated as follows:

	1989 (US dollars)
Travel and subsistence of five high-level experts (calculated on a notional basis)	12 500
• Consultancy fees for background papers (5 x \$1,000)	5 000
	-----
	17 500
	-----

40. The relevant costs to be financed under section 23 (Human rights) are estimated at \$17,500 for 1989.

41. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$92,800 for 1989.

F. Potential for absorption

42. The resources already appropriated under section 23 by the General Assembly for the biennium 1988-1989 are fully committed; however, should savings become available, a global consultation would be organized in Geneva in 1989.

Resolution 1989/46. Reporting obligations of States parties to international instruments on human rights and effective functioning of bodies established pursuant to such instruments; ways and means of improving the reporting system under the United Nations human rights instruments

A. Requests contained in the resolution or decision

43. In paragraphs 1 and 2 of resolution 1989/46, the Commission on Human Rights requested the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts, including one or more experts in informatics, to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting.

B. Relationship of requests to programme of work

44. The activities referred to in the resolution fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the strategy for which is described in paragraph 6.22 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

45. The activities are particularly relevant to section 23 (Human rights) of the programme budget for the biennium 1988-1989, programme element 1.1, "Implementing regular supervisory procedures", of subprogramme 1, which constitutes the highest priority element in the human rights programme.

C. Activities by which the requests would be implemented

46. A meeting of the task force, consisting of two experts from treaty bodies and two experts in informatics, would be held at Geneva during the second half of 1989 in order to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies.

D. Modifications required in the programme of work

47. An output would have to be added to the text of section 23 of the programme budget for the biennium 1988-1989, as follows:

Subprogramme 1 - Implementation of international standards, instruments and procedures

Programme element 1.1 - Implementing regular supervisory procedures

Output: (xxviii) Preparation of a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to

reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies.

E. Additional requirements at full cost

48. On the assumption that the meeting of the task force would be held at Geneva in 1989 over a period of five working days and be attended by four experts, the costs are estimated as follows:

	<u>1989</u> (US dollars)
Travel and subsistence of four experts (calculated on a notional basis)	10 000

49. The relevant costs to be financed under section 23 (Human rights) are estimated at \$10,000 for 1989.

F. Potential for absorption

50. The resources already appropriated under section 23 by the General Assembly for the biennium 1988-1989 are fully committed; however, should savings become available, a meeting of the task force will be organized during the second half of 1989.

Resolution 1989/47. Effective functioning of bodies established pursuant to United Nations human rights instruments

A. Requests contained in the resolution or decision

51. In paragraph 5 of resolution 1989/47, the Commission on Human Rights requested the Secretary-General to entrust an independent expert with the task of preparing a study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments taking into account the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, and requested that that report be placed before the General Assembly at its forty-fourth session and the Commission on Human Rights at its forty-sixth session.

B. Relationship of requests to programme of work

52. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the strategy for which is described in paragraph 6.22 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

53. The activities are particularly relevant to section 23 (Human rights) of the programme budget for the biennium 1988-1989, programme element 1.1, "Implementing regular supervisory procedures", of subprogramme 1, which constitutes the highest priority element in the human rights programme.

C. Activities by which the requests would be implemented

54. An independent expert would be engaged to prepare the study on the basis of a consultancy contract.

D. Modifications required in the programme of work

55. An output would have to be added to the text of section 23 of the programme budget for the biennium 1988-1989, as follows:

Subprogramme 1 - Implementation of international standards, instruments and procedures

Programme element 1.1 - Implementing regular supervisory procedures

Output: (xxvii) Study on possible long-term approaches to the supervision of new instruments on human rights (fourth quarter 1989).

E. Additional requirements at full cost

56. It is estimated that \$22,900 would be required to retain the services of an independent expert to prepare the study, including provision for five days of consultations with the Centre for Human Rights at Geneva.

F. Potential for absorption

57. The resources already appropriated under section 23 by the General Assembly for the biennium 1988-1989 are fully committed; however, should savings become available, an independent expert would be hired to prepare the study.

Resolution 1989/57. Question of a convention on the rights of the child

A. Requests contained in the resolution or decision

58. By draft resolution VII recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1989/57, the Council, recalling inter alia General Assembly resolution 43/112 of 8 December 1988, in which the Assembly requested the Commission on Human Rights to submit a draft convention on the rights of the child, through the Council, to the Assembly at its forty-fourth session, would decide to submit the draft convention adopted by the Commission on Human Rights and the report of the Commission's working group on this question to the General Assembly for consideration, with a view to the adoption of the convention by the Assembly at its forty-fourth session.



B. Relationship of requests to programme of work

59. The activities that would be called for under the draft resolution fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are outlined in paragraphs 6.20 to 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

60. The activities are particularly relevant to section 23 (Human rights) of the proposed programme budget for the biennium 1990-1991, programme element 1.1 "Implementing regular supervisory procedures", of subprogramme 1, which constitutes the highest priority element in the human rights programme.

C. Activities by which the requests would be implemented

61. Should the recommendations contained in the draft resolution be adopted, the following activities would have to be envisaged upon the entry into force of the Convention in accordance with article 49.

(a) Meeting of the States parties to the Convention. The first meeting of the States parties to elect members of the Committee on the Rights of the Child would be convened by the Secretary-General at United Nations Headquarters for one day (two meetings) in 1991. In accordance with article 43 of the Convention, subsequent meetings of the States parties would be convened by the Secretary-General at biennial intervals.

(b) Sessions of the Committee on the Rights of the Child. In accordance with article 43, the Committee on the Rights of the Child would meet annually. The Secretary-General, subject to the entry into force of the Convention and the election of Committee members, would convene the first regular session of the committee at the United Nations Office at Geneva for a period of three weeks during the first half of 1991. The Committee at its first regular session would be expected, *inter alia*, to consider and adopt its rules of procedure in accordance with article 43 of the Convention, draft approved guidelines for the submission of reports and take decisions on matters relating to the organization of its future work and the preparation of its annual report to the General Assembly.

(c) Processing of reports submitted to the Committee on the Rights of the Child and substantive servicing of meetings of States parties and sessions of the Committee. Under article 44 of the Convention, States parties would undertake to submit reports through the Secretary-General of the United Nations within two years of the entry into force of the Convention and thereafter every five years. Article 45 would also provide, subject to the decision of the Committee, for other reports to be submitted to the Committee.

62. Under article 44, the Committee would submit a report on its activities every two years to the General Assembly through the Economic and Social Council.

63. Under the terms of article 43, paragraph 10 bis, "The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention". Without prejudice to decisions which may be taken regarding emoluments under article 43, paragraph 11, of the draft convention (statements of administrative and programme budget implications will be submitted in connection with any specific proposals) or with regard to the manner of financing the operation of the Convention, the Secretary-General estimates that the expenses set out below would be incurred in connection with the implementation of the Convention as described above.

D. Modifications required in the programme of work

64. Four new outputs would have to be added to the text of section 23 (Human rights) of the proposed programme budget for the biennium 1990-1991, as follows:

Subprogramme 1 - Implementation of international standards, instruments and procedures

Programme element 1.1 - Implementing regular supervisory procedures

Output:

(xxix) Substantive servicing of one meeting of States parties to the Convention on the Rights of the Child;

(xxx) Processing and submission to the Committee on the Rights of the Child of reports of States parties to the Convention on the Rights of the Child;

(xxxii) Substantive servicing of two sessions of the Committee on the Rights of the Child;

(xxxiii) Preparation of one report of the Committee on the Rights of the Child to be submitted to the General Assembly.

E. Additional requirements at full cost

65. It is envisaged that the Secretary-General would convene the first regular session of the Committee on the Rights of the Child at the United Nations Office at Geneva for a period of three weeks during the first half of 1991.

1991  
(US dollars)

Travel and subsistence of 10 members of the Committee (calculated on a notional basis) for one session of three weeks' duration	55 000
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66. With regard to the requirements for meeting services and documentation which will arise for the first meeting of States parties to the Convention to be held in New York in 1991, and the first session of the Committee on the Rights of the Child to be held in Geneva in the first half of 1991, the following costs have been estimated:

	<u>1991</u> (US dollars)
(i) Meeting of States parties	108 800
(ii) Committee on the Rights of the Child	1 058 400 -----
Total	1 167 200 -----

67. The extra staffing resources that would be required will depend upon the programme of work adopted by the Committee and the extent to which the Committee would require substantive and technical assistance from the staff of the Centre for Human Rights. It is estimated, however, that initially at least two staff members in the Professional category and one in the General Service category would be required to deal with the preparatory work and servicing of meetings of the States parties to the Convention and the sessions of the Committee on the Rights of the Child. The extra staff costs are estimated as follows (calculated on a yearly basis):

	(US dollars)
Twelve work-months at P-4 level	98 200
Twelve work-months at P-2 level	66 600
Twelve work-months at General Service level	55 100 -----
Total	219 900 -----

68. The requirements listed above include \$274,900 under section 23 (Human rights) and conference servicing requirements under section 29 (Conference and library services) estimated at \$1,167,200 for 1991.

Resolution 1989/60. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

A. Requests contained in the resolution or decision

69. By operative paragraph 1 of draft resolution VIII recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1989/60, the Council would authorize an open-ended working group to meet for a period of eight working days prior to the forty-sixth session of the Commission with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

B. Relationship of requests to programme of work

70. As a programme element in the programme of work proposed for 1990-1991 in the programme budget, the activities referred to above fall under subprogramme 4, "Standard setting, research and studies", the objectives of and strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

71. The following programme element of section 23 (Human rights) of the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the draft resolution.

Programme element 4.1 - Standard setting

Output: (v) Substantive servicing of the pre-sessional working group of the Commission on Human Rights to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

C. Activities by which the requests would be implemented

72. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned would be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

73. No modifications are required in the programme of work proposed for 1990-1991, since this activity appears under programme element 4.1.

E. Additional requirements at full cost

74. There would be no additional costs arising under section 23 (Human rights) from the substantive servicing of the open-ended working group. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$121,500 for 1990.

Resolution 1989/62. Situation of human rights and fundamental freedoms in Chile

A. Requests contained in the resolution or decision

75. In paragraph 9 of resolution 1989/62, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session.

B. Relationship of requests to programme of work

76. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

77. The following programme element of section 23 (Human rights) of the programme budget for 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) and (viii) Substantive servicing of at least 20 separate exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions; and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

78. It is envisaged that the Special Rapporteur will undertake consultations in Geneva at the end of May 1989 for a period of five working days. In July 1989 the Special Rapporteur, accompanied by three staff members from the Centre for Human Rights, will carry out a field mission to the region for a period of 10 working days. He will also visit Geneva during August/September 1989 for a period of five working days to finalize his report

to the General Assembly. Subsequently, he will spend five working days in New York at the time of the submission of his report to the General Assembly at its forty-fourth session. He will then visit Geneva for five working days in December 1989 to finalize his report, and will visit Geneva again, in February/March 1990, to present the report to the Commission at its forty-sixth session.

79. Additional staffing resources to assist the Special Rapporteur with the preparation of his report will be required for a period of 12 months in 1989.

D. Modifications required in the programme of work

80. No modifications are required in the programme of work for 1988-1989 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

81. The estimated cost of the above programme of work is itemized as follows:

	1989	1990
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May 1989 (5 working days)</u>		
Travel and subsistence	3 600	-
<u>Field mission to the region of the Special Rapporteur, July 1989 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	4 600	-
Travel and subsistence of three staff members from the Centre for Human Rights	17 200	-
General operating expenses: local transport, communications and rental of office facilities	2 000	-
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, August/September 1989 (5 working days)</u>		
Travel and subsistence	3 600	-
<u>One round trip to New York of the Special Rapporteur to present his report to the General Assembly at its forty-fourth session (5 working days)</u>		
Travel and subsistence	2 600	-

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, December 1989 (5 working days)</u>		
Travel and subsistence	3 600	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990 (5 working days)</u>		
Travel and subsistence	-	3 600
<u>General temporary assistance</u>		
Six work-months at P-3 level	41 000	-
Six work-months at General Service level	27 500	-
<u>Publications, press clippings and other related services required on a yearly subscription basis</u>		
	2 000	-
	-----	-----
Total	107 700	3 600
	-----	-----

82. The related costs to be financed under section 23 (Human rights) are estimated at \$107,700 for 1989 and \$3,600 for 1990.

Resolution 1989/66. Situation of human rights in the Islamic Republic of Iran

A. Requests contained in the resolution or decision

83. In paragraph 13 of resolution 1989/66, the Commission on Human Rights decided to extend the mandate of the Special Representative, as contained in its resolution 1984/54, for a further year.

B. Relationship of requests to programme of work

84. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

85. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) and (viii) Substantive servicing of at least 20 exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions; and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

86. It is envisaged that the Special Representative will undertake consultations in Geneva in May/June 1989 for a period of five working days. In August/September 1989 the Special Representative, accompanied by two staff members from the Centre for Human Rights, will carry out a field mission to the region for a period of 10 working days. He will also visit Geneva in September/October 1989 for a period of five working days to finalize his report to the General Assembly. Subsequently, he will spend five working days in New York at the time of the submission of his report to the General Assembly at its forty-fourth session. He will then visit Geneva for five working days in December 1989 to finalize his report and will visit Geneva again in February/March 1990 to present his report to the Commission at its forty-sixth session.

87. Additional staffing resources to assist the Special Representative with the preparation of his report will be required.

D. Modifications required in the programme of work

88. No modifications are required in the programme of work approved for 1988-1989 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

89. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	3 600	-



	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>Field mission to the Islamic Republic of Iran, August/September 1989 (10 working days)</u>		
Travel and subsistence of the Special Representative	7 600	-
Travel and subsistence of two substantive officers	10 400	-
General operating expenses: local transport, communications and rental of office space	1 000	-
<u>One round trip to Geneva of the Special Representative to prepare his report, September/October 1989 (5 working days)</u>		
Travel and subsistence	3 600	-
<u>One round trip to New York of the Special Representative to present his report to the General Assembly at its forty-fourth session, October-December 1989 (5 working days)</u>		
Travel and subsistence	2 400	-
<u>One round trip to Geneva of the Special Representative to finalize his report, December 1989 (5 working days)</u>		
Travel and subsistence	3 600	-
<u>One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990 (5 working days)</u>		
Travel and subsistence	-	3 600

1989      1990  
(US dollars)

General temporary assistance

Six work-months at P-3 level	41 000	-
Four work-months at General Service level	27 500	-
	-----	-----
Total	100 700	3 600
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90. The relevant costs to be financed under section 23 (Human rights) are estimated at \$100,700 for 1989 and \$3,600 for 1990.

91. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at \$5,000, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1989/67. Question of human rights and fundamental freedoms in Afghanistan

A. Requests contained in the resolution or decision

92. In paragraph 17 of resolution 1989/67, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session on the question of human rights in Afghanistan.

B. Relationship of requests to programme of work

93. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended until 1991 (A/43/6 and Corr.1).

94. The following programme element of section 23 (Human rights) of the programme budget for 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) and (viii) Substantive servicing of at least 20 exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions; and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

95. It is envisaged that the Special Rapporteur will undertake consultations in Geneva at the end of May 1989 for a period of five working days. During 1989 the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, will carry out two field missions to the region for a period of 10 working days each. He will also visit Geneva during September/October 1989 for a period of five working days to finalize his report to the General Assembly. Subsequently, he will spend five working days in New York at the time of the submission of his report to the General Assembly at its forty-fourth session. He will then visit Geneva for five working days in December 1989 to finalize his report, and will visit Geneva again to present it to the Commission at its forty-sixth session.

96. Additional staffing resources to assist the Special Rapporteur with the preparation of his report will be required.

D. Modifications required in the programme of work

97. No modifications are required in the programme of work approved for 1988-1989 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

98. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	2 000	-
<u>Two field missions of the Special Rapporteur accompanied by two staff members from the Centre for Human Rights (10 working days) each</u>		
Travel costs of the Special Rapporteur	8 400	-
Travel costs of substantive staff	16 800	-
General operating expenses: local transport, communications and rental of office space	2 000	-

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1989 (5 working days)</u>		
Travel and subsistence	2 000	-
<u>One round trip to New York of the Special Rapporteur to submit an interim report to the General Assembly at its forty-fourth session (November/December 1989) (5 working days)</u>		
Travel and subsistence	3 800	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, December 1989 (5 working days)</u>		
Travel and subsistence	2 000	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990 (5 working days)</u>		
Travel and subsistence	-	2 000
<u>General temporary assistance</u>		
Six work-months at the P-3 level	41 000	-
Four work-months at the General Service level	27 500	-
Total	105 500	2 000
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99. The relevant costs to be financed under section 23 (Human rights) are estimated at \$105,500 for 1989 and \$2,000 for 1990.

100. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at \$5,000 for each mission, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1989/68. Situation of human rights and fundamental freedoms in El Salvador

A. Requests contained in the resolution or decision

101. In paragraph 14 of resolution 1989/68, the Commission on Human Rights decided to extend the mandate of the Special Representative for another year and requested the Special Representative to submit his report on further developments on the situation of human rights in El Salvador to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session.

B. Relationship of requests to programme of work

102. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

103. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) and (viii) Substantive servicing of at least 20 separate exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions; and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

104. The Special Representative envisages that in May/June 1989 he will undertake a trip to Geneva for a period of five working days to hold consultations at the Centre for Human Rights and organize and plan his work in relation to his mandate. In September 1989 the Special Representative, accompanied by two staff members from the Centre for Human Rights, will carry out a mission to El Salvador for a period of 10 working days to collect information on the spot. Following the field mission, the Special Representative will travel to New York for a period of five working days in order to finalize his report to the General Assembly. In November/December 1989, he will travel to New York for five working days to present his report to the General Assembly at its forty-fourth session. In December he will return to Geneva for a period of five working days in order to finalize his report to the Commission on Human Rights. In

February/March 1990, the Special Representative will travel to Geneva for a period of five working days to present his report to the Commission at its forty-sixth session.

105. Additional Staffing resources to assist the Special Representative with the preparation of his report will be required.

D. Modifications required in the programme of work

106. No modifications are required in the programme of work for 1988-1989 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

107. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	1 900	-
<u>Field mission to El Salvador of the Special Representative followed by five days in New York to finalize his report to the General Assembly, September 1989 (15 working days)</u>		
Travel and subsistence of the Special Representative	5 500	-
Travel and subsistence of two staff members from the Centre for Human Rights	9 900	-
General operating expenses: local transportation, communications and rental of office facilities	1 000	-
<u>One round trip to New York of the Special Representative to present his report to the General Assembly at its forty-fourth session (5 working days)</u>		
Travel and subsistence	4 100	-

1989      1990  
(US dollars)

One round trip to Geneva of the Special Representative to finalize his report, December 1989 (5 working days)

Travel and subsistence	1 900	-
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One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990 (5 working days)

Travel and subsistence	-	1 900
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General temporary assistance

Six work-months at P-3 level	41 000	-
Four work-months at General Service level	27 500	-
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Total	92 800	1 900
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108. The relevant costs to be financed under section 23 (Human rights) are estimated at \$92,800 for 1989 and \$1,900 for 1990.

Resolution 1989/73. Assistance to Haiti in the field of human rights

A. Requests contained in the resolution or decision

109. In paragraphs 11 and 14 of resolution 1989/73, the Commission on Human Rights requested the Secretary-General to extend the mandate of the Expert for one year and decided to consider the Expert's report at its forty-sixth session.

B. Relationship of requests to programme of work

110. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 3, "Advisory services, technical co-operation in the field of human rights and publications", the objectives of and strategy for which are described in paragraphs 6.29 and 6.33 to 6.36 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1)

111. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1988-1989 and the proposed programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 3.2 - Advisory services and support of technical co-operation activities

Intermediate output: Support of advisory services and technical co-operation activities in the field of human rights that are financed and detailed under section 24, Regular programme of technical co-operation.

C. Activities by which the requests would be implemented

112. It is envisaged that the Expert will undertake a trip to Geneva for a period of five working days in May/June 1989 for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. In July/August 1989 the Expert, accompanied by one staff member from the Centre for Human Rights, will carry out a field mission to Haiti for a period of five working days to collect information on the spot. In November/December 1989 the Expert will travel to Geneva for a period of five working days to prepare his report. In February/March 1990 the Expert will again travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-sixth session.

D. Modifications required in the programme of work

113. No modifications are required in the programme of work for 1988-1989 and 1990-1991 since the activity envisaged appears under programme element 3.2.

E. Additional requirements at full cost

114. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Expert for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	2 200	-
<u>One field mission to Haiti of the Expert, accompanied by one staff member from the Centre for Human Rights, July/August 1989 (5 working days)</u>		
Travel and subsistence of the Expert	3 700	-
Travel and subsistence of one staff member from the Centre for Human Rights	3 500	-



	<u>1989</u>	<u>1990</u>
	(US dollars)	
General operating expenses: local transport, communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Expert to finalize his report, November/December 1989 (5 working days)</u>		
Travel and subsistence	2 200	-
<u>One round trip to Geneva of the Expert to present his report to the Commission on Human Rights at its forty-sixth session February/March 1990 (5 working days)</u>		
Travel and subsistence	-	2 200
Total	----- 12 600 -----	----- 2 200 -----

115. The relevant costs to be financed under section 24 (Regular programme of technical co-operation) are estimated at \$12,600 for 1989 and \$2,200 for 1990.

Resolution 1989/74. Assistance to Guatemala in the field of human rights

A. Requests contained in the resolution or decision

116. In paragraph 9 of resolution 1989/74, the Commission on Human Rights decided to request the Secretary-General to renew the mandate of the Expert for one year to give assistance to the Government of Guatemala in the field of human rights and to request the Expert to submit a report to the Commission at its forty-sixth session.

B. Relationship of requests to proposed programme of work

117. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 3, "Advisory services, technical co-operation in the field of human rights and publications", the objectives of and strategy for which are described in paragraphs 6.29 and 6.33 to 6.36 of the medium-term plan for the period 1984-1989 (A/37/6), as extended until 1991 (A/43/6 and Corr.1).

118. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1988-1989 and the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 3.2 - Advisory services and support of technical co-operation activities

Intermediate output: Support of advisory services and technical co-operation activities in the field of human rights that are financed and detailed under section 24, Regular programme of technical co-operation.

C. Activities by which the requests would be implemented

119. It is envisaged that the Expert will visit Geneva in May/June 1989 for a period of five working days for the purpose of holding consultations at the Centre for Human Rights and organizing and planning his work in relation to his mandate. In July/August 1989 the Expert, accompanied by one staff member from the Centre for Human Rights, will carry out a field mission to Guatemala for a period of five working days to collect information on the spot. In December 1989 the Expert, accompanied by one staff member from the Centre for Human Rights, will undertake a second field mission to Guatemala for a period of five working days in order to update his report, and later in the same month he will travel to Geneva for a period of five working days in order to finalize it. In February/March 1990, the Expert will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-sixth session.

D. Modifications required in the programme of work

120. No modifications are required in the programme of work approved for 1988-1989 and proposed for 1990-1991 since the activity appears under programme element 3.2.

E. Additional requirements at full cost

121. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Expert for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	4 400	-

1989      1990  
(US dollars)

Two field missions to Guatemala of the Expert, accompanied by one staff member from the Centre for Human Rights (5 working days for each mission)

Travel and subsistence of the Expert	5 200	-
Travel and subsistence of one staff member from the Centre for Human Rights	7 900	-
General operating expenses: local transport, communications and rental of office facilities	2 000	-

One round trip to Geneva of the Expert to finalize his report, December 1989 (5 working days)

Travel and subsistence	4 400	-
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One round trip to Geneva of the Expert to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990 (5 working days)

Travel and subsistence	-	4 400
Total	23 900	4 400

122. The relevant costs to be financed under section 24 (Regular programme of technical co-operation) are estimated at \$23,900 for 1989 and \$4,400 for 1990.

Resolution 1989/75. Human rights situation in Romania

A. Requests contained in the resolution or decision

123. In paragraph 7 of resolution 1989/75, the Commission on Human Rights decided to request its Chairman, after consultation with the Bureau, to appoint a special rapporteur of the Commission with the mandate to examine the human rights situation in Romania.

B. Relationship of requests to programme of work

124. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

125. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1988-1989 and the proposed budget for the biennium 1990-1991 is directly affected by the activities referred to in the draft resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) and (viii) Substantive servicing of at least 20 separate exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions; and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

126. It is envisaged that in order to carry out his mandate the Special Rapporteur will travel to Geneva for a period of five working days in May/June 1989 to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. The Special Rapporteur will travel to Geneva for a period of five working days in August/September 1989 in order to prepare his report, and in December 1989 in order to finalize it. In February/March 1990 he will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-sixth session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, will undertake a field mission in 1989.

127. Eight work-months of temporary assistance at the P-3 level will be required to assist the Special Rapporteur in the preparation of his report.

D. Modifications required in the programme of work

128. No modifications will be required in the programme of work for 1988-1989 and the proposed programme of work for 1990-1991, since the activity appears under programme element 1.3.

E. Additional requirements at full cost

129. The estimated cost of the above programme of work is itemized as follows:

	<u>1989</u>	<u>1990</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1989 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One field mission of the Special Rapporteur accompanied by two staff members from the Centre for Human Rights (calculated on a notional basis for a period of 5 working days)</u>		
Travel costs of the Special Rapporteur	2 500	-
Travel costs of substantive staff	4 600	-
General operating expenses: local transport, communications and rental of office space	1 000	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, August/September 1989 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Rapporteur to finalize his report, December 1989 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-sixth session, February/March 1990</u>		
Travel and subsistence	-	2 500

1989      1990  
(US dollars)

General temporary assistance

Eight work-months at P-3 level	41 000	13 600
Four work-months at General Service level	27 500	-
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Total	84 100	16 100
	-----	-----

130. The relevant costs to be financed under section 23 (Human rights) are estimated at \$84,100 for 1989 and \$16,100 for 1990.

131. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at \$5,000, to be financed under section 29 B (Conference Services Division, Geneva).

Decision 1989/109. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

A. Requests contained in the resolution or decision

132. By decision 1989/109, the Commission on Human Rights decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its forty-sixth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

B. Relationship of requests to programme of work

133. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6), as extended through 1991 (A/43/6 and Corr.1).

134. The following programme element of section 23 (Human rights) of the proposed programme budget for 1990-1991 is directly affected by the activities referred to in the decision:

Programme element 1.2 - Implementing procedures for dealing with alleged violations of human rights

Output: (vii) Substantive servicing of two meetings of the Working Group of the Commission on Human Rights entrusted with examining the particular human rights situations referred to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII).

C. Activities by which the requests would be implemented

135. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

136. No modifications are required in the programme of work proposed for 1990-1991 since the activity appears under programme element 1.2.

E. Additional requirements at full cost

137. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$59,700 for 1990.

Decision 1989/114. Organization of the work of the forty-sixth session

A. Requests contained in the resolution or decision

138. By decision 1989/114, the Commission on Human Rights decided (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's forty-sixth session and (b) to request the Chairman of the Commission at its forty-sixth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

B. Relationship of requests to programme of work

139. As a programme element in the programme of work proposed for 1990-1991 in the programme budget, the activities referred to above would fall under "Executive direction and management: substantive servicing of the policy-making organs of the programme, in particular the Commission on Human Rights, and their substantive organs".

C. Modifications required in the programme of work

140. No modifications are required in the programme of work proposed for 1990-1991 since this activity appears under "Executive direction and management".

D. Additional requirements at full cost

141. There would be no additional costs arising under section 23 (Human rights) from the substantive servicing of the additional meetings.

142. The related costs for 30 fully serviced additional meetings, including summary records, during the forty-sixth session under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$514,800.



Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTY-FIFTH SESSION  
OF THE COMMISSION

Documents issued in the general series

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/1	2	Provisional agenda: note by the Secretary-General
E/CN.4/1989/1/Add.1	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/1989/2	4	Letter dated 27 April 1988 from the League of Arab States to the Under-Secretary-General for Human Rights
E/CN.4/1989/3	19	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fortieth session
E/CN.4/1989/4	4	Report of the Secretary-General
E/CN.4/1989/5	4	Letter dated 23 January 1989 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/6	4	Note by the Secretary-General
E/CN.4/1989/7	5	Report on the question of human rights in Chile submitted by Mr. Fernando Volio Jiménez, Special Rapporteur, pursuant to Commission resolution 1988/78
E/CN.4/1989/8	6	Report of the <u>Ad Hoc</u> Working Group of Experts
E/CN.4/1989/9	8	Report of the Secretary-General
E/CN.4/1989/10	8 (a)	Report of the Working Group of Governmental Experts on the Right to Development
E/CN.4/1989/11	8 (c)	Report of the Secretary-General

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/12	8 (c)	Study by the Secretary-General of laws and practices regarding popular participation
E/CN.4/1989/13	9	Report by the Secretary-General prepared in accordance with Commission resolution 1988/3
E/CN.4/1989/14	9	Report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur, Mr. Enrique Bernales Ballesteros, in accordance with Commission on Human Rights resolution 1988/7
E/CN.4/1989/15	10 (a)	Report by the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1988/32
E/CN.4/1989/16	10 (a)	United Nations Voluntary Fund for Victims of Torture: note by the Secretary-General
E/CN.4/1989/17	10 (b)	Report of the Secretary-General
E/CN.4/1989/18 and Add.1	10 (c)	Report of the Working Group on Enforced or Involuntary Disappearances
E/CN.4/1989/19	10	Detention of international civil servants and their families: updated report by the Secretary-General
E/CN.4/1989/20	11	Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region: report of the Secretary-General
E/CN.4/1989/21	11	Development of public information activities in the field of human rights: Report of the Secretary-General
E/CN.4/1989/22	21	Report of the United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States. (Geneva, 16-20 January 1989)

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/23	12	Final report to the Commission on Human Rights on the situation of human rights in El Salvador, submitted by the Special Representative, Mr José Antonio Pastor Ridruejo, in pursuance of the mandate conferred by Commission resolution 1988/65
E/CN.4/1989/24	12	Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1988/67
E/CN.4/1989/25	12	Summary or arbitrary executions: report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38
E/CN.4/1989/26	12	Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1988/69
E/CN.4/1989/27	12	Human rights and mass exoduses: note by the Secretariat
E/CN.4/1989/28	12 (a)	Report of the Secretary-General
E/CN.4/1989/29 and Corr.1	13	Text of the draft Convention on the Rights of the Child as adopted by the working group on second reading
E/CN.4/1989/30	15	Report of the Secretary-General
E/CN.4/1989/31	16	Note by the Secretary-General
E/CN.4/1989/31 Add.1-11	16	Reports submitted by States parties under article VII of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u>

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/32	16	Views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1988/14: note by the Secretary-General
E/CN.4/1989/33	16	Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u>
E/CN.4/1989/34	17 (b)	Report of the Secretary-General
E/CN.4/1989/35	17 (b)	Annual report on racial discrimination submitted by the International Labour Organisation in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI)
E/CN.4/1989/36	17 (b)	Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI)
E/CN.4/1989/37	19	Report of Mr. M. C. Bhandare, Chairman of the Sub-Commission at its fortieth session, prepared in accordance with paragraph 20 of Commission resolution 1988/43
E/CN.4/1989/38	20	Report of the working group on the rights of persons belonging to national, ethnic, religious and linguistic minorities
E/CN.4/1989/39	21	Report on Guatemala by the Expert, Mr. Héctor Gros Espiell, prepared in accordance with paragraph 8 of Commission resolution 1988/50

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/40	21	Report on Haiti by the Expert, Mr. Philippe Texier, prepared in conformity with Commission resolution 1988/51
E/CN.4/1989/41	21	Situation in Equatorial Guinea: report by the Secretary-General
E/CN.4/1989/42	21	Report of the Secretary-General
E/CN.4/1989/43		[Symbol not used. Report incorporated in document E/CN.4/1989/42.]
E/CN.4/1989/44	22	Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20
E/CN.4/1989/45	23	Report of the working group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms
E/CN.4/1989/46 and Corr.1	11 <u>bis</u>	Report of the mission which took place in Cuba in accordance with Commission decision 1988/106
E/CN.4/1989/47 and Add.1	11	National institutions for the promotion and protection of human rights: updated report of the Secretary-General
E/CN.4/1989/48	13	Report of the working group on a draft convention on the rights of the child
E/CN.4/1989/49	6 and 9	Letter dated 30 December 1988 from the Chargé d'affaires a.i. of the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/50	8, 10 (b) and 18	Note verbale dated 23 December 1988 from the Permanent Mission of Haiti to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/1989/51	19	Comments on the study on the significance of treaties, agreements and other constructive arrangements for the promotion and protection of the human rights and fundamental freedoms of indigenous populations, received pursuant to Commission resolution 1988/56
E/CN.4/1989/52	9	Letter dated 9 December 1988 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/53	9	Letter dated 10 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/54	13	Note by the Secretariat
E/CN.4/1989/55	9	Letter dated 18 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/56	20	Letter dated 25 January 1989 from the Permanent Representative of Hungary to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights, transmitting the text of a resolution adopted by the National Assembly of Hungary

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/57	17	Letter dated 18 January 1989 from the Permanent Observer a.i. for the Organization of African Unity to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/58	10 and 12	Note verbale dated 24 January 1989 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/1989/59	9	Letter dated 25 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/60	6	Letter dated 20 January 1989 from the Chargé d'affaires a.i. of South Africa to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/61	9	Letter dated 30 January 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/62	18	Reporting obligations of States parties under United Nations instruments on human rights: note by the Secretary-General
E/CN.4/1989/63	10	Note verbale dated 1 February 1989 from the Permanent Mission of Argentina to the United Nations Office at Geneva addressed to the Centre for Human Rights, transmitting two statements by the President of Argentina and the texts of decrees Nos. 32/89 and 83/89

Documents issued in the general series  
(continued)

<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/64	12	Letter dated 2 February 1989 from the Permanent Representative of Thailand to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/65	9	Letter dated 1 February 1989 from the head of the delegation of Viet Nam to the Chairman of the Commission on Human Rights
E/CN.4/1989/66	13	Note verbale dated 9 December 1988 from the Permanent Mission of Argentina to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/1989/67	19 and 22	Note verbale dated 8 February 1989 from the Permanent Mission of Albania to the United Nations Office at Geneva addressed to the United Nations Secretariat
E/CN.4/1989/68	21	Report of the United Nations seminar on the teaching of human rights
E/CN.4/1989/69	15 and 19	Note by the Secretary-General pursuant to paragraph 2 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/37
E/CN.4/1989/70	9	Letter dated 16 February 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/71	12	Note verbale dated 17 February 1989 from the Permanent Mission of Lebanon to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/72	5	Letter dated 20 February 1989 from the Permanent Representative of Chile to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights



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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/73	22	Note verbale dated 23 February 1989 from the Permanent Mission of Nicaragua to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/1989/74	11 <u>bis</u>	Letter dated 28 February 1989 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/75	11 <u>bis</u>	Note by the Secretariat transmitting a note verbale dated 28 February 1989 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Chairman of the group established under Commission decision 1988/106
E/CN.4/1989/76	10 (c)	Note verbale dated 1 March 1989 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/77	10	Letter dated 1 March 1989 from the Permanent Representative of Singapore to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/78	9	Letter dated 2 March 1989 from the head of the delegation of Viet Nam to the Chairman of the Commission on Human Rights
E/CN.4/1989/79	9	Letter dated 3 March 1989 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/80	9	Letter dated 2 March 1989 from the Permanent Representative of Maldives to the United Nations addressed to the Under-Secretary-General for Human Rights

Documents issued in the general series  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/81	12	Note verbale dated 21 February 1989 from the Permanent Mission of El Salvador to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/82	11	Letter dated 8 March 1989 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/1989/83	12 (a)	Letter dated 6 March 1989 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/84	10 (c)	Letter dated 10 March 1989 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/85	12	Note verbale dated 6 March 1989 from the Permanent Mission of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1989/SR.1-57 a/ and E/CN.4/1989/ SR.1-57/Corrigendum		Summary records of the meetings of the forty-fifth session of the Commission and corrigendum thereto

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a/ The summary records of the 34th, 36th, 37th and 38th (closed) meetings and of the closed part of the 53rd meeting were issued in restricted distribution.

Documents issued in the limited series b/

<u>Symbol</u>	<u>Agenda</u>	<u>item</u>
E/CN.4/1989/L.1	24	Note by the Secretary-General
E/CN.4/1989/L.2	4	Afghanistan, Algeria, Bahrain, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Democratic Yemen, German Democratic Republic, India, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Yemen and Yugoslavia: draft resolution
E/CN.4/1989/L.3	11	Bangladesh, China, Cuba, Cyprus, India, Iraq, Japan, Pakistan, Philippines and Sri Lanka: amendments to draft resolution I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission on Human Rights (E/CN.4/1989/3, chap. I, sect. A)
E/CN.4/1989/L.3/ Rev.1	11	Bangladesh, China, Cuba, Cyprus, India, Iraq, Japan, Pakistan, Philippines and Sri Lanka: revised amendments to draft resolution I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission on Human Rights (E/CN.4/1989/3, chap. I, sect. A)

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b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

Documents issued in the limited series b/  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.4	4	Afghanistan, Algeria, Bahrain, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Cyprus, Democratic Yemen, Egypt, German Democratic Republic, India, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, United Arab Emirates, Viet Nam and Yemen: draft resolution
E/CN.4/1989/L.5	19	Note by the Secretary-General
E/CN.4/1989/L.6	7	Afghanistan, Algeria, Angola, Bangladesh, Bulgaria, Cuba, Czechoslovakia, Egypt, Ethiopia, Gambia, German Democratic Republic, India, Kenya, Libyan Arab Jamahiriya, Mauritania, Morocco, Nicaragua, Nigeria, Pakistan, Rwanda, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania and Zimbabwe: draft resolution
E/CN.4/1989/L.7	7	Afghanistan, Algeria, Angola, Bangladesh, Bulgaria, Cuba, Czechoslovakia, Egypt, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Kenya, Libyan Arab Jamahiriya, Mauritania, Morocco, Nicaragua, Nigeria, Pakistan, Rwanda, Somalia, Sudan, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania and Zimbabwe: draft resolution.

Documents issued in the limited series b/  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.8	16	Afghanistan, Algeria, Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Egypt, Ethiopia, Gambia, German Democratic Republic, Ghana, India, Iraq, Kenya, Libyan Arab Jamahiriya, Mexico, Nicaragua, Nigeria, Rwanda, Senegal, Somalia, Sri Lanka, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe: draft resolution
E/CN.4/1989/L.9	17 (b)	Afghanistan, Algeria, Angola, Botswana, Brazil, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Gambia, Ghana, Iran (Islamic Republic of), Iraq, Kenya, Libyan Arab Jamahiriya, Mauritania, Nicaragua, Nigeria, Pakistan, Rwanda, Senegal, Somalia, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe: draft resolution
E/CN.4/1989/L.10 and Add. 1-21	25	Draft report of the Commission on Human Rights on its forty-fifth session
E/CN.4/1989/L.11 and Add. 1-12	25	<u>Idem</u>
E/CN.4/1989/L.12	8	Argentina, Belgium, Colombia, Czechoslovakia, France, German Democratic Republic, Iraq, Italy, Lebanon, Luxembourg, Morocco, Nicaragua, Nigeria, Panama, Philippines, Portugal, Rwanda, Senegal, Spain, Swaziland, Togo and Union of Soviet Socialist Republics: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.13	6	Algeria, Angola, Bangladesh, Bulgaria, Cuba, Egypt, Ethiopia, Gabon, Gambia, Ghana, German Democratic Republic, Iraq, Kenya, Mauritania, Morocco, Nicaragua, Nigeria, Rwanda, Senegal, Somalia, Sudan, Syrian Arab Republic, Swaziland, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Zaire and Zimbabwe: draft resolution
E/CN.4/1989/L.14	6	Algeria, Angola, Bangladesh, Bulgaria, Cameroon, Côte d'Ivoire, Cuba, Egypt, Ethiopia, German Democratic Republic, Ghana, India, Iraq, Kenya, Kuwait, Libyan Arab Jamahiriya, Morocco, Nicaragua, Nigeria, Rwanda, Senegal, Somalia, Syrian Arab Republic, Swaziland, Togo, Tunisia, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Yugoslavia, Zaire and Zimbabwe: draft resolution
E/CN.4/1989/L.15	6	Algeria, Angola, Bangladesh, Bulgaria, China, Cuba, Egypt, Ethiopia, Ghana, German Democratic Republic, India, Iraq, Kenya, Kuwait, Libyan Arab Jamahiriya, Morocco, Nicaragua, Nigeria, Rwanda, Senegal, Somalia, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, United Republic of Tanzania and Zimbabwe: draft resolution
E/CN.4/1989/L.16	7	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.6: 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.4/1989/L.17	18	Bulgaria, Byelorussian Soviet Socialist Republic and Poland: draft resolution

Documents issued in the limited series b/  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.18	8	Czechoslovakia, France, German Democratic Republic, Italy, Japan, Lebanon, Luxembourg, Panama, Peru, Portugal, Senegal, Swaziland, Togo, Union of Soviet Socialist Republics and Yugoslavia: draft resolution
E/CN.4/1989/L.19	18	Argentina, Austria, Bulgaria, Canada, Cyprus, Denmark, Finland, German Democratic Republic, Hungary, Luxembourg, Netherlands, Nicaragua, Norway, Peru, Philippines, Senegal, Spain, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.20	8	Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, German Democratic Republic, Hungary, India, Swaziland and Ukrainian Soviet Socialist Republic: draft resolution
E/CN.4/1989/L.21	8	Australia, Belgium, Bulgaria, Cyprus, Finland, France, German Democratic Republic, Hungary, Norway, Peru, Philippines, Portugal, Senegal, Spain, Swaziland, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.22	18	Australia, Austria, Canada, Denmark, France, Germany, Federal Republic of, India, Italy, Japan, Mexico, Peru, Philippines, Portugal, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution
E/CN.4/1989/L.23	8 (a)	Colombia, Cuba, Mexico, Panama, Peru and Venezuela: draft resolution
E/CN.4/1989/L.23/ Rev.1	8 (a)	Colombia, Cuba, Mexico, Nicaragua, Panama, Peru, Romania and Venezuela: revised draft resolution

Documents issued in the limited series b/  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.24	8 (c)	Algeria, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Nicaragua, Peru, Philippines, Poland, Syrian Arab Republic and Yugoslavia: draft resolution
E/CN.4/1989/L.25	11 and 18	Argentina, Austria, Canada, Denmark, Italy, Netherlands, Peru, Philippines, Portugal, Sweden, Togo, Ukrainian Soviet Socialist Republic and Yugoslavia: draft resolution
E/CN.4/1989/L.25/ Rev.1	11 and 18	Argentina, Austria, Canada, Denmark, Italy, Netherlands, Peru, Philippines, Portugal, Sweden, Togo, Ukrainian Soviet Socialist Republic and Yugoslavia: revised draft resolution
E/CN.4/1989/L.26	8 (a)	Afghanistan, Algeria, Argentina, Brazil, Bulgaria, China, Colombia, Cuba, Egypt, Ethiopia, India, Iraq, Mexico, Nicaragua, Peru, Philippines, Romania, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Yugoslavia and Zaire: draft resolution
E/CN.4/1989/L.27	6	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.15: 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.4/1989/L.28	9	Afghanistan, Algeria, Bolivia, Botswana, Cuba, Cyprus, Ethiopia, Ghana, Madagascar, Mexico, Nicaragua, Panama, Rwanda, Swaziland, Togo, United Republic of Tanzania, Viet Nam, Yugoslavia and Zimbabwe: draft resolution



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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.29	9	Afghanistan, Algeria, Bahrain, Bangladesh, Bulgaria, Cuba, Democratic Yemen, Egypt, Gambia, German Democratic Republic, India, Iraq, Kuwait, Morocco, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, United Arab Emirates, Yemen, Yugoslavia and Zimbabwe: draft resolution
E/CN.4/1989/L.30	10 (b)	Argentina, Austria, Costa Rica, Cyprus, Peru, Sweden, Switzerland and Uruguay: draft decision
E/CN.4/1989/L.31	19	Afghanistan, Argentina, Australia, Canada, China, Colombia, Cuba, Cyprus, Denmark, Gambia, German Democratic Republic, Netherlands, New Zealand, Norway, Peru, Philippines, Senegal, Sweden and Zaire: draft resolution
E/CN.4/1989/L.32	9	Belgium, Brunei Darussalam, Cameroon, Canada, France, Gambia, Germany, Federal Republic of, Greece, Honduras, Ireland, Italy, Japan, Luxembourg, Malaysia, Malta, Morocco, Nepal, Netherlands, Oman, Philippines, Singapore, Somalia, Swaziland, Thailand, Togo, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.33	10	Argentina, Austria, Belgium, Canada, Colombia, Costa Rica, Cyprus, Finland, France, Gambia, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, New Zealand, Peru, Philippines, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.34	19	Algeria, Belgium, Colombia, Costa Rica, France, Gambia, Luxembourg, Netherlands, Nicaragua, Philippines, Portugal, Togo and Zaire: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.35	19	Austria, Belgium, France, Germany, Federal Republic of, Luxembourg, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Zaire: draft resolution
E/CN.4/1989/L.36	19	Austria, France, Germany, Federal Republic of, Ireland, Luxembourg and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.37	11 and 18	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.25: 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.4/1989/L.38	18	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.22: 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.4/1989/L.39	10	Argentina, Australia, Austria, Colombia, Costa Rica, Cyprus, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Honduras, Italy, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Sao Tome and Principe, Spain, Sweden, Switzerland, Ukrainian Soviet Socialist Republic and Uruguay: draft resolution
E/CN.4/1989/L.40	8 (a)	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.26: 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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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.41	10	Argentina, Belgium, Colombia, France, Germany, Federal Republic of, Italy, Japan, Luxembourg, Togo, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.42	19	Argentina, Austria, Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, Peru, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.43	10 (c)	Argentina, Austria, Belgium, Canada, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, Norway, Peru, Portugal, Senegal, Spain, Sweden, Switzerland, Togo, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.44	10	Austria, Costa Rica, France, Germany, Federal Republic of, Italy, Luxembourg, Nicaragua, Philippines, Portugal, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.45	19	Argentina, Belgium, France, Germany, Federal Republic of, Ireland, Luxembourg, Peru, Philippines, Senegal and Spain: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.46	10 (b)	Afghanistan, Argentina, Austria, Brazil, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Costa Rica, Denmark, Finland, France, Gambia, Germany, Federal Republic of, Greece, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Peru, Philippines, Portugal, Senegal, Spain, Sweden, Switzerland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.47	10	Argentina, Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, Finland, France, Gambia, Germany, Federal Republic of, Greece, Italy, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Peru, Senegal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.48	19	Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Italy, Luxembourg, Nigeria, Panama, Peru, Philippines, Spain, Togo, United Kingdom of Great Britain and Northern Ireland and Zaire: draft resolution
E/CN.4/1989/L.49	10	Argentina, Belgium, Costa Rica, France, Gambia, Nicaragua, Senegal, Spain and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.49/ Rev.1	10	Argentina, Belgium, Canada, Costa Rica, France, Gambia, Luxembourg, Nicaragua, Portugal, Senegal, Spain and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.50	10	Argentina, Austria, Belgium, Bulgaria, Canada, Gambia, Germany, Federal Republic of, India, Japan, Luxembourg, Netherlands, Peru, Spain, Sri Lanka and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.51	10	Argentina, Austria, Belgium, Botswana, Canada, Colombia, Cyprus, Gambia, Germany, Federal Republic of, Italy, Luxembourg, Nicaragua, Philippines, Portugal, Togo and Yugoslavia: draft resolution
E/CN.4/1989/L.52	10 (a)	Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Finland, Gambia, Greece, Ireland, Italy, Luxembourg, Netherlands, Nicaragua, Norway, Peru, Philippines, Portugal, Senegal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.53	9	Afghanistan, Algeria, Angola, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Egypt, Ethiopia, German Democratic Republic, Ghana, India, Kenya, Libyan Arab Jamahiriya, Madagascar, Morocco, Nicaragua, Nigeria, Peru, Somalia, Swaziland, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, United Republic of Tanzania and Zimbabwe: draft resolution
E/CN.4/1989/L.54	9	Afghanistan, Algeria, Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Cuba, Democratic Yemen, Egypt, Ethiopia, Gambia, German Democratic Republic, Ghana, India, Iraq, Libyan Arab Jamahiriya, Nicaragua, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sudan, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Yugoslavia and Zimbabwe: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.55	9	Draft resolution submitted by the Chairman
E/CN.4/1989/L.56	21	Argentina, Bolivia, Canada, Peru and Sweden: draft resolution
E/CN.4/1989/L.57	22	Argentina, Austria, Belgium, Canada, Finland, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Luxembourg, Netherlands, Peru, Philippines, Portugal, Senegal, Sweden, Switzerland and United States of America: draft resolution
E/CN.4/1989/L.58	20	Yugoslavia: draft resolution
E/CN.4/1989/L.59	10	China, India and Ukrainian Soviet Socialist Republic: amendments to draft resolution E/CN.4/1989/L.49
E/CN.4/1989/L.60	5	Australia, Bolivia, Cuba, Denmark, France, Greece, Italy, Luxembourg, Mexico, Netherlands, Norway, Portugal, Spain and Sweden: draft resolution
E/CN.4/1989/L.61	8 (c)	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.24: 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.4/1989/L.62	11	Argentina, Australia, Austria, Cyprus, India, Netherlands, Philippines, Portugal, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United States of America: draft resolution
E/CN.4/1989/L.63	12	Canada, Costa Rica, Gambia, Germany, Federal Republic of, Ireland, Japan, Pakistan, Senegal and Somalia: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.64	15	Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Mongolia and Poland: draft resolution
E/CN.4/1989/L.65	11	Austria, Bulgaria, Canada, Hungary, Madagascar, Mongolia, Poland, Sweden, Ukrainian Soviet Socialist Republic and Yugoslavia: draft resolution
E/CN.4/1989/L.66	11	Australia, China, Cyprus, Philippines, Sri Lanka and Thailand: draft resolution
E/CN.4/1989/L.67	23	Argentina, Australia, Austria, Canada, Norway, Philippines, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.68	14	Algeria, Argentina, Bangladesh, Bolivia, China, Colombia, Cuba, Egypt, Greece, India, Italy, Mexico, Morocco, Nicaragua, Pakistan, Peru, Philippines, Portugal, Rwanda, Senegal, Tunisia, Turkey and Yugoslavia: draft resolution
E/CN.4/1989/L.69	15	Austria, Canada, Costa Rica, France, Germany, Federal Republic of, Hungary, Netherlands, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.70	11	Austria, Belgium, Canada, Cyprus, France, Germany, Federal Republic of, Hungary, India, Italy, Malta, Philippines, Portugal, Spain, Sri Lanka, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.71	11	Australia, Bulgaria, Colombia, Finland, France, India, Iraq, Italy, Poland, Somalia and Sri Lanka: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.72	11	Argentina, Australia, Bolivia, Colombia, Costa Rica, Greece, India, Ireland, Italy, Mexico, Netherlands, Peru, Philippines, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution
E/CN.4/1989/L.73	21	Austria, Canada, Colombia, Finland, France, Germany, Federal Republic of, Italy, Netherlands, New Zealand, Norway, Peru, Senegal, Sweden, Togo and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.74	21	Argentina, Austria, Belgium, Canada, Colombia, Costa Rica, Cyprus, El Salvador, Finland, France, Gambia, Germany, Federal Republic of, Italy, Netherlands, New Zealand, Norway, Peru, Philippines, Senegal, Sweden, Togo, Ukrainian Soviet Socialist Republic and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.75	12	Belgium, Cyprus, Denmark, Finland, France, Gambia, Greece, Italy, Luxembourg, Netherlands, Norway, Spain, Sweden, Switzerland, Togo and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.76	12	Australia, Austria, Canada, France, Germany, Federal Republic of, Hungary, Luxembourg, Netherlands, Portugal, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.77	10	India and Rwanda: amendment to draft resolution E/CN.4/1989/L.49



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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.78	10	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.49: 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.4/1989/L.79	9	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.53: 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.4/1989/L.80	12	Afghanistan, Algeria, Bahrain, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, India, Iraq, Jordan, Kuwait, Lebanon, Morocco, Nicaragua, Pakistan, Qatar, Somalia, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic and Yemen: draft resolution
E/CN.4/1989/L.81	12	Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.82	12	Australia, Belgium, Canada, Denmark, Germany, Federal Republic of, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.83	21	Canada, France, Germany, Federal Republic of, Italy, Netherlands, Senegal and Sweden: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.83/ Rev.1	21	Canada, France, Germany, Federal Republic of, Italy, Netherlands, Senegal, Sweden and Togo: revised draft resolution
E/CN.4/1989/L.84	12	Draft decision submitted by the Chairman
E/CN.4/1989/L.85	12	Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1989/L.86	12	Argentina, Brazil, Colombia, Mexico, Panama, Peru and Venezuela: draft resolution
E/CN.4/1989/L.87	12	Belgium, Canada, Morocco, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1989/L.88	13	Afghanistan, Argentina, Australia, Bangladesh, Bolivia, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Greece, Hungary, Ireland, Kenya, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mexico, Mongolia, Morocco, New Zealand, Nicaragua, Norway, Peru, Philippines, Poland, Portugal, Romania, Senegal, Somalia, Spain, Syrian Arab Republic, Sweden, Ukrainian Soviet Socialist Republic, Yemen, Yugoslavia and Zimbabwe: draft resolution
E/CN.4/1989/L.89	11 <u>bis</u>	Canada and United States of America: draft resolution

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<u>Symbol</u>	<u>Agenda item</u>	
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E/CN.4/1989/L.90	11 <u>bis</u>	Colombia, Mexico, Panama and Peru: draft decision
E/CN.4/1989/L.91	21	Argentina, Brazil, Canada, Colombia, France, Mexico, Netherlands, Peru, Spain, Uruguay and Venezuela: draft resolution
E/CN.4/1989/L.92	19	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.48: 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.4/1989/L.93	23	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.67: 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.4/1989/L.94	12	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.76: 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.4/1989/L.95	12	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.82: 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

Documents issued in the limited series b/  
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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.96	12	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.81: 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.4/1989/L.97	12	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.86: 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.4/1989/L.98	12	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.85: 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.4/1989/L.99	21	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.91: 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.4/1989/L.100	5	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.60: 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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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/L.101	21	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.83/Rev.1: 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.4/1989/L.102	13	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.88: 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.4/1989/L.103	11 <u>bis</u>	Administrative and programme budget implications of draft resolution E/CN.4/1989/L.89: 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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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/NGO/1	12	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster
E/CN.4/1989/NGO/2	16	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/3	10	<u>Idem</u>
E/CN.4/1989/NGO/4	20	<u>Idem</u>
E/CN.4/1989/NGO/5	12	<u>Idem</u>
E/CN.4/1989/NGO/6	12	<u>Idem</u>
E/CN.4/1989/NGO/7	12	<u>Idem</u>
E/CN.4/1989/NGO/8	4	<u>Idem</u>
E/CN.4/1989/NGO/9	5	Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/10	12	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/11	18	<u>Idem</u>
E/CN.4/1989/NGO/12	10 (b)	<u>Idem</u>
E/CN.4/1989/NGO/13	8	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster
E/CN.4/1989/NGO/14	19	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/NGO/15	13	Written statement submitted by the World Association of Children's Friends, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/16	8	Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/17	5 and 19	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/18	15	Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster
E/CN.4/1989/NGO/19	20	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/20	5	Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/21	13	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/22	8 (a)	Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster
E/CN.4/1989/NGO/23	8 (b)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/NGO/24	8 (c)	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/25	4	Written statement submitted by the Parliamentary Association for Euro-Arab Co-operation, a non-governmental organization on the Roster
E/CN.4/1989/NGO/26	4	Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/27	4	Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/28	6	<u>Idem</u>
E/CN.4/1989/NGO/29	5	<u>Idem</u>
E/CN.4/1989/NGO/30	10	<u>Idem</u>
E/CN.4/1989/NGO/31	12	Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/32	11	Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/33	9	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)



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<u>Symbol</u>	<u>Agenda item</u>	
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E/CN.4/1989/NGO/36	4	Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/37	6	Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/38	10	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster
E/CN.4/1989/NGO/39	6	<u>Idem</u>
E/CN.4/1989/NGO/40	10 (c)	<u>Idem</u>
E/CN.4/1989/NGO/41	10 (a)	<u>Idem</u>
E/CN.4/1989/NGO/42	8	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster
E/CN.4/1989/NGO/43	8	Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/44	8	Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/NGO/45	5	Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/46	8	Written statement submitted by the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Council of Women, the Society for International Development, Soroptimist International and Zonta International, non-governmental organizations in consultative status (category I); the Afro-Asian People's Solidarity Organization, Caritas Internationalis, the International Association of Democratic Lawyers, the International Association of Educators for World Peace, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau, the International Catholic Migration Commission, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Movement A.T.D Fourth World, the International Movement for Fraternal Union among Races and Peoples, the Lutheran World Federation, Pax Christi, Pax Romana, the Women's International League for Peace and Freedom, the World Alliance of Young Men's Christian Associations, the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers, the World Organization of the Scout Movement, the World Union of Catholic Women's Organizations and the World Young Women's Christian Association, non-governmental organizations in consultative status (category II); and the International League for the Rights and Liberation of Peoples,

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E/CN.4/1989/NGO/46 (cont.)	8	the Medical Women's International Association and the World Union for Progressive Judaism, non-governmental organizations on the Roster
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E/CN.4/1989/NGO/48	21	Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/49	10	Written statement submitted by the International Commission of Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/50	15	Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/51	8	<u>Idem</u>
E/CN.4/1989/NGO/52	10	Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/53	6	Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/54	12	Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda</u> <u>item</u>	
E/CN.4/1989/NGO/55	13	Written statement submitted by the International Right to Life Federation, a non-governmental organization on the Roster
E/CN.4/1989/NGO/56	12	Written statement submitted by the Indian Council of South America, a non-governmental organization on the Roster
E/CN.4/1989/NGO/57	12	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/58	5	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster
E/CN.4/1989/NGO/59	11	<u>Idem</u>
E/CN.4/1989/NGO/60	5	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)
E/CN.4/1989/NGO/61	12	<u>Idem</u>
E/CN.4/1989/NGO/62	12	Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster
E/CN.4/1989/NGO/63	4	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster
E/CN.4/1989/NGO/64	21	Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda item</u>	
E/CN.4/1989/NGO/65	5	Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/66	12	Written statement submitted by the Disabled People's International, the International Indian Treaty Council, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Service, Justice and Peace in Latin America and the World University Service, non-governmental organizations in consultative status (category II)
E/CN.4/1989/NGO/67	12	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
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E/CN.4/1989/NGO/69	20	Written statement submitted by the International Council of Jewish Women, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/70	20	Written statement submitted by the Minority Rights Group, a non-governmental organization on the Roster
E/CN.4/1989/NGO/71	15	Written statement submitted by the International Peace Bureau, a non-governmental organization on the Roster
E/CN.4/1989/NGO/72	15	Written statement submitted by the War Resisters International, a non-governmental organization in consultative status (category II)

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<u>Symbol</u>	<u>Agenda</u> <u>item</u>	
E/CN.4/1989/NGO/73	20	Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster
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E/CN.4/1989/NGO/75	19	Written statement submitted by the Disabled People's International, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/76	15	Written statement submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II)
E/CN.4/1989/NGO/77	13	Written statement submitted by the International Council of Jewish Women, a non-governmental organization in consultative status (category II)

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