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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session
12 February - 16 March 1979

ANNOTATIONS TO THE PROVISIONAL AGENDA

prepared by the Secretary-General

1. Election of officers

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

2. Adoption of the agenda

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

The Commission will have before it the provisional agenda (E/CN.4/1297) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure. The Commission will also have before it the present annotations relating to the items included in the provisional agenda (E/CN.4/1297/Add.1).

It may be recalled that in response to Economic and Social Council decision 65 (ORG-75), requesting the Commission, when adopting its agenda, to limit the provision of summary records to those items in relation to which such records were deemed essential, the Commission, by its decision 3 (XLI) of 5 February 1975, decided that, beginning with its thirty-second session, it would dispense with summary records for all procedural matters, retaining summary records only for discussions on questions of substance.

3. Organization of the work of the session

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

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

*/ Re-issued for technical reasons.

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

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

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

By resolution 1 A (XXXIV) of 14 February 1978, the Commission decided to place this item on the provisional agenda of its thirty-fourth session as a matter of high priority.

In accordance with paragraphs 10, 14 and 15 of resolution 1 A (XXXIV), the Commission will have before it:

- (i) A report of the Secretary-General pursuant to the Commission's request for relevant information concerning Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories (E/CN.4/1307);
- (ii) A report of the Secretary-General on the measures taken to bring that resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity (E/CN.4/1308);
- (iii) A note by the Secretary-General listing all United Nations reports issued since the thirty-third session of the Commission that deal with the situation of civilians in the occupied Arab territories, including Palestine (E/CN.4/1309).

In addition, the Commission will have before it any report which may have been received by the Secretary-General from the Government of Israel in accordance with paragraph 13 of resolution 1 A (XXXIV) on the implementation of paragraphs 2, 7, 8 and 9 of the same resolution.

It may be noted that by resolution 1978/24 of 5 May 1978 the Economic and Social Council, having considered the report of the Commission on Human Rights on its thirty-fourth session and having taken note of the Commission's action concerning the question of the violation by Israel of human rights in the occupied Arab territories, commended the Commission for its action and requested it to pursue its efforts for the protection of human rights in the occupied Arab territories including Palestine and to continue to take appropriate measures in this respect.

The Commission may also note that the General Assembly at its thirty-third session, adopted resolutions 33/113A, B, and C on 18 December 1978. By resolution 33/113A, the Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to all Arab territories occupied by Israel since 1967, including Jerusalem and called upon Israel to acknowledge and to comply with its provisions in those territories. By resolution 33/113B, the General Assembly strongly deplored the persistence of Israel in carrying out measures and actions taken by the Government of Israel as the occupying power designed to change the legal status, geographical nature and demographic composition of these territories, in particular the establishment of settlements in the Palestinian and other occupied Arab territories. The Assembly called upon Israel to comply with its international obligations and to desist from taking such actions. It urged all states parties to the Geneva Convention to exert all efforts to ensure respect for a compliance with the provision of that Convention in those occupied territories. By resolution 33/113C the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices, to consult, as appropriate, with the International Committee of the Red Cross and to report to the Secretary-General as soon as possible and whenever the need arose thereafter.

5. Study of reported violations of human rights in Chile with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

1. By resolution 12 (XXXIV) of 6 March 1978, the Commission decided to consider at its thirty-fifth session, as a matter of high priority, the question of violations of human rights in Chile.

2. In the same resolution, the Commission, at the invitation of the General Assembly in its resolution 32/118, extended the mandate of its Ad Hoc Working Group on Chile established under Commission resolution 8 (XXXI) to inquire into the situation of human rights in Chile and requested the Group to report to the General Assembly at its thirty-third session and to the Commission on Human Rights at its thirty-fifth session with such additional information as might be necessary.

3. The Commission, in resolution 12 (XXXIV), invited the Rapporteur - Mr. Antonio Cassese - appointed to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 11 (XXX) to present his report to the Sub-Commission at its thirty-first session. In the same resolution the Commission further instructed the Sub-Commission to transmit this report to the General Assembly at its thirty-third session. In accordance with this resolution the Sub-Commission at its thirty-first session decided to transmit the report prepared by its Rapporteur (E/CN.4/Sub.2/412), together with the summaries of its debate on the report (E/CN.4/Sub.2/SR.816-818) to the General Assembly at its thirty-third session.

4. The General Assembly in its resolution 33/175 of 20 December 1978, expressed its appreciation to the Rapporteur for his report on the consequences for human rights of various forms of aid extended to the Chilean authorities, commended the Chairman and other members of the Ad Hoc Working Group for their thorough and objective report and invited the Commission on Human Rights to continue to give close attention to the situation in Chile and to this end:

(a) to appoint, in consultation with the Chairman of Ad Hoc Working Group from among members of the Group as presently constituted, a Special Rapporteur on the situation of human rights in Chile who should report to the Commission on Human Rights and to the General Assembly, and to formulate his mandate on the basis of Commission resolution 8 (XXXI) of 27 February 1975 which established the mandate of the Ad Hoc Working Group;

(b) to consider at its thirty-fifth session the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile, taking into account the views on this subject expressed by the Ad Hoc Working Group in their report.

5. The Assembly in the same resolution urged the Chilean authorities to co-operate with the Special Rapporteur and requested the Commission to submit to the General Assembly at its thirty-fourth session through the Economic and Social Council a progress report on action taken in compliance with that resolution.

6. The General Assembly in resolution 33/176 of 20 December 1978 welcomed the fact that the Ad Hoc Working Group was finally able to travel to Chile and carry out on the spot an investigation of the human rights situation in that country in accordance with its mandate and inter alia, drew the attention of the Commission on Human Rights to the importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile in view of its future action, when dealing with consistent patterns of gross violations of human rights.

7. In connexion with this item it may be recalled that the Commission, by its resolution 13 (XXXIV) invited the Economic and Social Council to recommend to the General Assembly the establishment of a voluntary fund for Chile. The Economic and Social Council in its resolution 1978/15 recommended to the General Assembly the establishment of a voluntary fund called the United Nations Trust Fund for Chile which the Assembly did in its resolution 33/174 of 20 December 1978.

8. For the consideration of this item the Commission will have before it the following documents:

- (1) The report of the Ad Hoc Working Group submitted to the General Assembly in document A/33/331.
- (2) The report of the Ad Hoc Working Group to the Commission (E/CN.4/1313).

6. Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts

By resolution 6 A (XXXIII) of 4 March 1977, the Commission decided that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and requested the Group to submit a report on its findings to the Commission at its thirty-fifth session.

Accordingly, the Commission will have before it the report of the Ad Hoc Working Group of Experts (E/CN.4/1311). In accordance with Economic and Social Council decision 1978/21 of 5 May 1978 the report also deals with allegations regarding infringements of trade union rights in South Africa.

The attention of the Commission may also be drawn to the programme of action adopted by the World Conference to Combat Racism and Racial Discrimination and approved by General Assembly resolution 33/99 (I), which states that the Ad Hoc Working Group of Experts on southern Africa should be requested to study ways and means for the application of international instruments, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, which declares that the policies of apartheid and racism constitute a crime against humanity. (A/33/262, para. 23).

As requested by the Commission on Human Rights in its decision 2 (XXXIV) which was endorsed by the Economic and Social Council in decision 1978/25 of 5 May 1978, a symposium on the exploitation of blacks in South Africa and Namibia and on prison conditions in the South African gaols including, in particular, the Robben Island maximum security prison, was organized at the invitation and with the co-operation of the Government of Lesotho. The symposium took place at Maseru from 17 to 22 July 1978. The report of the Lesotho symposium as contained in document ST/HR/SER.A/1 will be available to the Commission.

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

By resolution 6 (XXXIV) of 22 February 1978 the Commission requested Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a final revision of his report on the subject (E/CN.4/Sub.2/383/Rev.1) and update it as necessary before its submission to the General Assembly at its thirty-third session, taking into account the comments and suggestions made in the Sub-Commission at its thirtieth session and in the Commission at its thirty-fourth session. The Commission also took note of paragraph 5 of resolution 1 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 26 August 1977 by which it invited its Special Rapporteur to prepare the necessary material for a provisional general list identifying those whose activities constitute assistance to the colonial and racist régimes in southern Africa, as requested in Commission resolution 7 (XXXIII) of 4 March 1977.

The Economic and Social Council by its decision E/DEC/1978/22 of 5 May 1978 approved the recommendation made by the Commission in resolution 6 (XXXIV) that the Special Rapporteur be invited to present his report to the General Assembly at its thirty-third session and attend the meetings of the Assembly at which it is discussed; and approved the recommendation made by the Commission in the same resolution that the report of the Special Rapporteur be printed in its final form and given wide distribution.

At its thirty-first session the Sub-Commission discussed the report prepared by Mr. Ahmed Khalifa, Special Rapporteur, (E/CN.4/Sub.2/415), and in its resolution 2 (XXXI) of 13 September 1978 expressed its gratitude to the Special Rapporteur for having prepared the report, especially the annexed provisional general list identifying the individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constitute political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa. By the same resolution, the Sub-Commission inter alia referred the report to the Commission on Human Rights for consideration and drew its attention to the discussions in the Sub-Commission 1/ of the interpretation of the words "identifying" and "representatives of States" contained in Commission resolution 7 (XXXIII), and sought the Commission's guidance on the interpretation of these words. The Sub-Commission also called upon the Secretary-General to communicate the report, after its revision, to the Governments of the countries mentioned in the provisional general list and to request their comments on the parts of the list which related to them and invited the Special Rapporteur to present to it at its thirty-second session a final version of the report, based upon further research as regards the provisional general list.

The Commission will have before it the report prepared by Mr. Ahmed M. Khalifa, Special Rapporteur, in pursuance of Sub-Commission resolution 1 (XXX) and Commission on Human Rights resolution 7 (XXXIII) (E/CN.4/Sub.2/415).

At its thirty-third session, the General Assembly adopted resolution 33/23 on 29 November 1978 by which it invited the Commission on Human Rights to give priority at its thirty-fifth session to the consideration of the report.

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

By resolution 2 (XXXI) of 10 February 1975, the Commission decided to keep this item on its agenda as a standing item with high priority.

The Economic and Social Council, by decision 229 (LXII) of 13 May 1977, endorsing the recommendation made by the Commission on Human Rights in paragraph 4. of its resolution 4 (XXXIII) of 21 February 1977, decided to invite the

1/ See Chap. IV, para. 42 of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296 and E/CN.4/Sub.2/SR.805-807).

Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and the other competent specialized agencies, to undertake a study on "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs" and to make that study available for consideration by the Commission on Human Rights at its thirty-fifth session. This study will be before the Commission in document E/CN.4/1334.

In this context, it may be noted that in its resolution 4 (XXXIII) the Commission decided that the concepts contained in that resolution would guide its future work on this item and, accordingly, to pay special attention to the obstacles hindering the full realization of economic, social and cultural rights, particularly in the developing countries, as well as to the action taken on the national and international levels to secure the enjoyment of the said rights.

In accordance with paragraph 6 of resolution 4 (XXXIII), the Commission had before it at its thirty-fourth session, a report of the Secretary-General (E/CN.4/1271) on ways and means of updating the report of the Special Rapporteur, Mr. M. Ganji, entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress. In its resolution 10 (XXXIV) the Commission recording its awareness of the importance of the study undertaken by the Secretary-General on the international dimensions of the right to development decided to consider at its thirty-fifth session, in the light of that study, the question of updating the report of the Special Rapporteur.

The information requested in the same resolution on the work accomplished by the Economic and Social Council in application of article 16 of the International Covenant on Economic, Social and Cultural Rights will be included in the report submitted in connexion with item 21 (E/CN.4/1329).

The Commission may also note that at its thirty-first session the Sub-Commission, by its decision 6 (XXXI), decided to include an item entitled "The New International Economic Order and the Promotion of Human Rights" in the provisional agenda for the thirty-second session.

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

By resolution 3 (XXVI) of 11 February 1975, the Commission decided to place the item "The right of peoples to self-determination and its application to peoples under colonial and alien domination" on its agenda every year with priority.

By resolution 3 (XXXIV) of 14 February 1978 the Commission decided to continue giving the question, the title of which it amended as above, priority consideration at its thirty-fifth session.

By resolution 3 (XXXI) of 13 September 1978 the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to transmit the report of Mr. A. Cristescu, Special Rapporteur of the Sub-Commission on the historical and current development of the right to self-determination with the conclusions contained therein (E/CN.4/Sub.2/404) to the Commission on Human Rights for consideration at its thirty-fifth session and to request that the Special Rapporteur be enabled to follow the discussion of his report at that session. In addition, the Sub-Commission recommended that the report should be submitted to the General Assembly at the earliest possible date and decided to recommend to the Commission on Human Rights and to the Economic and Social Council that the report should be printed and given the widest possible distribution.

In addition, the Sub-Commission adopted resolution 4A(XXXI) of 13 September 1978 concerning the study made by Mr. Hector Gros Espiell, Special Rapporteur of the Sub-Commission on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405). It decided to recommend to the Commission on Human Rights and to the Economic and Social Council that the report should be printed and given the widest possible distribution. The Sub-Commission also requested the Secretary-General to transmit the report to the General Assembly at its thirty-third session, to the Commission on Human Rights at its thirty-fifth session and to the other bodies mentioned in paragraphs 4 and 5 of its resolution 7 (XXX). In addition, it requested the Commission on Human Rights to entrust Mr. Hector Gros Espiell with the preparation of the preliminary draft of the international instrument proposed in paragraph 282 of his report, for consideration by the Sub-Commission and, should the Commission so decide, it requested the Secretary-General to give him all the necessary assistance for the completion of this task.

The Commission will therefore have before it the report of Mr. A. Cristescu in document E/CN.4/Sub.2/404 and the report of Mr. H. Gros Espiell in document E/CN.4/Sub.2/405.

In this context it may be noted that at its thirty-first session, the Sub-Commission adopted resolution 4 B (XXXI) in which, after taking into consideration the report of Mr. H. Gros Espiell, called upon all States Members of the United Nations to observe their obligations under the United Nations Charter and relevant United Nations resolutions and assist the countries and peoples under colonial or alien domination or foreign occupation to exercise the right to self-determination and it urged all States and international organizations to extend their support to the countries and peoples under colonial or alien domination or foreign occupation.

The Commission may wish to note resolution 33/24 adopted by the General Assembly at its thirty-third session on 29 November 1978; by this resolution, the Assembly took note of the two reports and thanked their authors.

Pursuant to the request of the Commission on Human Rights in resolution 2 (XXXIV) of 14 February 1978, in which it expressed its grave concern that the Palestinian people have been prevented by force from enjoying their inalienable rights, in particular their right to self-determination, the Commission will have before it the studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B (E/CN.4/1313).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

- (a) Draft convention on torture and other cruel, inhuman or degrading treatment or punishment
- (b) Body of principles for the protection of all persons under any form of detention or imprisonment

In resolution 18 (XXXIV) of 7 March 1978 the Commission decided to accord priority to the consideration of item 10 (a) at its thirty-fifth session.

It may be recalled that in resolution 32/62 of 8 December 1977, the General Assembly had requested the Commission to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment which was adopted by the Assembly in resolution 3452 (XXX) of 9 December 1975.

The Commission considered the question at its thirty-fourth session and in resolution 18 (XXXIV) requested the Secretary-General to transmit all relevant documents of the thirty-fourth session concerning the draft convention to the Governments of States Members of the United Nations or members of specialized agencies for their comments and to prepare a summary of those comments. The requested summary will be available to the Commission in document E/CN.4/1314.

In the same resolution, the Commission had recommended to the Economic and Social Council that it authorize the holding of a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission with the task of preparing concrete drafting proposals for the Commission on the basis of the relevant documents of the thirty-fourth session and any comments received from Governments. By decision 1978/24 the Council approved the Commission's recommendation. At its thirty-third session the General Assembly adopted resolution 33/1978 on 20 December 1978 by which it welcomed the decision of the Council, took note of the progress made by the Commission in drafting a convention on torture and requested it to give high priority to this question at its thirty-fifth session. The report of the working group will be before the Commission in document E/CN.4/1315.

In the context of the same item and in accordance with General Assembly resolutions 32/63 and 33/178, the information received from Member States in response to a questionnaire concerning the steps taken to put into practice the principles of the Declaration on the Protection of all Persons from being subjected

to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment will be placed before the Commission in document A/33/196 and addenda. The attention of the Commission may also be drawn to the unilateral declarations by Member States against torture and other cruel, inhuman or degrading treatment or punishment which have been reported to the Assembly in accordance with its resolution 32/64 in document A/33/197.

In connexion with sub-item (b) it may be recalled that by resolution 3453 (XXX) of 9 December 1975, the General Assembly had requested the Commission to study the formulation of a body of principles for the protection of all persons under any form of detention or punishment. The Commission by resolution 10 B (XXXII) of 5 March 1976 invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to draw up such a draft body of principles and the Economic and Social Council, in resolution 1993 (LX) of 12 May 1976 urged the Sub-Commission to give adequate attention to the task entrusted to it. Consequently, the Sub-Commission by decision 2 (XXIX) of 20 August 1976 appointed Mr. Erik Nettel as Rapporteur to formulate, in co-operation with the Secretariat, the first draft of a body of principles.

By resolution 8 (XXX) of 31 August 1977, the Sub-Commission, after having examined the draft body of principles prepared by its Rapporteur, recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission to prepare a revised draft for consideration by the Sub-Commission at its thirty-first session.

On the recommendation of the Commission in its resolution 19 (XXXIV) of 7 March 1978, the Council by its resolution 1978/17 of 5 May 1978 authorized the Chairman of the Sub-Commission to appoint the proposed working group and requested the Sub-Commission to submit to the Commission on Human Rights at its thirty-fifth session a comprehensive report with a draft body of principles.

At its thirty-first session, the Sub-Commission considered the revised draft body of principles prepared and approved by the working group and adopted that draft with a few amendments and corrections. The text of the draft body of principles, as adopted by the Sub-Commission, is reproduced in E/CN.4/1296, Chap. V, para. 109. By resolution 5 C (XXXI) of 13 September 1978, the Sub-Commission submitted to the Commission for consideration the said revised draft body of principles and recommended its adoption.

In addition, the Sub-Commission adopted at its thirty-first session the following resolutions which call for action on the part of the Commission:

- By resolution 5 A (XXXI) the Sub-Commission recommended that the Commission request the Economic and Social Council to authorize a study on the situation of detainees and imprisoned persons in and from territories under foreign occupation,

- By resolution 5 B (XXXI) the Sub-Commission requested the Commission to act upon the Sub-Commission resolution 3 A (XXIX) in order that the Sub-Commission may proceed to the annual review required by the Sub-Commission resolution 7 (XXVII). In its resolution 3 A (XXIX) the Sub-Commission had recommended that the Commission request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days to analyse the material received in communication with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field as provided in Sub-Commission resolution 7 (XXVII).

- By resolution 5 D (XXXI), the Sub-Commission recommended that the Commission request the Economic and Social Council to authorize Mrs. Questiaux to continue the study on the implications for human rights of recent developments concerning the manner in which certain countries apply the provisions relating to situations known as state of siege or emergency.

In addition, the Commission may note that at its thirty-first session the Sub-Commission also adopted resolution 5 E (XXXI) by which it decided to request the Secretary-General to prepare and submit to it at its thirty-second session a preliminary study on measures that have hitherto been taken and the conditions regarded as essential to ensure and secure the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers to the end that there shall be no discrimination in the administration of justice.

In the context of the item as a whole, the attention of the Commission is drawn to General Assembly resolution 33/173 adopted on 20 December 1978. In this resolution, the Assembly expressed its deep concern at reports from various parts of the world relating to enforced or involuntary disappearances of persons as a result of the unlawful actions of, or excesses on the part of law enforcement authorities or similar organizations, often while such persons are subject to detention or imprisonment and requested the Commission on Human Rights at its thirty-fifth session to consider the question of disappeared persons with a view to making recommendations for the investigation and prevention of such occurrences.

11. Further promotion and encouragement of human rights and fundamental freedoms, including:

- (a) 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;
- (b) Importance of national institution in the field of human rights

In connexion with sub-item (a) the Commission, at its thirty-fourth session, established an open-ended working group with a request for its recommendations. The working group submitted a report (E/CN.4/L.1413) to the Commission, including a draft resolution which was adopted as resolution 26 (XXXIV). In this resolution, the Commission decided to continue at its thirty-fifth session, as a matter of priority, the work on the overall analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the concepts contained in General Assembly resolution 32/130 and for that purpose, to set up an open-ended working group which would meet before the thirty-fifth session. The Commission requested the Secretary-General (a) to invite the specialized agencies concerned and the United Nations organs in the field of human rights to supply information on those measures, within their respective areas of competence, already taken or to be taken in the future, which would translate the concepts of General Assembly resolution 32/130 into practical terms, (b) to circulate the report of the Commission on Human Rights on the work done on this agenda item at its thirty-fourth session to Member States, specialized agencies, other organs within the United Nations system and the relevant non-governmental organizations and to invite their comments thereon; (c) to prepare, in time for the meeting of the working group reports which would include: (i) the information supplied under (a) above; (ii) information relating to the work programmes, schedules and terms of reference of United Nations bodies concerned with human rights, other than the Commission on Human Rights, over which the Economic and Social Council has jurisdiction; (iii) the views, suggestions and proposals expressed or submitted at the thirty-fourth session of the Commission in relation both to the mandate of the working group set up under Commission decision 4 (XXXIII) and to the over-all analysis asked for by the General Assembly in resolution 32/130; (iv) all appropriate documents transmitted to the Commission at its thirty-fourth session.

By its decision E/1978/20 of 5 May 1978, the Economic and Social Council noted resolution 26 (XXXIV) and authorized the convening of an open-ended working group of the Commission on Human Rights to meet for one week immediately before the Commission's thirty-fifth session to continue the consideration of matters mentioned in decision 4 (XXXIII), as well as those referred to the Commission by General Assembly resolution 32/130. It also requested the Secretary-General to bring to the attention of the General Assembly resolution 26 (XXXIV) and the relevant chapter of the Commission's report (E/1978/34) in pursuance of General Assembly resolution 32/130. Accordingly, the open-ended working group will meet from 5 to 9 February 1979. It will have before it the following reports as requested by the Commission in resolution 26 (XXXIV).

- E/CN.4/1318 containing information referred to at (a) and (b) above,
- E/CN.4/1319 containing information referred to at (c) (ii) above,
- E/CN.4/1320 containing information referred to at (c) (iii) and (iv) above.

The report of the working group will be available in document E/CN.4/1339.

Resolution 26 (XXXIV) and the relevant chapter of the Commission's report (E/1978/34) in pursuance of General Assembly resolution were brought to the attention of the General Assembly at its thirty-third session.

At its thirty-third session, the General Assembly adopted the following resolutions relevant to this item:

- resolution 33/104 of 16 December 1978 by which the Assembly requested the Commission to continue with high priority the over-all analysis, which would contribute to the implementation of General Assembly resolution 32/130.

- resolution 33/105 of 16 December 1978 by which it requested the Commission to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals during the general debate at the thirty-second and thirty-third sessions of the General Assembly, including the proposal of the establishment of a post of United Nations High Commissioner for Human Rights. The Assembly decided to consider these matters after the Commission had completed and/or reported on the over-all analysis;

- resolution 33/54 of 14 December 1978 by which the Assembly requested the Commission, in the context of the over-all analysis requested by the General Assembly in resolution 32/130 and in accordance with Commission resolution 26 (XXXIV), to consult with specialized agencies and other organs and bodies of the United Nations system, which are, according to their mandates, concerned with the protection and promotion of human rights and fundamental freedoms and, as appropriate, with other regional intergovernmental bodies related to the United Nations system particularly concerned with human rights, on the various human rights activities and programmes, and the existing modes of coordination, cooperation and communication among them. By the same resolution the Assembly requested the Commission to submit to it at its thirty-fourth session through the Economic and Social Council and within the report of the over-all analysis, (i) a study of the existing modes of coordination, cooperation and communication in the field of human rights within the United Nations system, and (ii) suggestions and proposals which the Commission might deem appropriate to make in this respect;

Sub-item (b) was included in the provisional agenda as decided by the Commission in its resolution 23 (XXXIV). By this resolution, the Commission also decided that the seminar on National and Local Institutions for the Promotion and Protection of Human Rights, to be held under the advisory services programme in September 1978 should, as a part of its task, suggest certain possible guidelines for the structure and functioning of national institutions, based on the provisions of this resolution and the annex to the resolution entitled "Some possible functions which could be performed by national institutions in the field of human rights if so decided by the Government concerned". The Commission requested the Secretary-General to circulate both the resolution and the guidelines suggested by the seminar to all Member States for their comments and suggestions, and requested Member States to comment upon the guidelines thus circulated and to make suggestions regarding future guidelines which could be available to Governments for their assistance in setting up such national institutions in the field of human rights. It invited Member States, with a view to the exchange of information and experience in regard to the functioning of national and local institutions in the field of human rights, to communicate to the Secretary-General all relevant information on that subject and requested the Secretary-General to prepare a report containing all the information so received from Member States, together with their comments and suggestions regarding possible guidelines for national institutions to be set up in the future and to circulate this report to the members of the Commission on Human Rights as early as possible, before the thirty-fifth session of the Commission. This report will be before the Commission in document E/CN.4/1321. The report of the Seminar will be available to the Commission in documents ST/HR/SER.A/2 and Add.1.

The General Assembly in resolution 33/46 adopted on 14 December 1978 requested the Commission to consider the guidelines suggested by the Seminar in its report for the structure and functioning of national institutions for the promotion and protection of human rights. The Assembly requested the Commission to send its recommendations in this regard to the Assembly at its thirty-fourth session through the Economic and Social Council; these recommendations could then be made available to Governments of Member States for their assistance in setting up national institutions for the promotion and protection of human rights.

In the context of the item as a whole the Commission, by resolution 24 (XXXIV) entitled "Regional arrangements for the promotion and protection of human rights", once again requested the Secretary-General to consider the possibility of arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights exists at present, for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights, and to take appropriate steps to give the Organization of African Unity, if it so requests, such assistance as it may require in facilitating the establishment of a regional commission on human rights for Africa. The Commission decided to give due attention to this question at its thirty-fifth session, and requested the Secretary-General to report to the Commission at its thirty-fifth session on the steps taken to implement this resolution. At its thirty-third session the General Assembly in resolution 33/167 adopted on 20 December 1978 requested the Secretary-General to include in his report to the Commission under resolution 24 (XXXIV) such information as he may already possess on the implementation of that same Assembly resolution. The relevant report will be before the Commission in document E/CN.4/1322.

In connexion with this item, and in accordance with its resolution 3 (XXXIII), the Commission will also have before it, in document E/CN.4/1312, a report on efforts made by Member States, the specialized agencies and all interested organizations with a view to marking the thirtieth Anniversary of the Universal Declaration of Human Rights.

The report prepared by UNESCO on the situation with regard to the teaching of human rights throughout the world, in accordance with Economic and Social Council decision 228 (LXII), will be available in document E/CN.4/1274 and Add.1.

The attention of the Commission is drawn to General Assembly resolution 33/171 of 20 December 1978 by which the Assembly requested the Commission at its thirty-fifth session to review the objectives, contents and format of the Yearbook on Human Rights and to make appropriate recommendations as to the need for modifications such as the inclusion therein of appropriate documents of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination and on other important documents on human rights; the Assembly requested the Secretary-General to submit to the Commission on Human Rights at its thirty-fifth session suggestions for new contents and format for the Yearbook. These suggestions will be contained in document E/CN.4/1338. The report of the Ad Hoc Committee on Periodic Reports (E/CN.4/1304) which is before the Commission under item 19 will reflect that Committee's consideration of suggestions for improving the Yearbook on Human Rights.

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 reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its thirty-fourth session.

With regard to the item as a whole it will be recalled that by its decision 9 (XXXIV) the Commission requested the Secretary-General to transmit to the Government of Democratic Kampuchea the documents and summary records of the thirty-fourth session of the Commission relating to the human rights situation in that country with a view to inviting that Government to send its comments and observations. By that same decision the Secretary-General was further requested to transmit the response of the Government of Kampuchea together with all information that might be available about the situation to the Commission at its thirty-fifth session, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In this connexion the Commission will have before it document E/CN.4/Sub.2/414 and Addenda 1-9 (materials received pursuant to Commission decision 9 (XXXIV)), as well as document E/CN.4/1295 (note from the Government of Democratic Kampuchea). At its thirty-first session the Sub-Commission, by its resolution 11 (XXXI) requested its Chairman or such member as the Chairman may decide to appoint, to analyse these materials on its behalf, together with the comments and observations made by the Sub-Commission and other relevant materials received by the Secretary-General before the thirty-fifth session of the Commission on Human Rights, and to present his analysis with the recommendation that the Commission give this matter highest priority at its thirty-fifth session. The Commission will have before it this analysis prepared by the Chairman of the Sub-Commission, in document E/CN.4/1335.

It will be further recalled with regard to the item as a whole that by its resolution 16 (XXXIV) the Commission requested the Secretary-General to prepare for its thirty-fifth session an analysis of existing United Nations procedures for dealing with communications concerning violations of human rights, to assist the Commission in studying measures to avoid possible duplication and overlapping of work in the implementation of these procedures. This analysis is contained in document E/CN.4/1317.

In addition, the Commission will have before it in connexion with this item the annual supplement to document E/4226 (E/CN.4/923/Add.12), listing decisions taken by United Nations bodies during 1978 relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries and territories.

Chapters XI and XIV of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296) are also relevant to this item.

Information submitted by the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in accordance with General Assembly resolution 2785 (XXVI) of 6 December 1971, in

which the General Assembly asked them to provide annually to the Commission reports on the nature and effect of any racial discrimination of whose existence they had knowledge in their sphere of competence, will be circulated to the Commission in document E/CN.4/1332 and may be relevant to this item.

As regards sub-item (a), it will be recalled that the Commission, in its resolution 17 (XXXIV) decided to postpone the consideration of this sub-item to its thirty-fifth session. The Commission also requested the Secretary-General to provide the Commission with information relevant to the implementation of its repeated calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. This information will be before the Commission in document E/CN.4/1323.

At its thirty-first session the Sub-Commission adopted resolution 8 (XXXI) in which it requested the Commission to review at its thirty-fifth session the implementation of that resolution.

As regards sub-item (b), the Commission will have before it the report of its Working Group established by its decision 4 (XXXIV) of 3 March 1978 to examine such particular situations as may be referred to the Commission by the thirty-first session of the Sub-Commission under Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review. The report of the Working Group (E/CN.4/R.43), as well as other confidential documents pertaining to the sub-item, including the confidential report of the thirty-first session of the Sub-Commission (E/CN.4/R.44 and addenda) and observations received from Governments (E/CN.4/R.45 and addenda), information received from the International Labour Office (E/CN.4/R.46) and summaries of further communications of relevance to the situations which the Commission has before it (E/CN.4/R.47), will be distributed to each member of the Commission personally.

Chapter XI of the report of the Sub-Commission on the work of its thirty-first session (E/CN.4/1296) is also of relevance.

It will be recalled that by its resolution 15 (XXXIV) the Commission requested the Secretary-General to keep its members informed of any action taken to implement measures determined by the Commission in accordance with Economic and Social Council resolution 1503 (XLVIII), and to convey to them, quarterly a full report on progress achieved in carrying out the decisions in this respect. These reports will be available to members of the Commission (E/CN.4/R.43 and addenda). It will be further recalled that the Commission took several general decisions relating to the implementation of the procedure governed by Council resolution 1503 (XLVIII). It decided to invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present during the deliberations of the Commission on the item in question and to take the floor if he so wished (decision 3 (XXXIV)). The Commission also decided to invite States in respect of which situations were being considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)), and to issue invitations to the States concerned during the first week of the Commission's session.

The attention of the Commission is drawn to resolution 7 B (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which it requested the competent United Nations bodies to amend the rules of procedure so that in future the Sub-Commission and its Working Group provided for in paragraph 1 of Council resolution 1503 (XLVIII) would, in taking decisions on matters arising in the implementation of that resolution, adopt the method of voting by secret ballot unless the Sub-Commission or its Working Group decide otherwise.

The Commission may note resolution 10 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by which it requested the Secretary-General to devise and bring into effect appropriate measures to prevent violations of the rule of confidentiality embodied in paragraph 8 of Economic and Social Council resolution 1503 (XLVIII) and to report to the Commission on Human Rights on the results of the investigation referred to in the Sub-Commission resolution and in respect of the measures devised and brought into effect for the aforesaid purpose.

At its thirty-third session the General Assembly, by resolution 33/176 of 20 December 1978 drew the attention of the Commission to the importance of the experience of the Ad Hoc Working Group on the Situation on Human Rights in Chile in view of the Commission's future action when dealing with consistent patterns of gross violations of human rights.

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

By resolution 20 (XXXIV) of 8 March 1978, the Commission on Human Rights decided to continue at its thirty-fifth session its consideration of a draft Convention on the Rights of the Child with a view to concluding, if possible, a convention at that session for transmission to the General Assembly through the Economic and Social Council.

In accordance with paragraph 2 of resolution 20 (XXXIV), the Commission will have before it the draft Convention on the Rights of the Child annexed to this resolution and the report of the Secretary-General on the views, observations and suggestions on such a convention submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations (E/CN.4/1324).

The attention of the Commission is drawn to Economic and Social Council resolution 1978/18 of 5 May 1978 and General Assembly resolution 33/166 of 20 December 1978 relating to the question of the convention on the rights of the child. In its resolution 1978/18 the Council noted with satisfaction the initiative taken by the Commission on Human Rights at its thirty-fourth session with a view to the conclusion of a convention on the rights of the child and to the adoption of this convention by the General Assembly and recommended to the General Assembly that it should consider including in the agenda for its thirty-fourth session, as a priority matter, the question of the adoption of a convention on the rights of the child. By resolution 33/166 the General Assembly requested the Commission on Human Rights to organize its work on the draft Convention on the Rights of the Child at its thirty-fifth session with a view

that the draft of the said Convention would be ready for adoption if possible, during the International Year of the Child, and decided to include in the provisional agenda for its thirty-fourth session the question of a convention on the rights of the child.

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

By resolution 31/127 of 16 December 1976, the General Assembly recommended that the Commission on Human Rights and the Economic and Social Council should consider this question at their next sessions on the basis of the instruments adopted and the documents and studies prepared by the United Nations and the specialized agencies, including the study by the Special Rapporteur on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the seminar on the human rights of migrant workers held at Tunis from 12 to 24 November 1975 (ST/TAG/HR/50).

The Economic and Social Council at its sixty-second session, in its resolution 2083 (LXII) of 13 May 1977, recommended that the Commission at its thirty-fourth session, in collaboration with the International Labour Organisation and other interested organizations of the United Nations system, and in the light of any recommendations which the General Assembly might transmit to it on the subject at its thirty-second session, should make a complete and thorough study of the questions mentioned in Assembly resolution 31/127 under an agenda item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

At its thirty-second session the General Assembly adopted resolution 32/120 of 16 December 1977 by which it recommended that the Commission on Human Rights and the Economic and Social Council should consider this question fully and in depth at their next sessions, in collaboration with ILO, UNESCO and other interested agencies of the United Nations system, on the basis of the instruments adopted and the documents and studies prepared by the United Nations and the specialized agencies, including the above-mentioned study on the exploitation of labour through illicit and clandestine trafficking and the report of the Tunis seminar.

The Commission considered the question at its thirty-fourth session. By its resolution 21 A (XXXIV), the Commission requested Member States to strengthen and develop the measures designed to ensure the welfare of children of migrant workers and of their families as a whole; it also requested the appropriate international organizations of the United Nations system to give special attention, in the light of their respective contributions to the International Year of the Child, to these questions in the framework of their activities in connexion with migrant workers and together to ensure by appropriate means a very wide dissemination of information on the measures taken to alleviate the difficulties encountered by migrant workers and their families; the Commission invited the Governments of host countries to consider the adoption of definitive measures to promote the normalization of the family life of migrant workers in their territory by the reunion of their families.

In its resolution 21 B (XXXIV) the Commission, noting that in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned, requested the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action; it recommended that the Economic and Social Council should authorize a meeting of an open-ended working group in December 1978, for at most three days, in order to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission at its thirty-fifth session; the Commission also requested the Secretary-General to communicate this consolidated report to Member States not less than two weeks before the meeting of the working group; and decided to consider as a matter of priority at its thirty-fifth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers". Accordingly, the Commission will have before it the report of the Secretary-General prepared pursuant to this resolution in document E/CN.4/1325.

In its resolution 1978/22, the Economic and Social Council decided that a working group open to all States Members of the United Nations should meet at Geneva for not more than one week at the end of December to formulate specific proposals to be submitted to the Commission on Human Rights at its thirty-fifth session when it begins to consider fully and in depth the question of migrant workers, in the light of other appropriate recommendations which the General Assembly may transmit to it on this subject.

The report of the Working Group which met from 18 to 22 December 1978 is contained in document E/CN.4/1316.

At its thirty-third session, the General Assembly adopted resolution 33/163 of 20 December 1978 by which it expressed the hope that the Commission would submit to the first regular session of the Economic and Social Council in 1979 the study recommended in resolution 32/120 on the basis of the concrete proposals formulated by the working group established pursuant to Council resolution 1978/22. In addition, the Assembly requested the Secretary-General to explore with Member States and in co-operation with United Nations agencies, in particular the International Labour Office, the possibility of drawing up an international Convention on the rights of migrant workers.

The Commission may note General Assembly resolution 33/162 of 20 December 1978 adopted at its thirty-third session in which the Assembly endorsed the Charter of Rights for Migrant Workers in Southern Africa as adopted by the Lusaka Conference on Migratory Labour on 7 April 1978, annexed to that resolution.

15. Human rights and scientific and technological developments

In its resolution 10 (XXVII) of 18 March 1971, the Commission decided to retain the question of human rights and scientific and technological developments as a standing item on its agenda.

The General Assembly, in paragraph 5 of its resolution 3268 (XXIX) of 10 December 1974, requested the Commission on Human Rights to draw up a programme of work in connexion with human rights and scientific and technological developments taking into account the reports of the Secretary-General on that topic, the information transmitted by Governments pursuant to paragraph 2 of the resolution and other relevant sources, with a view to undertaking in particular the formulation of standards in the areas which would appear to be sufficiently analysed.

In its resolution 11 (XXXII) of 5 March 1976 the Commission requested the Secretary-General to continue collecting documentation on the development of new technology as it pertained to human rights, where necessary with the assistance of qualified experts, to continue and, if necessary, strengthen co-operation and adequate co-ordination between United Nations organs and the specialized agencies with regard to the impact of science and technology on human rights, in particular with a view to the proposed conference on science, technology and development.

By resolution 31/128 of 17 December 1976, the General Assembly requested the Commission, in its consideration of the question of scientific and technological progress and human rights, to give special attention to the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, proclaimed by the General Assembly in its resolution 3384 (XXX) of 10 November 1975.

In resolution 10 A (XXXIII), of 21 March 1977, the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, with a view to formulating guidelines, if possible, the question of the protection of those detained on the grounds of mental ill-health against treatment that might adversely affect the human personality and its physical and intellectual integrity, and further requested the Sub-Commission to submit a progress report on the above to the Commission when such a report was ready. In connexion with this request, the Secretary-General submitted to the Sub-Commission at its thirtieth session a note (E/CN.4/Sub.2/386 and Add.1) on protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity.

In this context, the General Assembly at its thirty-third session adopted resolution 33/53 on 14 December 1978 by which it requested the Commission on Human Rights to urge that the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken as a matter of priority by the Sub-Commission and to present a progress report on this question to the thirty-fifth session of the General Assembly.

By resolution 10 B (XXXIII) of 11 March 1977 the Commission welcomed the adoption by the General Assembly in its resolution 3584 (XXX) of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and accepted it, together with other relevant international instruments, as a guide for its future work. The Commission also instructed the Sub-Commission to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations to the Commission, taking into account the provisions of paragraph 3 of General Assembly resolution 3026 B (XXVII), paragraph 1 of General Assembly resolution 2450 (XXIII) and paragraph 3 of Commission on Human Rights resolution 10 (XXVII). In connexion with this instruction, the Secretary-General submitted to the Sub-Commission a note (E/CN.4/Sub.2/387) concerning studies on human rights and scientific and technological developments in the light of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

Also in resolution 10 B (XXXIII) the Commission drew the attention of the Committee on Science and Technology for Development to the provisions of the Declaration, and requested that Committee to take those provisions into account when preparing for the United Nations Conference on Science and Technology for Development, which the General Assembly had decided to hold in 1979; and decided to consider, at its thirty-fourth session, under the agenda item "Human rights and scientific and technological developments", the question of implementing the provisions of the Declaration.

At its thirty-fifth session, the Commission will have before it (i) two annual reports on developments relating to science and technology elsewhere in the United Nations system of interest to the Commission (E/CN.4/1276 and E/CN.4/1306), which should be read in conjunction with the first report issued on the same subject (E/CN.4/1234), and (ii) an addendum to the report of the Secretary-General on human rights and national machinery for decision-making on science policy, with particular reference to technological assessment (E/CN.4/1235/Add.1).

The updated version of the note by the Secretary-General on the programme of work, prepared in accordance with paragraph 1 of Commission resolution 11 (XXXI) (E/CN.4/L.1313 and Corr.1-4), which was before the Commission at previous sessions, will also be available.

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

By resolution 7 (XXXIV) of 22 February 1978, the Commission decided to maintain this question on its agenda as a standing item.

By the same resolution, the Commission, having considered the report of the group of three members of the Commission established under article IX of the

International Convention on the Suppression and Punishment of the Crime of Apartheid, (E/CN.4/1286) requested the States Parties to the Convention to take fully into account the general guidelines proposed by the Group concerning the form and the contents of report to be submitted by them under article VII of the Convention; called upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals, with the understanding that they may submit additional information to the group at any time they wish in the intervening period; appealed to all States that are not yet parties to the Convention to ratify or accede to it; and decided that the group established under article IX should meet for a period of five days before the thirty-fifth session of the Commission to consider the reports submitted by States parties in accordance with article VII. The Commission also took a number of other decisions concerning the discharge of the functions assigned to it under article X of the Convention.

The group composed of the representatives of Cuba, Nigeria and the Syrian Arab Republic appointed by the Chairman of the Commission at its thirty-third session, is scheduled to meet in Geneva from 29 January to 2 February 1978.

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

- (a) A note by the Secretary-General (E/CN.4/1326) concerning the status of the Convention and of the submission of reports by States parties in accordance with article VII. The reports received by the Secretary-General from States parties will be made available to the Commission in the continuing addenda to document E/CN.4/1277, of which Add.1 to 16 were already available to the Commission at its thirty-fourth session;
- (b) A note by the Secretary-General (E/CN.4/1327) concerning the implementation of the decisions of the Commission in its resolution 7 (XXXIV) relevant to the discharge of its functions under article X of the Convention;
- (c) The report of the group established under article IX of the Convention on its 1979 session (E/CN.4/1328).

The Commission may also wish to note that the General Assembly, in its resolution 33/103 of 16 December 1978, welcomed the efforts of the Commission on Human Rights to undertake the functions set out in Article X of the Convention and invited the Commission to continue its efforts, especially with a view to preparing a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for crimes enumerated in Article II of the Convention, as well as of those against which legal proceedings have been undertaken; and called upon the competent United Nations organs to provide the Commission on Human Rights through the Secretary-General with information relevant to the preparation of the above-mentioned list according to Article X of the Convention as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid.

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

As regards the question of conscientious objection to military service, it may be recalled that by resolution 11 B (XXVII) of 22 March 1971 the Commission requested the Secretary-General to make available to it the information on the subject included in the country monographs which were prepared in connexion with the study on discrimination in the matter of religious rights and practices (United Nations publication, Sales No. 60.XIV.2), to seek from Member States up-to-date information on national legislation and other measures and practices relating to conscientious objection to military service and alternative service, and to submit a report on this matter to the Commission as soon as possible.

The report of the Secretary-General (E/CN.4/1118 and Corr.1 and Add.1-3), prepared in accordance with resolution 11 B (XXVII), which was before the Commission at previous sessions, will be available together with documents E/CN.4/NGO/217 and E/CN.4/NGO/220.

The Commission may note General Assembly resolution 33/165 of 20 December 1978 adopted at the thirty-third session. By this resolution, the Assembly recognized the right of all persons to refuse service in military or police forces which are used to enforce apartheid and called upon Member States of the United Nations 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. The Assembly urged Member States to consider favourably the granting to such persons all the rights and benefits accorded refugees under existing legal instruments and called upon appropriate United Nations bodies, including the United Nations High Commissioner for Refugees, the specialized agencies and non-governmental organizations to provide all necessary assistance to such persons.

18. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief

In resolution 3027 (XXVII) of 18 December 1972, the General Assembly decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft international convention on this subject.

By resolution 3267 (XXIX) of 10 December 1974, the General Assembly requested the Secretary-General to transmit to the Commission all the opinions expressed and suggestions put forward in the course of the discussion of this question at its twenty-ninth session. The Assembly requested the Commission to submit, through the Economic and Social Council, a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Since 1974, the Commission on Human Rights has considered the question at each of its sessions. The informal working group set up by the Commission during these sessions to consider the elaboration of a draft Declaration has so far adopted the title and preamble. 1/

1/ Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927), para. 198.

At its thirty-fourth session, the Commission established an informal open-ended working group to continue the consideration of the draft declaration. After having taken note of the report of the working group ^{*/} the Commission, by its resolution 22 (XXXIV) of 8 March 1978, suggested that States Members of the United Nations or members of specialized agencies, specialized agencies regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council which had views to submit on the elaboration of a draft declaration might wish to do so in writing, to the Secretary-General in order that their views would be available to all members prior to the Commission's thirty-fifth session, and decided to continue the elaboration of a draft declaration and to establish an open-ended working group which would meet on a regular basis throughout the thirty-fifth session of the Commission.

At its thirty-third session, the General Assembly in resolution 33/106, adopted on 16 December 1978, requested the Commission at its thirty-fifth session to give high priority to the drafting of the declaration and to strive towards its completion at that session and requested the Commission to instruct its working group to set a time-table for a full consideration of the remaining articles of the draft declaration during the thirty-fifth session. The Assembly also requested the Commission to submit to the thirty-fourth General Assembly through the Economic and Social Council, a single draft declaration and decided to include the item in the provisional agenda of its thirty-fourth session with high priority. By the same resolution the General Assembly requested the Secretary-General to make available to the Commission the provisions of existing international instruments which relate to the problem of religious intolerance. These provisions will be available in document E/CN.4/L.1417.

At its thirty-fifth session, the Commission will have before it:

- (a) A report on this subject, submitted by the Secretary-General under resolution 22 (XXXIV) (E/CN.4/1305);
- (b) A note prepared by the Secretariat (E/CN.4/1145);
- (c) Comments and suggestions of Governments (E/CN.4/1146 and Add.1-3, A/C.3/SR.2006, 2009-2014, 2091-2096, A/PV.2311);
- (d) The provisions of existing international instruments made available in accordance with General Assembly resolution 33/106 (E/CN.4/L.1417).

19. Periodic Reports on Human Rights

- (a) Freedom of Information
- (b) Civil and Political Rights

(a) By decision 8 (XXXIII) the Commission postponed consideration of this item to its thirty-fourth session. At its thirty-fourth session, the Commission agreed that this item should be deferred to the thirty-fifth session.

^{*/} Economic and Social Council, Official Records, 1978. Supplement No. 4 (E/1978/34), para. 259.

The Commission will again have before it the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its 1977 session (E/CN.4/1226).

The following documentation distributed at the thirty-third and thirty-fourth sessions of the Commission will be available:

- (i) The reports on freedom of information for the period 1 July 1970-30 June 1975 received from Governments (E/CN.4/1214 and Add.1-20) and specialized agencies (E/CN.4/1215 and Add.1-3);
 - (ii) An analytical summary of these reports (E/CN.4/1224);
 - (iii) A subject and country index to the reports (E/CN.4/1225);
 - (iv) Relevant contributions received from non-governmental organizations in consultative status and comments made on them by the Member States concerned.
- (b) The Commission will have before it the report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of its session held from 29 January to 2 February 1979 (E/CN.4/1304).

In connexion with this item the following documentation will be available to the Commission:

- (i) Reports on civil and political rights for the period 1 July 1971 to 30 June 1977, received from Governments (E/CN.4/1300 and addenda) and specialized agencies (E/CN.4/1301);
- (ii) An analytical summary of the reports and other material on civil and political rights for the period from 1 July 1971 to 30 June 1977 (E/CN.4/1302) prepared by the Secretary-General in accordance with Commission on Human Rights resolution 16 B (XXIII);
- (iii) A subject and country index of the reports on civil and political rights (E/CN.4/1303) prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);
- (iv) An up-to-date memorandum on the status of multilateral international agreements in the field of human rights, concluded under the auspices of the United Nations (ST/HR/4/Rev.1), prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX).
- (v) Contributions from non-governmental organizations in consultative status received under the terms of Economic and Social Council resolution 1074 C (XXXIX) and comments, if any, made on them by the Member States concerned will also be made available.

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

In resolution 8 (XXXIV) of 22 February 1978, the Commission designated its Ad Hoc Working Group of Experts on southern Africa to represent it at the World Conference to Combat Racism and Racial Discrimination which was to be held at Geneva from 14 to 25 August 1978, and suggested that the Conference should consider the adoption of a number of measures.

In the same resolution, the Commission took note of resolution 3 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission decided to consider, as a major part of its own contribution to the Decade for Action to Combat Racism and Racial Discrimination, ways and means of using national courts, administrative tribunals and domestic forums, including legislative forums, to help implement United Nations resolutions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters. The two preliminary reports prepared by the Secretary-General in accordance with Sub-Commission resolution 3 (XXX) will be made available to the Commission (E/CN.4/Sub.2/L.679, E/CN.4/Sub.2/L.680).

The World Conference was held at Geneva as scheduled. The report of the Secretary-General on the work of the Conference submitted to the General Assembly at its thirty-third session, which contained the Declaration and the Programme of Action adopted by the Conference, will be made available to the Commission (A/33/262).

At its thirty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities considered an item entitled "Role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters". At the conclusion of its discussion on this item, which is reflected in chapter III of its report (E/CN.4/Sub.2/1296), the Sub-Commission adopted resolution 1 (XXXI) of 13 September 1978. In this resolution it took note of the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination endorsed generally the premises, declarations, recommendations and proposals contained in the said Declaration and Programme of Action and recorded its readiness to co-operate and assist in an appropriate manner in the implementation of the proposals envisaged in the said Declaration and Programme of Action and in accordance with the decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights. The Sub-Commission also recommended that the Commission request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme which may be undertaken by the Sub-Commission for the effective implementation of the Programme of Action against Racism and Racial Discrimination. The Sub-Commission decided to include the item "Measures to combat racism and racial discrimination and the role of the Sub-Commission" in its agenda for its thirty-second session as a matter of high priority.

The attention of the Commission is also drawn to resolutions 33/98, 33/99 and 33/100 adopted by the General Assembly at its thirty-third session.

In resolution 33/98, the General Assembly, inter alia, urged all States to continue to co-operate fully with the Secretary-General in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and called once again upon all the Governments which 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 southern Africa, in order to put an end to such enterprises. The Assembly urged once again United Nations organs, the specialized agencies and intergovernmental and non-governmental organizations to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade, in particular by taking the measures specified in paragraph 6 of its resolution 32/10; it urged once again all Governments and private organizations to make available adequate resources to enable the Secretary-General to undertake the activities entrusted to him under the Programme and in support of the activities envisaged during the Decade and decided to continue to consider as a matter of higher priority, at its thirty-fourth session, the item entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination".

General Assembly resolution 33/99 entitled "World Conference to Combat Racism and Racial Discrimination" consists of three parts. In resolution 33/99 (I), the General Assembly, inter alia, approved the Declaration and Programme of Action adopted by the Conference and re-affirmed that all forms of racism, racial discrimination and apartheid are abhorrent to the conscience and dignity of mankind and must be eradicated by effective international action. It further re-affirmed the special responsibility of the United Nations and the international community for the victims of racial discrimination as well as for peoples subjected to colonial or alien domination and requested the Economic and Social Council to carry out an evaluation of the activities undertaken in connexion with the Decade, in accordance with paragraph 18 of the Programme for the Decade, taking into account the results of the Conference set out in the Declaration and the Programme of Action which it adopted.

In resolution 33/99 (II), the General Assembly, inter alia, re-iterated its appeal to all States, intergovernmental organizations, private institutions and non-governmental organizations to continue to render political and material assistance to the oppressed peoples of southern Africa and the liberation movements recognized by the Organization of African Unity and called upon all States, intergovernmental organizations and non-governmental organizations to work for the speedy release of all political prisoners imprisoned by the racist regimes for their fight against apartheid, racism and racial discrimination and for the right of their people to self-determination and independence.

In resolution 33/99 (III), the General Assembly, inter alia, stressed the urgent need for organizations within the United Nations system to continue to intensify their efforts to arouse world public opinion on a continuous basis against the evils of racism, racial discrimination and apartheid. It further requested the United Nations Educational, Scientific and Cultural Organization to continue its efforts in the field of education and information, especially by organizing multi-media campaigns to combat racism and racial discrimination. The Assembly requested the Secretary-General to undertake during the year 1979 the following activities:

(a) the convening of a regional seminar on recourse procedures available to victims of racial discrimination and activities to be undertaken at the regional level, (b) the convening of a round-table of university professors and directors of race relations institutions on the teaching of problems of racial discrimination, (c) the undertaking of a study on education activities and activities of the mass media in the fight against racial discrimination. It further requested the Secretary-General to submit to the Economic and Social Council at its first regular session in 1979 a report containing concrete and detailed suggestions on the following points: (a) specific activities which could be undertaken during the second half of the Decade on a yearly basis in order to implement fully the Programme for the Decade, (b) the drawing up of the agenda of the Economic and Social Council and the General Assembly, as regards the Decade, in a way that permits separate and detailed consideration of the various aspects of the Programme for the Decade. The Assembly requested the United Nations Institute for Training and Research to organize an international colloquium on the prohibition of apartheid, racism and racial discrimination and the achievement of self-determination in international law with special attention to the principles of non-discrimination and self-determination as imperative norms of international law.

In resolution 33/100, the General Assembly, inter alia, proclaimed that the elimination of all forms of racism and of prejudices and discrimination based on race are a matter of high priority for the international community and accordingly for the United Nations. It requested the Secretary-General to take the following measures, in accordance with the Programme of Action: (a) to prepare several studies analysing the struggle against all forms of racial discrimination, (b) to organize during the second half of the Decade for Action to Combat Racism and Racial Discrimination, at the level of each region of the United Nations, regional seminars on action against racism and racial discrimination, (c) to study the possibility of establishing an international fund on the basis of voluntary contributions with a view to assisting peoples and national liberation movements in their struggle against racism and apartheid. The Assembly requested the Economic and Social Council to carry out an evaluation of the activities undertaken in connexion with the Decade, in accordance with paragraph 18 of the Programme for the Decade, taking into account the results of the Conference set out in the Declaration and the Programme of Action which it adopted.

In the context of this item the Commission will also have before it the annual reports on racial discrimination submitted by the ILO and UNESCO in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1332).

21. Status of the International Covenants on Human Rights

In resolution 9 (XXXIV) the Commission requested the Secretary-General to submit to it at its thirty-fifth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. In this connexion the Commission will have before it a report by the Secretary-General (E/CN.4/1329).

The Commission may note that the General Assembly at its thirty-third session adopted resolution 33/51 of 14 December 1978 concerning the International Covenants on Human Rights, in which it invited all States which have not yet done so to become parties to the Covenants and to consider acceding to the Optional Protocol, and requested the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination, and also to transmit the annual reports of the Human Rights Committee to these bodies. Accordingly, the second annual report of the Human Rights Committee (A/33/40) submitted to the General Assembly at its thirty-third session under article 45 of the Covenant on Civil and Political Rights will be made available to the members of the Commission.

22. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session

The report of the Sub-Commission on its thirty-first session will be before the Commission in document E/CN.4/1296. The confidential part of the report of the Sub-Commission (E/CN.4/R.44 and addenda), which is also before the Commission, has been referred to under item 12 above.

The report of the Sub-Commission in document E/CN.4/1296 contains 11 resolutions and 7 decisions. The resolutions that call for action by the Commission referred to in these annotations under the appropriate item are as follows:

(i)	Resolution 1 (XXXI)	referred to under item 20
(ii)	" 2 (XXXI)	" " " " 7
(iii)	" 3 (XXXI)	" " " " 9
(iv)	" 4 (XXXI)	" " " " 9
(v)	" 5A (XXXI)	" " " " 10
(vi)	" 5B (XXXI)	" " " " 10
(vii)	" 5C (XXXI)	" " " " 10
(viii)	" 5D (XXXI)	" " " " 10
(ix)	" 7B (XXXI)	" " " " 12
(x)	" 8 (XXXI)	" " " " 12
(xi)	" 9 (XXXI)	" " " " 24
(xii)	" 10 (XXXI)	" " " " 12
(xiii)	" 11 (XXXI)	" " " " 12

In addition, the following resolutions and decision, not referred to under other items, call for action by the Commission:

- (i) Resolution 6A (XXXI), on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, by which the Sub-Commission recommended to the Commission the adoption of a draft resolution (E/CN.4/1296; Chapter XVII).
- (ii) Resolution 6B (XXXI), on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, in which the Sub-Commission inter alia requested the Secretary-General to update the list of experts established under Economic and Social Council resolution 1330 (XLIV) of 31 May 1968. Under paragraph 3 of the Council resolution, the Secretary-General established a list of experts in economic, sociological, legal and other relevant disciplines, whose advice was available to States concerned with the

liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. The list was approved by the Commission on Human Rights at its twenty-seventh session. At its thirty-fifth session the Commission will have before it for approval or revision the updated suggested list of experts (E/CN.4/1299). By resolution 6B (XXXI) the Sub-Commission also requested the Commission and the Economic and Social Council to extend the period of work of the Working Group to five working days immediately before the session of the Sub-Commission, as was recommended in Sub-Commission resolution 5 (XXVIII) of 10 September 1975.

- (iii) Resolution 7 (XXXI) on the consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-second session of the Sub-Commission by which the Sub-Commission requested the Commission to recommend to the Economic and Social Council that it decide:

- (a) That the Sub-Commission should meet twice a year for a period of three weeks, one of the sessions to take place one month prior to the session of the Commission on Human Rights;

- (b) That one of the meetings should take place at the United Nations Headquarters in New York, if possible, and the other at the United Nations Office at Geneva;

- (c) That the number of items to be included in the agenda for each session should not exceed eight;

- (d) That all the documents pertaining to subjects to be discussed should be at the disposal of the members of the Sub-Commission six weeks prior to the scheduled date of each session of the Sub-Commission.

- (iv) Decision 4 (XXXI), by which the Sub-Commission decided to express its thanks to the Special Rapporteur, Mr. Nicodème Ruhashyankiko, for his excellent report "Study of the question of the prevention and punishment of the crime of genocide" (E/CN.4/Sub.2/416), to transmit the report to the Commission for consideration at its thirty-fifth session and to recommend to the Commission and to the Economic and Social Council that the report should be given the widest possible distribution.

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

At the thirty-fourth session, the Commission established an informal working group, open to all its members, to consider questions connected with drafting a declaration on the rights of members of national, ethnic, religious and linguistic minorities. A draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities which was proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) and was meant to serve as a starting point for an exchange of views was referred to the working group.

The Commission in its resolution 14A (XXXIV) of 6 March 1978, after having taken note of resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977 recommending that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights, and having taken cognizance of the report of the working group (E/CN.4/1292, paragraph 302), requested the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission and the thirty-fourth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the Member States for their comments, and decided to consider the relevant item at its thirty-fifth session.

At its thirty-fifth session the Commission will have before it the comments received from Governments pursuant to Commission resolution 14A (XXXIV) (E/CN.4/1298).

The attention of the Commission is drawn to the recommendation contained in the programme of action adopted by the World Conference to Combat Racism and Racial Discrimination and approved by General Assembly resolution 33/99 (I) that the Commission on Human Rights continue its attempts to prepare an international instrument for the protection of the rights of persons belonging to minorities (A/33/262, para. 31).

It may also be noted that at its thirty-fourth session, the Commission considered the conclusions and recommendations presented by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Francesco Capotorti. The Economic and Social Council, in its resolution E/RES/1978/16 of 5 May 1978, after having noted Commission resolution 14 (XXXIV), expressed its appreciation to Mr. Francesco Capotorti, for his valuable study on the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/364 and Add. 1-7), and requested the Secretary-General to print the Special Rapporteur's study and to disseminate it as widely as possible.

24. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

It may be recalled that, in 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, after having examined the study prepared by its Special Rapporteur on the subject, Baroness Elles (E/CN.4/Sub.2/392 and Corr.1), decided to submit to Governments the draft declaration contained in annex I of the study for their consideration and comments, and requested the Special Rapporteur, taking into account the replies of Governments and the views expressed during the discussion of the item at its thirtieth session, to present a new draft declaration to the Sub-Commission at its thirty-first session.

At its thirty-first session the Sub-Commission had before it the revised draft declaration (E/CN.4/Sub.2/L.682) presented by the Special Rapporteur and the replies received from Governments (E/CN.4/Sub.2/L.682/Add.1). By its resolution 9 (XXXI) of 13 September 1978, it requested the Special Rapporteur to present the study (E/CN.4/Sub.2/392), together with the revised draft declaration as amended in the light of suggestions made in the Sub-Commission at its thirty-first session, to the Commission on Human Rights at its thirty-fifth session. The Sub-Commission moreover requested the Secretary-General to draw recommendations 27 and 28 contained in the study (E/CN.4/Sub.2/392) to the attention of the Economic and Social Council and the

Human Rights Committee established under the International Covenant on Civil and Political Rights and to transmit recommendation 24 of the study, with regard to the approximation and simplification of the laws relating to acquisition of citizenship, to the International Institute for the Unification of Private Law. Further, it recommended to the Commission on Human Rights and to the Economic and Social Council that the study of the Special Rapporteur (E/CN.4/Sub.2/392) and the text of the revised draft declaration, as amended, should be printed and given the widest possible distribution.

The Commission will have before it the revised draft declaration on this subject (E/CN.4/Sub.2/L.682) prepared by the Special Rapporteur, in accordance with Sub-Commission resolution 4 (XXX) of 31 August 1977. The Commission will also have before it document E/CN.4/Sub.2/L.682/Add.1 containing the comments received from Governments on the draft declaration annexed to the study (E/CN.4/Sub.2/392) prepared by the Special Rapporteur, and the text of the revised draft declaration as amended in the light of suggestions made in the Sub-Commission at its thirty-first session (E/CN.4/1336).

25. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred

The Commission will recall that by resolution 2839 (XXVI) of 18 December 1971, the General Assembly decided to place the question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred on its agenda and to keep it under continuing review, and urged other competent organs of the United Nations to do likewise, so that appropriate measures could be taken promptly as required. In compliance with this decision of the General Assembly, the item was included in the agenda of the twenty-eighth session of the Commission. Consideration of the item has been postponed by the Commission since its twenty-eighth session.

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

26. Advisory Services in the field of human rights

In accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVII), the Commission will have before it a report by the Secretary-General on the programme of advisory services in the field of human rights (E/CN.4/1330).

As requested by the Economic and Social Council in its resolution E/RES/1978/14 of 19 May 1978, the report will include information on the implementation of that resolution which requested that, commencing with the 1980-81 programme budget, the financing of the advisory services programme in the field of human rights be arranged as a part of the budget of the human rights programme of the United Nations. The Council also reiterated its request to the Secretary-General to organize, at least two seminars and one training course annually and also to grant at least 25 fellowships each year, giving special attention to the needs of the developing countries, and authorized the Secretary-General to supplement the number of seminars, fellowships and training courses possible under the advisory services programme in the regular budget of the United Nations by arranging for additional seminars, fellowships and training courses which would be financed by governments willing to do so.

The Commission will also have before it the report of the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights in documents ST/HR/SER.A/2 and Add.1 referred to in the annotations for item 11 above.

In this context the Commission may note that the General Assembly, at its thirty-third session, adopted resolution 33/167 by which it requested once again that the Secretary-General, under the programme of advisory services in the field of human rights, give priority to the consideration, in regions where no regional commission on human rights exists, of seminars for the purpose of discussing the usefulness and advisability of the establishment of regional commissions for the promotion and protection of human rights and that at least one such seminar should be organized during 1979.

27. Communications concerning human rights

The Commission will have before it confidential lists of communications and confidential documents containing the replies of Governments thereto, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 728 F (XXVIII), 1235 (LXII) and 1503 (XLVIII). In accordance with Economic and Social Council decision 79 (LVIII) of 6 May 1975, these lists and documents are furnished to the members of the Commission every month. The Commission will also have before it a confidential document of a statistical nature prepared by the Secretary-General in accordance with Commission resolution 14 (XV).

28. Draft provisional agenda for the thirty-sixth session of the Commission

Rule 9 of the rules of procedure provides that at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to the work of the Commission and of their urgency and relevance in the light of the current situation.

The Commission will have before it, before the conclusion of the thirty-fifth session, a note for its consideration containing a draft provisional agenda for its thirty-sixth session, together with information concerning the corresponding documentation.

29. Report to the Economic and Social Council on the thirty-fifth session of the Commission

Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.