

YEARBOOK  
ON  
HUMAN RIGHTS  
FOR 1984



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## NOTE

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## INTRODUCTION

The *Yearbook on Human Rights* for 1984 has been prepared on the same basis as that for 1979, according to the directives laid down by the Economic and Social Council in its resolution 1979/37 of 10 May 1979, and in conformity with the "Guidelines for the contents and format of the *Yearbook on Human Rights*" annexed to Council resolution 1979/37. Part I concerns national developments; part II relates to activities of the supervisory bodies; part III concerns international developments in the field of human rights. An annex is included at the end of the present volume.

PART I contains two sections:

*Section A* consists of a selection of material reflecting legislative, administrative, judicial and other national measures and court decisions, taken from government reports submitted under the international human rights instruments, covering the year 1984.

Extracts from reports made by the following States under relevant international instruments in the field of human rights are reflected in the present Yearbook: Afghanistan, Algeria, Argentina, Australia, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Germany, Federal Republic of, Greece, Holy See, Iran, (Islamic Republic of), Morocco, Netherlands, Nicaragua, Nigeria, Panama, Philippines, Poland, Portugal, Senegal, Somalia, Spain, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland and Venezuela.

The material has been arranged under country headings with subject subheadings related to the pertinent articles of the Universal Declaration of Human Rights as well as to relevant articles of the international instruments under which the State reports used as source of information have been submitted.

*Section B* contains information relating to the exercise, in certain Trust and Non-Self-Governing Territories, of the right to self-determination. It gives a brief account of developments in Trust and Non-Self-Governing Territories. Information contained in this section is mainly based on the Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples\* and on working papers prepared by the Secretariat containing information on developments concerning the Territories.

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\* *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 23 (A/39/23).*

PART II consists of two sections:

*Section A* reflects the practice of the supervisory bodies concerning the examination of government reports and other tasks entrusted to these bodies under the relevant international instruments. It consists of extracts of the following reports of the supervisory bodies to the respective parent organs:

Report of the Committee on the Elimination of Racial Discrimination, Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18);

Report of the Human Rights Committee, Official Records of the General Assembly; Thirty-ninth Session, Supplement No.40 (A/39/40);

Report of the Human Rights Committee, Official Records of the General Assembly; Fortieth Session, Supplement No.40 (A/40/40);

Report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1984/83);

Report of the Group of Three Established under the Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1984/48).

*Section B* includes relevant decisions, general recommendations, comments and observations made by the above-mentioned supervisory bodies in connection with their examination of reports submitted and other tasks entrusted to them under the international instruments. Relevant decisions and resolutions of the parent bodies, namely, the General Assembly, the Economic and Social Council, and the Commission on Human Rights, have also been included in this section.

PART III contains a brief account of activities in the field of human rights in the United Nations system, and reflects major developments on questions of human rights in relevant United Nations organs and specialized agencies.

The text of revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the Committee on the Elimination of Racial Discrimination has been included as an annex to the present *Yearbook*.

PART I

# NATIONAL DEVELOPMENTS

## **Section A. States**

### **AFGHANISTAN**

#### **A. Right to take part in the conduct of public affairs**

*(article 21 of the Universal Declaration;  
article 5 (c) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

The Law of Local Organs of State Power and Administration, recently adopted, is laying the ground for the vast participation of all Afghan nationals living in revolutionary Afghanistan, without any distinction with regard to race, colour, or national or ethnic origins, in conducting public affairs at any level and in having equal access to public services. This law has also provided to each Afghan national democratic rights such as the right to participate in elections and the right to stand for election.

The Law of Local Organs of State Power and Administration of the Democratic Republic of Afghanistan has prohibited the imposition of any kind of limitations against Afghan nationals in the exercise of their rights in conducting public affairs under this Law.

#### **B. Right to work; right to equal pay for equal work**

*(article 23 of the Universal Declaration;  
article 5 (e) (i) of the International Convention  
on the Elimination of All Forms of Racial Discrimination)<sup>2</sup>*

The Labour Law of the Democratic Republic of Afghanistan, which is to be adopted soon, provides for the adoption of national policy aimed at promoting by appropriate models, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating every discrimination, distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.

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<sup>1</sup> Report submitted by State (CERD/C/111/Add.3).

<sup>2</sup> *Ibid.* (CERD/C/111/Add.3).



## ALGERIA

### **Elimination of discrimination on grounds of sex, marriage, law.**

#### **Protection of the family**

*(articles 2, 7, and 16 of the Universal Declaration;  
articles 2 and 5 of the International Convention  
on the Elimination of All Forms of Racial Discrimination)<sup>1</sup>*

A Family Code has been enacted (Act. No. 84/11 of 9 June 1984).

The law lays down an obligation relating to the maintenance of women and even provides for penalties, including imprisonment, for the breach of that obligation (article 36 of the Family Code).

Women have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent, this being essential for the validity of the marriage (article 9 of the Family Code).

This consent must be explicit and unequivocal and cannot be given on account or made subject to the materialization or non-materialization of a future or uncertain event. It must be expressed publicly and in person (article 10 of the Family Code).

With a view to protecting young girls against marriage before puberty, article 7 of the Family Code provides that:

“Marriage may be entered into at the age of twenty-one (21) years in the case of men and eighteen (18) years in the case of women.

“A court may, however, waive the age requirements for serious reasons or in a case of necessity.”

Algerian women have the same rights as their husbands during marriage and at its dissolution.

Like their husbands, they can institute divorce proceedings in the courts (article 53 of the Family Code).

They are entitled to the custody of minor children (article 64 of the same Code).

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.3).

## ARGENTINA

### **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

As far as the indigenous populations are specifically concerned, their work is generally limited to handicrafts, small-scale subsistence farming and seasonal employment at harvest time and they lack any kind of social security coverage or security of employment. This indicates that they constitute one of the most vulnerable sectors of Argentine society.

The Constitutional Government is aware of the situation and, in the short period since it took office, it has adopted various measures to reverse it, with the following objectives:

- (a) To implement arrangements to settle the indigenous populations on land of their own under their own organization;
- (b) To facilitate their access to housing, to adequate health care and to education on terms of equality;
- (c) To preserve their cultural identity through observance of their traditions and the preservation and teaching of their languages;
- (d) To facilitate their social integration and development.

The Government's position is based on recognition of the fact that the situation is not specific to Argentina and has its origin in the historical and cultural traditions of pre-Columbian Indo-America.

In keeping with the principles just described and in view of this situation, the Argentine Government prepared a bill which the national Senate began to consider on 8 August 1984.

To make amends for the appropriation of their land, the bill contains a proposal that the indigenous communities should be given lands of their own which they will hold permanently on the basis of their customary rules and which will be conveyed to them in common.

The lands will also be conveyed free of charge and free from any encumbrance, as a form of historical reparation.

Land grants will be made out of national and provincial public property and, if necessary through the purchase of private property.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.16).

The Government had also dealt with the problems of nomadic or semi-nomadic communities, for which it will arrange for the reservations of public land that will be conveyed to them whenever they choose to settle down.

From the date on which the above-mentioned bill comes into force, any transfer of settlements will be prohibited except in cases of *force majeure* and with the express consent of the communities involved. In all such cases, provision is made for a system of resettlement and compensation.

In view of the need for and usefulness of reliable information on the number of indigenous communities, their geographical location, living conditions, etc., the bill provides for the establishment of a National Institute of Indigenous Affairs, whose functions include the compilation of a register of indigenous communities, which is to be brought up to date periodically by sampling and/or census in order to obtain more precise information on the situation of the indigenous populations concerned.

The Government is implementing an "emergency programme for indigenous communities", the initial phase of which is due to last 10 months and in which 20 public institutions experienced in the matter will be involved. The objective of the initial phase is to co-ordinate assistance activities to indigenous communities hit by recent natural disasters as a result of adverse weather conditions in various parts of the country. When the initial phase is completed the programme will continue in the form of social promotion activities.

The Government, with the participation of the provincial governments, has also instituted a "national food programme" to improve the economic and social situation of low-income sectors of the population.

The Government also considered it important immediately to find a place for the indigenous affairs sector in the administrative restructuring process it has undertaken and, to this end, it established a Department of Indigenous Affairs as part of the Secretariat for Social Promotion within the Ministry of Health and Social Action.

Its functions are to elaborate and implement policies, plans and programmes for the integrated development of indigenous communities with their active participation in the design and implementation of such plans.

#### **B. Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

*(article 5 of the Universal Declaration;  
article 5 (b) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>2</sup>*

Act No. 23097 reformed the Penal Code by establishing penalties assimilated to those for homicide for the offence of torture, with increased liability and a severer penalty if the torturers are public servants.

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<sup>2</sup> *Ibid.* (CERD/C/149/Add.1).

**C. Prohibition of activities aimed at the destruction of human rights and freedoms; prohibition of incitement to racial discrimination**

*(articles 7 and 30 of the Universal Declaration;  
article 4 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>3</sup>*

On 10 August 1984, the Argentine Congress approved the Act for the Protection of Institutional Order and the Defence of Democratic Life, under which persons who take up arms against the authorities are liable to penalties of up to 25 years' imprisonment and public servants who collaborate with *de facto* governments are disqualified from office and imprisoned.

The Government's firm determination to eradicate all forms of discrimination had led it to prepare a preliminary bill which will amend the Penal Code so that the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence or incitement to commit such acts against any race will become punishable offences and penalties will be increased if public organizations or public servants are involved in such activities.

**D. Right to an effective remedy**

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>4</sup>*

Among human rights legislation adopted in 1984, mention can be made of Act No. 23054 enacting the American Convention on Human Rights and recognizing the competence of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights, for which the appropriate instrument of ratification was deposited on 5 September 1984.

**E. Right to social security; realization of economic, social and cultural rights**

*(article 22 of the Universal Declaration;  
article 5 (e) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>5</sup>*

The Government is attempting to ensure that all workers have access to social security and to security of employment; the Ministry of Labour has adopted measures to guarantee such access.

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<sup>3</sup> *Ibid.* (CERD/C/118/Add.16).

<sup>4</sup> *Ibid.* (CERD/C/149/Add.1).

<sup>5</sup> *Ibid.* (CERD/C/118/Add.16).

It should be stressed that the section of the bill relating to working conditions and social security incorporates the comments and recommendations made by the ILO Committee of Experts on the Application of Conventions and Recommendations concerning ILO Convention No. 104 on indigenous populations, which was ratified by Argentina in 1959. In this connection, it should also be pointed out that the national authorities are engaged in negotiations with the ILO to secure the technical support services of an expert who is to visit Argentina in 1985.

Credit and subsidies will be granted for the development of the regional economies and handicraft activities and an effort will be made to introduce new technologies which are suited to indigenous activities and designed to bring about the more harmonious integration of the indigenous communities in the productive process.

**F. Right to education; promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 of the Universal Declaration;  
article 5 (e) (v) and 7 of the International Convention on  
the Elimination of All Forms of Racial Discrimination)<sup>6</sup>*

Since education is regarded as a social service, the authorities have an obligation to promote its development by giving effect to the democratic principle of equality of opportunity and equal access to education.

The subject entitled "Moral and civic training" taught under the *de facto* Government has, accordingly, been replaced by the subject "civic education".

The general purposes of this subject are:

- (a) To promote understanding of the current situation in the local and national communities and their relationship with Latin America and the rest of the world;
- (b) To enhance awareness of local, national and international values;
- (c) To promote greater participation, while at the same time developing a critical attitude towards the existing social, political and cultural situation;
- (d) To respect ideological pluralism;
- (e) To develop a national civic consciousness;
- (f) To value democracy as a life style; and
- (g) To acknowledge and absorb the values embodied in the National Constitution.

The study of this subject will cover, *inter alia*, the following topics;

- (i) The population of the Argentine Republic, its geographical distribution, demographic problems and social, cultural and ethnic characteristics; foreign immigration; internal migrations; provinces that are losing population; indigenous groups; and social deprivation;

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<sup>6</sup> *Ibid.* (CERD/C/118/Add.16).

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- (ii) The defence of human rights, including a study of the 1948 Universal Declaration of Human Rights; and overt and covert forms of human rights violations, including terrorism, repression, censorship, poverty, ignorance and racism.

The above-mentioned bill also provides for co-ordinated programmes of action to give the indigenous populations access to all levels of education through the implementation of emergency literacy campaigns, the training of indigenous educators, the establishment of school dining-rooms and hostels and easier access to scholarships. All this is to be done on the basis of bilingual and bicultural instruction and efforts will be made to disseminate the indigenous cultural heritage through the mass media and to publicize its contribution to the national culture.

# AUSTRALIA

## **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

### *Elimination of racial discrimination*

In mid-1984 the Government established a National Population Council to offer advice on a wide range of issues of concern to its Immigration and Ethnic Affairs portfolio. The Council has several committees, one of which is the Ethnic Affairs and Settlement Committee. This Committee's work programme includes a detailed examination of the need to promote access and equity in service delivery by Commonwealth departments and authorities and by other government and non-government agencies. The Committee is preparing a public discussion paper with the following objectives:

- (i) To promote in the wider Australian community an understanding of the need for action to promote a just and equitable society in which all Australians have the same rights, responsibilities and opportunities;
- (ii) To alert Australians, including those born overseas, to the need for action by governments and community organizations to adapt their delivery of services to the multicultural reality of Australian society; and
- (iii) To promote, through discussion, and feedback to the National Population Council, a community contribution to the formulation of Council recommendations to government for remedial action.

The proposed paper will focus in particular on the need for a Commonwealth policy on "mainstreaming", which is to ensure that Commonwealth authorities responsible for providing services to the community recognize the diversity in the demographic and cultural composition of the community and adopt measures to ensure access and equity in service delivery to persons of immigrant origin and their dependants.

A policy of eliminating racial discrimination through legislation prohibiting such discrimination and guaranteeing equal opportunity has been adopted by the majority of Australian States. The following is a summary of the principal State legislation:

Victoria—*Equal Opportunity Act 1984*;

Western Australia—*Equal Opportunity Act 1984*;

South Australia—*Equal Opportunity Act 1984*.

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<sup>1</sup> Report submitted by State (CERD/C/115/Add.3).

Queensland, the Northern Territory and Tasmania have not enacted legislation of their own to prohibit racial discrimination but are subject to the Federal *Racial Discrimination Act 1975*. In relation to the internal workings of government administration, the *Public Service Reform Act 1984* at the Federal level, the *Public Service (Amendment) Act 1984* of Victoria, the *Public Service (Amendment) Act 1980* of New South Wales and the *Tasmanian State Service Act 1984* ensure equal opportunity for persons of all races. The Northern Territory Public Service Commissioner has appointed an Assistant Commissioner for Equal Opportunities within the Public Service.

Since 1979 Ethnic Affairs Commissions have been successively established by the New South Wales, Victorian and South Australian Governments to promote at the State level the needs of ethnic communities and their participation in Australian society. An Ethnic Affairs and Multicultural Commission was established in 1984 by the Western Australian Government with broadly similar objectives, with particular emphasis on multiculturalism.

### *Victoria*

A recent and important enactment in Victoria is the *Equal Opportunity Act 1984* which came into effect on 1 August 1984. It replaced the *Equal Opportunity Act 1977* and the *Equal Opportunity (Discrimination Against Disabled Persons) Act 1982*.

The Act established a Commissioner for Equal Opportunity and an Equal Opportunity Board.

Part III of the *Equal Opportunity Act 1984* proscribes discrimination on the ground of race in respect of employment, agency, contract work, and partnership arrangements.

### *Western Australia*

Western Australia has now passed its own *Equal Opportunity Act 1984*. The Act proscribes discrimination on grounds of sex, marital status, pregnancy, race and religious or political conviction. Part III of the Act deals specifically with race, which is defined to include colour, descent, ethnic or national origin or nationality (and the fact that a race may comprise two or more distinct races is explicitly stated not to prevent the identification of a race for the purpose of this Act).

Discrimination is defined (in section 36) as treating a person less favourably than one would treat a person of a different race in the same circumstances or circumstances that are not materially different, or segregating a person from others of a different race.

Discrimination against applicants for jobs and employees, commission agents and contract workers, discrimination in partnerships and in professional or trade organizations, and discrimination by qualifying bodies and employment agencies is expressly prohibited. Other areas of discrimination expressly proscribed are discrimination in education, in providing access to places, vehicles, goods, services, facilities, accommodation and clubs and concerning the information required on application forms.



A number of exceptions apply, for example, where a person's race is a genuine occupational qualification is relevant or where an act is done in order to meet the special needs of a racial group or where acts are done pursuant to law which discriminates on the basis of citizenship. Exceptions from the operation of the Act also cover charitable bequests, membership of voluntary bodies, religious bodies, establishments providing facilities for aged persons, and acts done under statutory authority and short-term exemptions given by the Equal Opportunities Tribunal. Before granting an exemption order, the Tribunal may call upon interested parties to give evidence and make submissions to it and it may examine witnesses.

The Act establishes a Commissioner for Equal Opportunity.

Part IX of the *Equal Opportunity Act 1984* provides for equal opportunity in public employment and establishes a Director of Equal Opportunity in Public Employment.

In February 1983 the Western Australian Government appointed a Minister for Multicultural and Ethnic Affairs and on 1 July 1984 the *Multicultural and Ethnic Affairs Commission Act 1983* was proclaimed. The objects of the Act are to:

- (a) Promote the recognition by the people of Western Australia of the contribution made to the life of the people of the State by its diverse communities;
- (b) Encourage the participation of persons of diverse origins, languages or cultures in the life of the people of Western Australia;
- (c) Facilitate equal access of persons of diverse origins, languages or cultures to the services and facilities provided for the people of Western Australia;
- (d) Encourage people of diverse languages, traditions and cultures among the people of the State to preserve their languages, traditions and cultures; and
- (e) Promote co-operation amongst the diverse communities in Western Australia to achieve a cohesive society.

#### *South Australia*

In South Australia the *Ethnic Affairs Commission Act* was amended late in 1983 following a review of the Commission and its operations which recommended a restructuring of the Commission, an expansion of its objects and a strengthening of its role in relation to other government agencies. The amended Act also enables the appointment of a full-time Deputy Chairman to complement the Chairman's role in the internal management of the Commission and expands the membership of the Commission to allow for representation of various ethnic groups.

The *South Australian Equal Opportunity Act 1984* was passed in late 1984. It improves previous race discrimination legislation in South Australia and repeals the *Racial Discrimination Act 1976* and other existing anti-discrimination legislation. The Act follows the pattern of other equal opportunity legislation in Australian States.

Part II of the Act creates an Equal Opportunity Commissioner and Equal Opportunity Tribunal.

#### *Tasmania*

The recently enacted *Tasmanian State Service Act 1984* provides for equality of opportunity in employment within the Tasmanian State Service.

### *Queensland*

In Queensland the Division of Migrant Services in the Department of Welfare Services has been upgraded to full departmental status as the Department of Ethnic Affairs. In addition, two Ethnic Affairs Advisory Councils have been formed, one in Brisbane and the other in North Queensland with representation from a number of major centres of population.

### *Development and protection of certain racial groups*

#### *South Australia*

In March 1984 South Australia passed the *Maralinga Tjarutja Land Rights Act 1984* designed to grant to Aboriginal people having a traditional association with certain land, inalienable freehold title over that land.

#### *Queensland*

In Queensland the *Aborigines Act 1971-1979* and the *Torres Strait Islanders Act 1971-1979* were each repealed on 31 May 1984 and replaced by the *Community Services (Aborigines) Act 1984*. It improves the repealed legislation by increasing the autonomy and widening the liberties and rights of local Aboriginal and Torres Strait Islander communities.

The legislation established local councils for Aboriginal and Islander communities as corporate bodies for local government purposes.

The legislation also creates Industries Boards to promote Aboriginal and Islander controlled commercial and industrial development.

### *General*

In June 1984, the Australian Government passed legislation to preserve and protect places, areas and objects of particular significance to Aboriginals and to provide for the return to Aboriginals of human remains for disposal in accordance with Aboriginal tradition.

### **B. Right to an effective remedy**

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>2</sup>*

In Victoria complaints of discrimination under the *Equal Opportunity Act 1984* are lodged with the Registrar of the Equal Opportunity Board who then refers them to the Commissioner for Equal Opportunity (s.44); the Board itself may also refer matters which come to its attention to the Commission (s.41). Matters arising under Federal anti-discrimination legislation are referred to the Human Rights Commission for further action. Appeals from orders of the Equal Opportunity Board may be made on questions of law only to the Supreme Court of Victoria (s.49).

<sup>2</sup> *Ibid.* (CERD/C/115/Add.3).

Part VII of the *South Australian Equal Opportunity Act 1984* provides that complaints of contraventions of the Act are to be made to the Equal Opportunity Commissioner. For the purpose of investigating complaints, the Commissioner is empowered to require production of documents and attendance at compulsory conferences. Where attempts at conciliation fail the Commissioner will refer the complaint to the Equal Opportunity Tribunal for hearing and determination (s.95). The Tribunal may make orders for damages, injunctions, interim injunctions or orders to perform specific acts to redress loss or damage suffered by the complainant (s.96). A right of appeal lies from the Tribunal to the State Supreme Court which conducts a review of the decision or order of the Tribunal (s.98).

### C. Political rights

(article 21 of the *Universal Declaration*;  
article 5 (c) of the *International Convention on the Elimination  
of All Forms of Racial Discrimination*)<sup>3</sup>

The Australian Government recently passed the *Commonwealth Electoral Legislation Amendment Act 1983* to require Aboriginals and Torres Strait Islanders to become enrolled on the Commonwealth Electoral Rolls. With this amendment Aboriginal Australians throughout Australia not only have the same rights but now the same obligations under the electoral laws of the Commonwealth as all other citizens.

The Australian Government has achieved considerable progress in its programme of legal reform aimed at putting all migrants on an equal political footing. The *Commonwealth Electoral Act 1918* has been amended to make Australian citizenship rather than British subject status the nationality requirement for enrolment to vote and to nominate for Parliament. The amendment came into force on 26 January 1984. The *Public Service Reform Act 1984* which came into force on 1 November 1984, changed the prerequisite for permanent appointment to the Australian Public Service from British subject status to Australian citizenship. The *Australian Citizenship Amendment Act 1984*, passed in October 1984, will remove on a date to be proclaimed the concept of British subject status from the *Australian Citizenship Act*.

In addition, the *Aliens Act 1947*, which contained discriminatory provisions against non-British subjects entering Australia, was repealed by the *Aliens Act Repeal Act 1984* of 18 November 1984. Amendments to the *Migration Act 1958*, which came into force in April 1984, removed the distinction between aliens and immigrants in relation to entry and deportation controls and put all non-Australian citizens on the same footing in relation to those controls.

The *Citizenship Act* sets out the requirements people have to meet to become citizens. The requirements are the same for everyone regardless of their sex, marital status or previous nationality.

There were substantial amendments to the *Citizenship Act* in 1984.

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<sup>3</sup> *Ibid.* (CERD/C/115/Add.3).

#### D. Right to social security

(article 22 of the Universal Declaration;  
article 9 of the International Covenant on Economic, Social and Cultural Rights)<sup>4</sup>

The remote area allowance which was introduced on 1 May 1984 is designed to provide additional assistance to pensioners and beneficiaries living in remote areas of Australia because of higher costs.

On 1 June 1984, the Prime Minister the Hon. R. J. L. Hawke, A.C., M.P., announced the results of a major review of the income and assets test applicable to all government pensions, except "blind" pensions, unemployment and sickness benefits and war widows' and repatriation disability pensions paid by the Federal Department of Veterans Affairs. Legislation to implement the proposed assets test received Royal Assent on 21 September 1984 and will come into effect on 21 March 1985.

#### E. Right to work

(article 23 of the Universal Declaration;  
article 5 (e) (i) of the International Convention on the Elimination  
of All Forms of Racial Discrimination;  
article 6 of the International Covenant on Economic, Social and Cultural Rights)<sup>5</sup>

Within the Australian Public Service (APS) the Government has a policy of non-discrimination and equal employment opportunity for all persons employed or seeking employment in the APS. The *Public Service Reform Act 1984* inserted a new section 22B to preclude discrimination on the grounds of political affiliation, race, colour, ethnic origin, social origin, religion, sex, sexual preference, marital status, pregnancy, age or physical or mental disability in respect of appointments, transfers and promotions.

In Victoria the *Public Service (Amendment) Act 1984* provides that management must observe a set of personnel management principles including that of equal opportunity without regard to race, national origin or colour and for recruitment solely on the basis of merit. The amendment Act repealed a provision which included as a qualification for appointment to the Victorian Public Service the requirement that a person be an Australian citizen or a British subject. This provision has been replaced by the requirement of Australian citizenship or permanent residency.

The Commonwealth Employment Service (CES) operates a nationwide, decentralized network of employment agencies. CES which provides a free service consists of some 248 local employment offices, 56 branch employment offices and approximately 160 agencies.

CES is now in the course of implementing a national computerized vacancy system known as "Job Bank" which will ultimately provide complete details on the receipt of, current action relating to, and cancellation of all vacancies lodged with CES.

<sup>4</sup> *Ibid.* (E/1984/7/Add.22).

<sup>5</sup> Reports submitted by State (CERD/C/115/Add.3; E/1984/7/Add.22).

**F. Promotion of understanding, tolerance and friendship among all nations,  
racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>6</sup>*

At the beginning of 1984, the National Advisory and Co-ordinating Committee on Multicultural Education was set up, following a recommendation made by the Australian Institute of Multicultural Affairs. The Committee fills an important role in advising on the needs of multicultural education both inside and outside the formal education system. A major task of the Committee is to identify the cultural resources within the community and to advise on how they can best be drawn upon for the benefit of all Australians.

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<sup>6</sup> *Ibid.* (CERD/C/115/Add.3).

## BULGARIA

### Right to an adequate standard of living, protection of childhood and motherhood

(article 25 of the Universal Declaration;  
article 11 of the International Covenant on Economic, Social  
and Cultural Rights)<sup>1</sup>

With a view to meeting more fully the needs of young families for housing, article 1 of Decree No. 1342 of the Council of State dated 1979 has been amended (*Durzhaven vestnik* No. 63/1984). Under the amendment in question it has been laid down that in all new residential buildings erected by the people's councils and government departments not less than 25 per cent (instead of the 10 per cent prescribed up to August 1984) of the accommodation is to be set aside for young, newly married families. This category also includes single mothers, widows and divorced women not more than 35 years of age who have dependent children (Resolution No. 40 of the Council of Ministers of the People's Republic of Bulgaria dated 27 July 1984—*Durzhaven vestnik* No. 65/1984).

Significant material support for young families was provided for in Resolution No. 16 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers, the Central Council of Bulgarian Trade Unions, the National Council of the Fatherland Front and the Central Committee of the Dimitrov Communist Youth League, dated 24 April 1984, on raising the people's level of living.

Through amendments and additions made to article 60 of the Labour Code in 1984 (*Durzhaven vestnik* No. 44/1984), the amount of additional leave granted for the care of young children was increased considerably.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.17/Rev.1).

# CANADA

## Introduction: general legal framework<sup>1</sup>

### *Government of Canada*

A Constitutional Conference was held in March 1983 and concluded a Constitutional Accord.

Following this Accord, the following changes were made to the *Constitution Act, 1982*:

Section 25 (b) was amended to include "rights or freedoms that now exist by way of land claims agreements" in the section 25 protection of certain aboriginal constitutional rights.

Section 35 was amended to guarantee aboriginal and treaty rights equally to men and women, and to ensure that rights acquired by existing or future land claims agreements are given the status of treaty rights, so as to ensure such rights the protection of subsection 35 (1).

Section 35.1 was added. It provided that the federal and provincial governments are committed to the principle of holding a constitutional conference to which aboriginal representatives shall be invited before making any constitutional amendments to provisions affecting federal jurisdiction over Indians or touching upon the rights of the aboriginal peoples protected by the Constitution.

Section 37.1 was also added. It requires that two more constitutional conferences of the type previously described shall be held before 17 April 1987 and that constitutional matters which directly affect Canada's aboriginal population shall be put on their agenda.

These amendments were proclaimed in force on 21 June 1984.

### *Government of the Provinces*

#### *British Columbia*

The main legal instrument for the elimination of racial discrimination in British Columbia is the new *Human Rights Act* which came into effect on 14 September 1984. The *Act*, which was written after consultation with a variety of groups including an Advisory Committee drawn from the public at large, is administered by a five-member B.C. Council of Human Rights. The new statute includes improved administrative procedures to facilitate review and resolution of complaints alleging discrimination through hearings held by a member of the Council. The Council deals

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<sup>1</sup> Report submitted by State (CERD/C/107/Add.8).

with human rights complaints filed by persons under the new *Act*, as well as with outstanding cases initiated under the previous *Human Rights Code* which had been in force since 1974.

### *Territories*

#### *Northwest Territories*

A Consultation Paper on a Proposed Human Rights Code for the Northwest Territories was tabled in the Legislative Assembly by the Minister of Justice and Public Services in November 1984. The Code is intended to consolidate the law on human rights in the Territories into one statute.

The protection accorded by the proposed Code would be similar to that provided by the *Canadian Human Rights Act* and provincial human rights statutes. The Code would provide protection against discrimination on various grounds including race, colour, origin, and language in the area of employment, the rental of residential and commercial accommodation, and the provision of services and facilities. It would make provision for redress procedures in cases of violation of its provisions as well as for special programmes in favour of disadvantaged groups.

A Human Rights Commission would be established with enforcement powers and responsibilities for information programmes, research and review of existing regulations and other instruments in the Territories. The Code would have precedence over other legislation in the Territories.

#### **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>2</sup>*

### *Government of Canada*

In June 1983, a Special Parliamentary Committee was set up by Parliament to examine the problems related to the participation of visible minorities in Canadian society and to propose measures to increase such participation. In its report entitled "Equality Now!", submitted in March 1984, the Committee made 80 recommendations designed to increase the participation of members of visible minorities in Canadian society and to facilitate their enjoyment of fundamental rights and freedoms. For the purpose of the report, visible minorities have been defined as non-whites who are not participating fully in Canadian society. The non-white population of Canada is approximately 7 per cent of the population.

#### *Affirmative action programmes*

In June 1983, a Royal Commission of Inquiry on Equality in Employment was set up by Order-in-Council. The Commission was required to explore the most effi-

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<sup>2</sup> *Ibid.* (CERD/C/107/Add.8).



cient, effective, and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis. Four target groups were identified: women, native people, disabled persons, and visible minorities. At the same time, the Commission was to examine the employment practices of 11 designated crown and government-owned corporations. The Commission submitted its report to the Government in October 1984. The report contains 117 recommendations addressed to the Government of Canada, the government of the provinces and the private sector.

The Affirmative Action Program administered by the Canada Employment and Immigration Commission aims to improve employment opportunities, utilize the full potential of all workers, and achieve appropriate representation of specific target groups at all levels and in all occupations in the labour force. Up until 1984, the designated target groups were women, Natives, physically disabled persons and Blacks in Nova Scotia.

#### *Government of the Provinces*

##### *British Columbia*

Under the *Human Rights Act*, discrimination on the basis of race, colour, ancestry and place of origin is prohibited in accommodation, services or facilities customarily available to the public, purchase of property, tenancy, employment and conditions of employment, and in membership in trade unions and employers' or occupational associations. These provisions apply both to the provincial government and other public agencies and to the private sector.

Since assuming jurisdiction for complaints in September 1984, the B.C. Council of Human Rights has accepted 30 complaints of discrimination because of race, colour, ancestry and place of origin under the *Human Rights Act*.

Under Section 19 (2) of the *Human Rights Act*, persons or organizations in either the private or public sectors may voluntarily apply for approval of pro-active programmes designed to improve the situation of groups which have suffered historic or other disadvantages based on race, colour, national or ethnic origin or other enunciated categories under the *Act*.

### **B. Right to an effective remedy**

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

#### *British Columbia*

The *Human Rights Act* provides that where the B.C. Council of Human Rights has recommended a settlement of a complaint of discrimination and the complainant or person alleged to have committed the contravention does not accept the recommendation, a report is to be submitted to the Minister of Labour who may appoint a one person board of inquiry. If the complaint is found to be justified, the board of

<sup>3</sup> *Ibid.* (CERD/C/107/Add.8).

inquiry may order payment of compensation to the person discriminated against for wages or salary lost, or expenses incurred by the contravention and, in addition, may order payment of up to \$Can 2,000 for injury to self-respect and dignity. Board decisions are subject to judicial review in the courts only on points of law. With the streamlined administrative procedures in place under the new *Act*, it is anticipated that a majority of complaints will be resolved quickly at the Council level.

**C. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)\**

*Government of Canada*

The Government of Canada supports initiatives which aim at increasing the study and teaching of human rights and of problems of racial discrimination. Recent initiatives taken include the following: a grant of \$Can 500,000 was allotted by the Department of the Secretary of State to the Human Rights and Education Centre of the University of Ottawa to establish a chair of excellence in human rights; Multiculturalism Canada's Endowment Assistance Program made contributions to non-profit organizations wishing to create endowment for the establishment, in Canadian universities, of chairs of study in the fields of humanities, social sciences, communications and fine arts, relating to particular ethnocultural groups; two conferences were held on "Multiculturalism in Education" with financial assistance from Multiculturalism Canada—the conferences were attended by 600 and 900 participants, respectively representing boards of education, faculties of education, teachers' organizations, community groups and educators in general; the Department of the Secretary of State has created an annual National Fellowship in Human Rights Research to encourage multidisciplinary and/or interdisciplinary research and the development of expertise in the field of human rights; the Department continued to provide publications, including United Nations publications, to those involved in the school system, as well as grants for the development of teaching guides and research on problems of racism in the school system; the Department of Justice funded a survey of the interest of educators, parents and the community for the inclusion of human rights teaching in the school curriculum, survey undertaken by the Newfoundland—Labrador Human Rights Association. The Human Rights Law Fund, established by the Department of Justice, also provides continuing funding to the Canadian Human Rights Foundation to assist it in holding its annual summer Course on Human Rights at the University of Prince Edward Island.

The Department of the Secretary of State provides extensive financial support to organizations of the aboriginal peoples of Canada, ethnic groups and official language minorities to retain and develop their culture, traditions and languages. Many other departments, including the Department of Indian Affairs and Northern Development, and cultural agencies provide similar support.

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\* *Ibid.* (CERD/C/107/Add.8).

*Government of the Provinces*

Since 1983 camps have been sponsored by Vancouver area school boards with funding from the federal Department of the Secretary of State and other provincial sources. Activities include multicultural films, guest speakers and cultural demonstrations, discussion of problems of intergroup communications, ethnic entertainment, and history of discrimination encountered by racial minorities.

A number of initial steps have been taken by the B.C. Council of Human Rights to disseminate information to combat racial prejudice and other forms of discrimination.

This has included distribution of brochures outlining the functions and powers of the Council in dealing with complaints of discrimination.

An expanded educational role for the Council is envisaged as more experience is obtained in dealing with complaints of racial discrimination under the Act's procedures.

## CHINA

**A. Condemnation of racial segregation and *apartheid***  
*(articles 1 and 2 of the Universal Declaration;  
article 3 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

The Chinese Government often educates people of all the various nationalities against racial discrimination by showing relevant films and giving timely reports in television programmes, newspapers and periodicals about the struggle of the black and other coloured people in South Africa against racial discrimination and *apartheid*.

The Chinese Government gave support and provided facilities for the international forum against racial discrimination held in Beijing in October 1984.

**B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**  
*(article 2 of the Universal Declaration;  
article 2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

The Regional National Autonomy Act of the People's Republic of China promulgated in 1984 is a fundamental law for practising regional national autonomy as stipulated in China's Constitution; it was formulated on the basis of a systematic analysis of experience in this field in China over the past 30 years.

**C. Realization of cultural rights**  
*(article 22 of the Universal Declaration;  
article 5 (e) (vi) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

The Regional National Autonomy Act of the People's Republic of China regulates freedom of local nationalities to use and develop their own spoken and

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<sup>1</sup> Report submitted by State (CERD/C/126/Add.1).

<sup>2</sup> *Ibid.* (CERD/C/126/Add.1).

<sup>3</sup> *Ibid.* (CERD/C/126/Add.1).

written languages. Moreover, "the self-governing organs of regional national autonomous areas educate and encourage cadres of all nationalities to learn each other's spoken and written languages. The Han cadres should learn local nationalities' spoken and written languages, while cadres of minority nationalities should learn their own nationalities' spoken and written languages as well as the spoken language in general use in the whole country, *putonghua*, and the Han written language".

**D. Right to education, right to participate in the cultural life of the community**

*(articles 26 and 27 of the Universal Declaration;  
article 5 (e) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>4</sup>

Article 30 of the Regional National Autonomy Act of the People's Republic of China specifies: "The organs of self-government of the national autonomous areas independently develop education for nationalities, eliminate illiteracy, run all types of schools, voluntarily popularize primary education, expand secondary education, and run nationality teachers' schools, secondary technical schools, vocational schools and colleges for training specialists for all nationalities. The organs of self-government of the national autonomous areas may set up public nationality primary and secondary schools mainly enrolling boarding and grant-aided students from minority pasturelands and impoverished scattered minority groups in remote mountain areas". Article 38 stipulates: "The organs of self-government of the national autonomous areas independently develop their culture, including literature, art, news services, publications, broadcasting, films and TV productions of national form and characteristics".

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<sup>4</sup> *Ibid.* (CERD/C/126/Add.1).

## COLOMBIA

### **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Among the few racial groups within the Colombian population are the indigenous inhabitants, to whom the Government has at all times provided the greatest possible assistance. It has taken special measures to ensure that those indigenous inhabitants who require the protection of the State achieve adequate progress, with the object of guaranteeing them, in conditions of equality, the enjoyment and exercise of human rights and fundamental freedoms, such as the rights to housing, health, education, etc.

As a result of progress and the spread of civilization, indigenous lands were being plundered by settlers making inroads towards areas customarily inhabited by the indigenous population and made more accessible by improved transport and communications. The Government, conscious of the serious problem which could arise for these human groups, established the system of reservations, and subsequently indigenous reserves, to protect their land, conferring responsibility for the execution of the relevant programmes on the Colombian Agrarian Reform Institute (INCORA).

With regard to the titles granted to the indigenous communities, it has been the Institute's policy to legalize the uncultivated lands they have traditionally occupied, conferring on them the legal status of "reserves".

It should be noted that, for the purpose of distributing their plots, each community is permitted freedom to distribute the land allotted to it among its members in accordance with its uses, customs and traditions.

If the indigenous inhabitants are occupying individual plots or if they are not organized into communities, their land is awarded to them in accordance with the same procedure as if a private individual was involved, as provided for in Decree No. 389 of 1984.

Measures have been taken to fulfil the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

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<sup>1</sup> Report submitted by State (CERD/C/112/Add.1).

The Colombian Government has clearly demonstrated that it does not engage in racial discrimination against persons or groups of persons in granting asylum and refuge to citizens without discrimination as to nationality over the past two years.

The aim of the national programme for the development of the indigenous populations is to further the development of the indigenous populations within the context of national development, and to promote their active participation in the social and economic dynamics of the country.

The programme constitutes an integral strategy for development of the indigenous populations.

The strategy for the promotion and development of the indigenous populations will be based on three general programming principles for social policy:

Co-operation with the indigenous populations for development purposes, through appropriate participation mechanisms;

Organization of the community with a view to development;

Inter-institutional co-ordination of the programme, with a clear definition of responsibilities, and concentration of resources and activities so that the social investment will yield the maximum benefit for the indigenous populations.

The populations to be given priority in the implementation of the programme will be selected in accordance with the following criteria:

Indigenous communities in imminent danger of losing their territory;

Indigenous communities that are economically and/or culturally impoverished or threatened with a drastic change in their habitat as a result of spontaneous settlement or infrastructure works;

Small-farm communities;

Communities with high rates of malnutrition.

#### **B. Right to just and favourable conditions of work**

*(article 23 (1) of the Universal Declaration;  
article 7 of the International Covenant on Economic, Social  
and Cultural Rights)<sup>2</sup>*

In the public sector there is a civil service career structure which is designed to enhance the efficiency of the civil service, offer all Colombians equal access to the civil service and guarantee employees stable employment and the possibility of promotion within the service. The civil service career is governed by Decree No. 2400/68 and Decree No. 583 of 9 March 1984.

<sup>2</sup> *Ibid.* (E/1984/7/Add.21).

**C. Promotion of understanding, tolerance and friendship  
among all nations, racial and ethnic groups**

*(article 26 of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>3</sup>*

The Government of Colombia has attached special importance to implementing and publicizing the provisions of the Universal Declaration of Human Rights, for which purpose it has called upon the assistance of all the mass media, both State and private.

Decision No. 3454 of 1984 establishes a number of general guidelines for indigenous education and adopts a programme of studies for the communities of the Sierra Nevada de Santa Marta:

“Article 1. Programmes for the formal and non-formal education of the indigenous communities shall be planned and carried out in accordance with the guideline or outline laid down by the Ministry of Education, as part of the ‘ethno-development’ approach and its educational component, known as ‘ethno-education’.

“For the purposes of this decision, ‘ethno-development’ means the exercise of a people’s social decision-making capacity concerning the management of its cultural resources in order to build its future in accordance with a plan that draws on its own values and aspirations.

“The programme of studies to which this article refers shall comply with or achieve the following general objectives:

“To respect and value indigenous culture by developing and carrying out bilingual and bicultural programmes related to the community’s process of production;

“To train pupils to defend their values, their land and the economy, and prepare them for life in the Sierra, in order to enable them to find constructive solutions to community problems and to decide on changes in their own development;

“To ensure that the indigenous inhabitants harmoniously incorporate in their culture values and techniques of other cultures, in a relationship of equality and respect between the indigenous community and Colombian society;

“To consolidate, within the community, the organization and maintenance of community methods of managing its cultural resources and, consequently, decision-making.”

Decree No. 1002 of 1984 establishes the curricula for formal education from the pre-school to vocational secondary levels.

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<sup>3</sup> *Ibid.* (CERD/C/112/Add.1).



## **COSTA RICA**

### **Elimination of all forms of discrimination**

*(article 2 of the Universal Declaration;  
articles 2 and 5 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Act No. 6968 of 2 October 1984 approved the Convention on the Elimination of All Forms of Discrimination against Women; all the provisions of this Convention are covered by Costa Rican legislation.

The International Convention on the Suppression and Punishment of the Crime of *Apartheid* is the subject of legal approval procedures under Bill No. 9133, which is before the Legislative Assembly.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.31).

## CUBA

**A. Right to an adequate standard of living**  
*(article 25 (1) of the Universal Declaration;  
article 5 (e) (iii) and (iv) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

### *Right to housing*

The Constitution in article 22 guarantees the right to ownership of a house, and article 40 provides that all citizens enjoy equal rights and are subject to equal duties.

At its regular session on 27 December 1984, corresponding to the seventh regular session of the Second Legislature, the National Assembly of Peoples' Power adopted Act No. 48 of 27 December 1984, published in the *Gaceta Oficial Ordinaria, Edicion Extraordinaria*, on 31 December 1984, which implemented this right guaranteed by the Constitution.

### *Social services*

Decree-Law No. 76/84 on adoption, juvenile homes and foster families, was published in the *Gaceta Oficial Extraordinaria* No. 1 of 21 January 1984.

This Decree-Law adjusts the parental, family and kinship relationships, including adoption and guardianship, contained in the Family Code in order to facilitate the social work of juvenile homes, joint child-care centres and foster families.

For this purpose, article 1 provides for the creation of a national system of social welfare centres to provide shelter and care for juveniles without families, and give them living conditions resembling those of a home. The Special Provisions of the Decree-Law amend articles 99, 101, 103, 104, 105, 106, 108, 111, 112, 113, 114, 123, 126 and 147 of the Family Code, enacted by Act No. 1280 of 14 February 1975, with regard to adoption and alimony.

### *Public health*

Act No. 41/83 on Public Health came into force upon its publication in the *Gaceta Oficial Ordinaria* No. 61 of 15 August 1983.

The Public Health Act lays down the basic principles governing social relations in the field of health, in order to help to promote health, the prevention of disease, the recovery and rehabilitation of patients and social welfare.

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.4).

Ministry of Health Decision No. 143/84, published in the *Gaceta Oficial Ordinaria* No. 57 of 6 September 1984, approves and carries into force the health regulations governing pesticides.

Ministry of Health Decision No. 147/84, published in the *Gaceta Oficial Ordinaria* No. 57 of 6 September 1984, establishes the procedure for the investigation and notification of food-transmitted diseases and the measures to be taken in the event of the outbreak of an epidemic.

### **B. Right to education**

*(article 26 (1) of the Universal Declaration;  
Article 5 (e) (v) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

Ministry of Higher Education Decision No. 4/84 published in the *Gaceta Oficial Extraordinaria* No. 13 of 1 March 1984, covers grants for students of higher education, in other words, the non-repayable amount of money given to students to cover their basic needs regardless of the funds provided by their families.

Ministry of Higher Education Decision No. 143/84 published in the *Gaceta Oficial Ordinaria* No. 50 of 20 August 1984, establishes regulations for students taking post-graduate courses abroad, who are entitled to a monthly grant to cover their personal needs, clothing, housing and other services.

### **C. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

In December 1984, the Second Seminar on the Situation of the Black, Chicano, Cuban, native North American, Puerto Rican, Caribbean and Asian communities of the United States was held in Havana, Cuba; participants included 40 well-known United States artists, writers and social scientists.

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<sup>2</sup> *Ibid.* (CERD/C/131/Add.4).

<sup>3</sup> *Ibid.* (CERD/C/131/Add.4).

## CZECHOSLOVAKIA

### **Right to education; promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 of the Universal Declaration;  
articles 5 and 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

In order to eliminate and overcome unwanted differences between Gypsy children and children from other families, conditions are being created for the inclusion of all Gypsy children in facilities of pre-school education. In the school year 1983-1984, 54.7 per cent of the total number of 3 to 5-year-old Gypsy children in the Czech Socialist Republic and 64.2 per cent of Gypsy children of the same age in the Slovak Socialist Republic attended Kindergartens.

Act No. 29/1984 Sb. on the system of primary and secondary education stipulates that from the school year 1984/1985 on, the duration of compulsory school attendance will be 10 years. This will apply to all pupils, including Gypsy youth.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.18).

## DENMARK

**A. Condemnation of racial segregation and *apartheid***  
*(articles 1 and 2 of the Universal Declaration;  
article 3 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

In May 1984, the Danish Parliament adopted a resolution on tightening the policy of sanctions against South Africa.

In accordance with the parliamentary resolution of 28 May 1984 the Danish Government works actively for repudiation of any Nordic involvement in International Monetary Fund (IMF) loans to South Africa, and the same resolution enjoins the Government in a Nordic context to raise the question of and to work actively for the adoption of a ban on the sale of licences to South Africa.

**B. Elimination of racial discrimination, equality before the law**  
*(articles 2 and 7 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

Supplementary to section 11 (2) of the Aliens Act, a number of provisions were laid down in sections 30 to 35 of the Aliens Order, regarding work permits for aliens (Ministry of Justice Order No. 19 of 18 January 1984):

On 1 October 1984 a new Social Pensions Act entered into force. Previously, pensions were paid only to Danish citizens, refugees and women who were or had most recently been married to a Danish citizen. Payment of pensions to other aliens was subject to special agreement.

Under the new Act pensions are paid to non-Danish citizens who have been permanently resident in Denmark for at least 10 years between the ages of 15 and 67.

The terms under which refugees are eligible for award of pension have also been improved. As a general rule, the amount of the pension paid depends on the period of residence in Denmark between the ages of 15 and 67. However, with respect to refugees it has now been laid down that for a refugee who does not receive a pension from his country of origin or from countries in which he has stayed as a refugee, periods of residence in these countries shall count on a par with periods of residence

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.6).

<sup>2</sup> *Ibid.* (CERD/C/131/Add.6).

in Denmark in the calculation of the Danish pension as long as the refugee remains resident in Denmark.

**C. Promotion of understanding, tolerance and friendship among all nations,  
racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

In grammar schools and schools preparing for higher education the general provision that all teaching shall be based on tolerance towards minority groups of any kind is observed. In addition, problems of discrimination are dealt with frequently and in depth in the teaching of individual subjects. All ethnic minorities in Denmark have the same access as Danish nationals to free education, partly to ensure them equal access to higher education, and partly because their participation in everyday school life is an important factor in promoting tolerance in practice.

<sup>3</sup> *Ibid.* (CERD/C/131/Add.6).

## ETHIOPIA

### **Elimination of racial discrimination**

*(article 2 of the Universal Declaration;  
article 2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Successive periodic reports, including the country's last response submitted in February 1984 in accordance with article 18 (e) of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, have shown that:

Ethiopian laws not only proclaim equality of rights for all citizens, but with a view to preventing and punishing the crime of racism and racial discrimination, also provide for penalties.

One major development affecting all aspects of Ethiopian life has been the formation in September 1984 of the Workers Party of Ethiopia (WPE).

The Party's policy, emphasizes the country's need to resolve to combat racism, in the following terms:

“Our relations with the peoples and progressive forces of Africa, Asia and Latin America and other progressive forces directly participating in the struggle against imperialism, colonialism and neo-colonialism, racism and other forms of oppression and exploitation will be further strengthened.”

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<sup>1</sup> Report submitted by State (CERD/C/129/Add.1).

## FINLAND

### A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*

From the beginning of 1984 a new law on social security came into force in Finland. In the new law there are no longer provisions regarding social assistance particularly to Gypsies, but they are receiving such assistance on the same grounds as the rest of the population.

In this context it should be noted that a permanent commission for Gypsy affairs is functioning under the supervision of the Ministry for Social Affairs and Health. The task of the commission, which includes representatives of the Government as well as the Gypsies themselves, is to make proposals for improving the living conditions of the Gypsies.<sup>1</sup>

The Ministry of Social Affairs and Health appointed in November 1984 a working group to study problems related to providing social welfare services to people in their own mother tongue, in particular with respect to day-care services in the Sámi language. The working group, which is to complete its work by the end of 1985 is expected to make proposals and recommendations on how to improve the availability of social welfare services in the customers' own language. Attention is also to be paid to the minority cultures, especially the Sámi and Romany cultures.

In order to improve housing conditions for those, mostly belonging to the Sámi population, who are predominantly dependent on primary economic activities, but who are not entitled to housing subsidies under the Reindeer Farming Act or the Act on the Colonization of Skolt Lapps, a new law, known as the Natural Economy Act, came into force in September 1984. Under this law families who earn their living from primary economic activities may get State-owned land for housing purposes, government loans for construction and some other subsidies.<sup>2</sup>

In the field of education it should be mentioned that a working group was set up by the Ministry of Education in 1984. The working group has made proposals for the development of teaching of the Romany language in the area of general academic education. According to the proposals this could be done by arranging voluntary club activities in the comprehensive and upper secondary schools and in the study groups of study centres, civic high schools and workers' institutes as well as in the folk high schools.

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<sup>1</sup> Report submitted by State (CERD/C/107/Add.3).

<sup>2</sup> *Ibid.* (CERD/C/132/Add.1).



As the Finnish Gypsies wish to take care of the teaching of the Romany language themselves, the working group has made proposals concerning the training of Romany teachers for this purpose. The first Romany reader was published in 1984 and was financed by the National Boards of General and Vocational Education. The author of the reader is a Romany researcher, who will also prepare further material needed for the teaching of Romany.

The Ministry of Education working group on Romany language, whose membership included a representative from the Research Centre for Domestic Languages, submitted its statement in May 1984. In accordance with the proposals contained therein the Ministry of Education began financing the publication of a Romany dictionary. The Research Centre for Domestic Languages has given expert and computing help to the project. In addition, the Centre has sound recordings of Romany and a vocabulary manuscript on file.<sup>3</sup>

### **B. Right to work**

*(article 23 (1) of the Universal Declaration;  
article 6 of the International Covenant on Economic, Social  
and Cultural Rights)<sup>4</sup>*

A bill concerning the improvement of employment security (No. 89/1982) was introduced in Parliament in 1982; the proceedings were, however, interrupted by parliamentary elections. The bill, with essentially similar contents, was reintroduced in Parliament in 1983 and adopted in January 1984. According to this law, an employee dismissed for no valid reason is to receive compensation, the amount of which is determined by law and equals 3 to 20 months' salary or wages. The right to terminate an employment relationship owing to the transfer of ownership of an enterprise has been restricted to cases in which a well-founded reason exists. The provisions of the ILO Convention on the Termination of Employment at the Initiative of the Employer (No. 158) have been taken into consideration in the preparation of the bill.

### **C. Right to just and favourable conditions of work**

*(article 23 (1) of the Universal Declaration;  
article 7 of the International Covenant on Economic, Social  
and Cultural Rights)<sup>5</sup>*

According to the amendment of the Annual Holidays Act (No. 2254/79), adopted in 1981, an employee whose employment relationship has continued for three years without interruption is entitled to a total of five weeks' holiday which, as a rule, must be given in two parts, four weeks in the summer and one week in the winter. However, by collective agreements, the length of employment required to qualify for this longer holiday has been reduced to one year from the beginning of 1984.

<sup>3</sup> *Ibid.* (CERD/C/132/Add.1).

<sup>4</sup> *Ibid.* (E/1984/7/Add.14).

<sup>5</sup> *Ibid.* (E/1984/7/Add.14).

## **GERMANY, FEDERAL REPUBLIC OF**

### **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

The Government has been promoting a central social advisory centre for Sinti and Rom Gypsies since 1983. There are also diverse promotional activities at the regional level. Advisory centres are promoted by three Federal *Länder*, while others are currently considering such promotion. The Central Council and the central social advisory centre in Heidelberg receive a project grant from federal funds. The regional advisory centres likewise receive project grants.

### **B. Protection against racial discrimination; prohibition of organizations promoting racial discrimination**

*(article 7 of the Universal Declaration;  
article 4 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>2</sup>*

On 17 February 1984 the Bavarian State Ministry of the Interior banned and dissolved the Unabhängiger Wälerkreis Würzburg—Arbeitskreis für Wiedervereinigung und Volksgesundheit (Würzburg Independent Voters' Group—Working Group for Reunification and National Health), a substitute for the banned Repatriation Action Group—National Movement against Racial and Environmental Pollution.

### **C. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>3</sup>*

An important component of the preventive treatment of racial hatred and totalitarian ideology is political education, which forms part of the curriculum in

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.19).

<sup>2</sup> *Ibid.* (CERD/C/118/Add.19).

<sup>3</sup> *Ibid.* (CERD/C/118/Add.19).

schools at all levels in the Federal Republic of Germany and is also conducted in the sphere of adult education. It is supported by the Federal and *Land* Centres for Political Education by means of suitable informative material as well as organized events and educational aids. These Centres are official bodies working under the supervision of the Government and the parliaments. For education and training in primary and secondary schools, vocational schools, technical colleges and adult education centres and for the work of private bodies, especially youth organizations, government departments not only provide films and pictures, but also promote training through seminars and other further-training events for teachers, youth leaders, editors of magazines for young people, etc. In addition, fundamental human rights are a subject of instruction at schools and universities. They are also included in teaching and training curricula and in entrance examinations for various occupations, particularly all grades of the civil service.

For the information of the public, the Federal Government publishes an annual report on the findings of the security services with regard to terrorism, including some chapters with information on such activities motivated by neo-Nazi or racist ideology.

In addition, freely accessible information on human rights is kept in public libraries. The press, radio and television provide frequent reports—occasionally critical—on human rights issues but also on current events in this sphere, such as court proceedings.

Through public relations work, promotion of advisory and support services, pre-employment and vocational training, language assistance for young foreigners and sponsorship of cultural events, the Federal Government contributes to promoting understanding, tolerance and friendship between peoples.

Attention should be also drawn to the numerous activities of private organizations which look after and advise foreign residents. Private welfare organizations and trade unions look after foreign refugees, foreign workers and their families, etc., and provide advice on legal matters, in some cases providing free legal representation. Freedom to form associations and the freedom of action of associations are guaranteed by the Basic Law of the Federal Republic of Germany.

## GREECE

### A. Prohibition of racial discrimination or incitement to it

*(article 2 of the Universal Declaration;  
article 4 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Act No. 1419/1984, which introduces a number of amendments to the Criminal Code, has extended the protection accorded to victims of acts of racial discrimination to include the area of religion.

### B. Right to a nationality

*(article 15 of the Universal Declaration;  
article 5 (d) (iii) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>2</sup>*

The Hellenic Nationality Code (Decree-Law No. 3370, of 1955) was revised notably with regard to the acquisition of Greek nationality, by Act No. 1438, of 18 May 1984, so as to conform to the principle of equality of the sexes. Consequently, a child whose father or mother is Greek is considered Greek by birth. Persons born on Greek territory also acquire Greek nationality, provided they do not obtain the nationality of another country (article 1). Children born out of wedlock also acquire Greek nationality if they are recognized before attaining the age of 18 by a male or female Greek national (article 2).

Article 3 provides that Greek nationality may also be acquired by naturalization.

The Code provides for three instances of loss of Greek nationality:

- (a) Loss by acquisition, with the approval of the Greek authorities, of the nationality of another country (article 14);
- (b) Possible loss in the event of departure from the territory of Greece with no intention to return (article 19);
- (c) Forfeiture, which may be declared against persons who have:
  - (i) Acquired the nationality of another country without the proper authorization;
  - (ii) Entered government service in another country and who continue in such service after having been enjoined by the Minister to leave it;

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<sup>1</sup> Report submitted by State (CERD/C/107/Add.7).

<sup>2</sup> *Ibid.* (CERD/C/107/Add.7).

- (iii) Engaged, while residing outside Greece, in activities for the benefit of another State that are incompatible with their Greek nationality and contrary to the interests of Greece (article 20).

Loss or forfeiture of Greek nationality is declared in a formal statement issued, after consultation with the Nationality Council, by the Minister of the Interior and published in the official gazette. Application for annulment of the decision of the Ministry of the Interior may be made to the Council of State, which shall rule on the legality of the decision.

### **C. Right to just and favourable conditions of work**

*(article 23 (1) of the Universal Declaration;  
article 5 (e) (i) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>3</sup>*

A bilateral agreement has been concluded between Greece and the Arab Republic of Egypt with regard to navigation and carriage by sea. This agreement was ratified by Act No. 1441/1984 on 21 May 1984.

According to article 2, paragraph 1, of the agreement:

“Nationals of one Contracting Party employed as crew members on ships of the other Contracting Party shall enjoy the same treatment as is provided for in the legislation applicable to those vessels with respect to working conditions, wage levels, illness, accidents, disability and death.”

### **D. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>4</sup>*

The new curricula for institutions of higher education (universities and colleges of university level specializing in professional training) that are to be introduced at the beginning of the 1984-1985 academic year all provide for a separate course on the international protection of human rights.

The faculties of law of the Universities of Athens and Thessaloniki already offer courses on the ways and means of combating racial discrimination in the world. The same is true of the Political Science section of the University of Athens and the Pantios School of Political Science in Athens.

Secondary school textbooks are very clearly and explicitly imbued with the spirit of respect for human rights and fundamental freedoms, including racial non-discrimination.

<sup>3</sup> *Ibid.* (CERD/C/107/Add.7).

<sup>4</sup> *Ibid.* (CERD/C/107/Add.7).

## HOLY SEE

### **Promoting of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Extract from the address of His Holiness Pope John Paul II to the General Audience of 21 March 1984:

“International Day for the Elimination of Racial Discrimination is being celebrated today on the initiative of the United Nations:

“At a time when public opinion is particularly sensitive to respect for and promotion of human rights, our epoch is still disfigured by the scourge of racial discrimination, which takes many forms. It denies the fundamental equality of all men, proclaimed in the various declarations of the United Nations, but above all rooted in God.”

Extract from the article by H.E. Monsignor Jan P. Schotte, C.L.C.M., Vice-Chairman of the Papal Commission *Institia et Pax* entitled, “The Holy See and the International Convention on the Elimination of All Forms of Racial Discrimination”:

“The racial problem in the present world is an open sore in the conscience of mankind. It is a legacy which should belong to the past and which is in contradiction with the development of the modern world and with today’s more mature awareness of the notion of the dignity of the human person. All races have contributed towards building up the common heritage of human civilization in the spiritual, cultural, artistic and scientific fields. How is one then to explain the obstinate persistence of racial prejudice? And above all, how is one to extirpate a prejudice which seems so deeply rooted in the human heart? The way to brotherhood among men must pass through the conversion of the heart and it is to this conversion that the Church never ceases to call the men and women of our time.”

In a message to the diplomatic corps accredited to the Kingdom of Thailand (Bangkok, 11 May 1984), His Holiness John Paul II stated:

“The Catholic Church is a universal community whose members belong to almost all countries and continents, nations, races, languages and cultures. It considers that an important part of its mission is the duty to seek ways of understanding and peaceful co-operation between peoples, and it promotes initiatives to safeguard and defend the God-given dignity of the human person.”

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.11).

## **IRAN (ISLAMIC REPUBLIC OF)**

**Promotion of understanding, tolerance and friendship among all nations,  
racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

The Cultural Research and Studies Institution affiliated to the Ministry of Culture and Higher Education of the Islamic Republic of Iran has embarked on research activities in culturology especially the culture of Iranian minorities, in order further to disseminate national culture and traditions and promote understanding among the individuals of a nation as well as their cultures.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.12).

## MOROCCO

**Equal treatment before an independent and impartial tribunal**  
*(article 10 of the Universal Declaration;  
article 5 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

Access to the courts of the Kingdom is open to all—Moroccans and aliens—on the same conditions.

The impartiality of judges is guaranteed by articles 76 and 79 of the Constitution, which affirm both the independence of the judicial authority from the legislative and executive powers and the irremovability of judges. These guarantees are supplemented by the power accorded to the Supreme Court to take over a case, irrespective of its nature or degree, on grounds of reasonable suspicion or public interest (article 383 *et seq.* of the Code of Civil Procedure and articles 273 and 274 of the Code of Criminal Procedure).

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<sup>1</sup> Report submitted by State (CERD/C/117/Add.1).



## NETHERLANDS

**A. Condemnation of racial segregation and *apartheid***  
(*articles 1 and 2 of the Universal Declaration;*  
*article 3 of the International Convention on the Elimination*  
*of All Forms of Racial Discrimination*)<sup>1</sup>

On the initiative of the Netherlands the Security Council adopted by consensus in December 1984 a resolution on a voluntary extension of the arms embargo against South Africa by a ban on imports from South Africa.

**B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them; condemnation of discrimination or ideas based on racial superiority or hatred**  
(*article 2 of the Universal Declaration;*  
*articles 2 and 4 of the International Convention on the Elimination*  
*of All Forms of Racial Discrimination*)<sup>2</sup>

Following the report "Minority—Fewer Rights?", on 29 May 1984 the Cabinet approved a bill providing for the repeal of the Foreign Nationals (Public Service) Act of 1858. Parliamentary proceedings relating to the bill have yet to be completed.

In November 1984 the Memorandum of Reply with regard to the bill amending certain provisions relating to prohibited legal persons (articles 15 and 16 of the Civil Code and article 140 of the Criminal Code) was put before the Lower House. In view of the concern of the Lower House to preclude all possibility of the freedom of expression and freedom of association being infringed, the Memorandum of Reply clearly states what actions contrary to public order are deemed to justify the prohibition of a legal person. In the view of the Minister of Justice these are actions which violate the generally accepted foundations of our system of law: unjustified violations of the freedom of others or of human dignity. The use or threatened use of violence against the public authorities or against those with whose views one disagrees—whether or not with good reason—falls under this definition, as do racial discrimination and other forms of prohibited discrimination. Inciting hatred and expressing views which comprise prohibited discrimination or an attempt to infringe human dignity must also be regarded as contrary to public order and morality. What all these examples have in common is that they constitute violations of the principles of our system of law which are regarded as fundamental and which would have a disruptive effect on the community if they were to occur on a large scale.

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.7).

<sup>2</sup> *Ibid.* (CERD/C/131/Add.7).

In June 1984 the Supreme Court of the Netherlands declared the appeal in cassation by the Public Prosecutions Department inadmissible in three of the four cases relating to "non-Jewish" declarations by industry because the lower court had found the accused innocent without qualifications and there was no right of appeal in cassation in such cases.

On a number of occasions proceedings were instituted under the relevant provisions of the Criminal Code, namely article 137, paragraphs *c*, *d* and *e*, pertaining to the condemnation of discrimination of ideas based on racial superiority or hatred.

### **C. Right to an effective remedy**

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

On 9 October 1984 the National Anti-Racial Discrimination Agency was established, with a mandate to ensure that the Agency was actually operating within a maximum of six months. The Agency now has a governing body, which comprises representatives of the following: (a) organizations run by minority groups and/or welfare agencies concerned with minority groups, (b) organizations such as trade unions, the Council of Churches etc. and (c) the legal system (human rights and legal assistance organizations).

The Agency will be primarily concerned with combating racial discrimination through the legal system. Victims of discrimination will be able to turn to the Agency for assistance in seeking and finding a remedy for injustices suffered. The Agency's prime function will be referral to lawyers and other helpers or to other bodies appointed specially for this purpose, such as municipal co-ordination or complaints offices. Only in exceptional cases whose importance goes far beyond the local level will the Agency itself be able to institute proceedings, for practical reasons.

The Government will subsidize the Agency, initially for five years. The Agency's work is expected to provide more insight into the nature and extent of racial discrimination in the Netherlands. An important point in this respect is whether the existing legal remedies are sufficient or whether separate provisions may prove necessary.

### **D. Political rights**

*(article 21 of the Universal Declaration;  
article 5 (c) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>4</sup>

The bill to amend the Franchise Act and the Municipalities Act has been passed by Parliament. Its purpose is to enable residents of the Netherlands who do not possess Dutch nationality to vote and stand for election in municipal council elections, to which end it also amends a number of other Acts.

<sup>3</sup> *Ibid.* (CERD/C/131/Add.7).

<sup>4</sup> *Ibid.* (CERD/C/131/Add.7).

Both the existing grounds for deprivation and the more limited number of such grounds which will apply after the amendments enter into force are in accordance with the Convention. They do not discriminate in any way with regard to race, colour of skin or national or ethnic origin.

#### **E. Right to work**

*(article 23 of the Universal Declaration;  
article 5 (e) (i) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>5</sup>*

The Foreign Workers Employment Act and its operation were subjected to critical scrutiny by the Lower House of Parliament, in September 1984 on the basis of an evaluative report issued by the State Secretary for Employment and Social Security on 26 March 1984. As a result, an amendment to the Act is now in preparation, the main purpose of which is to replace the system limiting the number of permits issued to an employer by an obligation for employers to notify the authorities and an additional ground for refusing employers permits to employ aliens recruited from abroad.

No aliens are employed in the Dutch police forces because of the requirement laid down in the Foreign Nationals (Public Service) Act of 1858 that public servants employed by the central Government must possess Dutch nationality. Although a bill to repeal this Act was approved by the Cabinet on 29 May 1984, it will not alter the nationality requirement for employment in the police forces. Members of ethnic minorities may be employed in the police forces, however, if they possess Dutch nationality (acquired by naturalization or other means).

#### **F. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>6</sup>*

Attention is being devoted to minorities and discrimination at various levels. In 1984 the Advisory Committee on Research into Minorities issued a report entitled "Discrimination, prejudice and racism in the Netherlands", commissioned by the Minister for Home Affairs; the Union of Netherlands Municipalities has organized a seminar on municipal anti-discrimination policy; many subsidized welfare organizations and anti-discrimination committees oppose discrimination. Minority groups are increasingly capable of standing up for themselves and resisting discrimination.

A number of research projects in the field of combating discrimination are being carried out under the research programme for the Interministerial Co-ordinating Committee for Minorities Policy. One of these projects is concerned with minority groups' experience of discrimination and their reaction to it. Another research pro-

<sup>5</sup> *Ibid.* (CERD/C/131/Add.7).

<sup>6</sup> *Ibid.* (CERD/C/131/Add.7).

ject relates to the submission and handing of complaints about racial discrimination. A survey of discriminatory action against members of ethnic groups is in preparation, and the Research and Documentation Centre of the Ministry of Justice is investigating the indirect discrimination which foreigners can suffer in the Netherlands as a result of legislation.

## NICARAGUA

### **A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

On 5 December 1984, the Government of Nicaragua established the National Autonomy Commission, which is currently composed of more than 80 members representing the indigenous peoples and communities of the Atlantic Coast, and including delegates from the six ethnic groups of the region.

### **B. Right to just and favourable conditions of work**

*(article 23 (1) of the Universal Declaration;  
article 7 of the International Covenant on Economic, Social and Cultural Rights)<sup>2</sup>*

The new wage policy is designed on the basis of the Work Organization and Wages System, which is composed of the following elements:

1. National wage scale;
2. Occupational ratings;
3. Forms and systems of payment;
4. Work standards;
5. Incentives;
6. National payroll.

At the end of September 1984, the following elements of the Work Organization and Wages System were implemented throughout the country:

- (a) Occupational ratings;
- (b) National wage scale.

### **C. Trade union rights**

*(article 23 (4) of the Universal Declaration;  
article 8 of the International Covenant on Economic, Social and Cultural Rights)<sup>3</sup>*

Article 27 of the 1984 International American Charter of Social Guarantees, which Nicaragua ratified, guarantees the right to strike.

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<sup>1</sup> Report submitted by State (CERD/C/128/Add.1).

<sup>2</sup> *Ibid.* (E/1984/6/Add.9).

<sup>3</sup> *Ibid.* (E/1984/6/Add.9).

## NIGERIA

### A. Equality of rights; entitlement to fundamental rights and freedoms (articles 1 and 2 of the Universal Declaration)<sup>1</sup>

The principle of equality—racial or otherwise—remains intact and has not in any way been removed, altered or amended by Constitution (Suspension and Modification) Decree No. 1 of 1984. The Decree empowers the Federal Military Government to enact laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever. It is pertinent to emphasize that sections 30 to 42 of the suspended 1979 Constitution dealing with fundamental rights are intact and unaltered by the aforementioned Decree No. 1 of 1984.

### B. Right to an effective remedy (article 8 of the Universal Declaration; article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination)<sup>2</sup>

The Government of the Federal Republic of Nigeria assures everyone within its jurisdiction, national or foreigner, of effective protection and remedies through the competent courts and institutions against any infringement of these fundamental rights and freedoms as well as the right to seek from such courts just and adequate reparation and satisfaction for any damage suffered in consequence of such infringement or derogation. Section 42 of the Constitution of the Federal Republic of Nigeria 1979, as modified by the 1984 Decree, in addition to creating a special jurisdiction of the High Court, also provides for legal aid.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.14).

<sup>2</sup> *Ibid.* (CERD/C/118/Add.14).

## PANAMA

### **A. Prohibition of racial discrimination or incitement to it; protection against attacks upon honour**

*(articles 2, 7 and 12 of the Universal Declaration;  
articles 2 (e) and 4 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

Act No. 18 of 1982, adopting the Penal Code now in force, in title III on crimes against honour, under chapter I relating to calumny and detraction, as amended by Act No. 7 of 1984, provides as follows:

“*Article 172:* Anyone who, through word, deed or written communication of-fends the dignity or honour of a person, shall be liable to imprisonment for a period of 2 to 4 years.”

### **B. Right to education**

*(article 26 of the Universal Declaration;  
article 5 (e) (v) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

Education in the indigenous regions is currently provided in Spanish, using the same curriculum (programme, study plans, texts) as the non-indigenous schools. In keeping with the provisions of the Constitution and the *comarca* acts the Ministry of Education has provided for the gradual introduction of texts written in the languages of the different indigenous groups. As from the second half of the 1984 school year, text books will be introduced experimentally in some of the Ngobere-speaking schools of the Guaymí area.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.25/Rev.1).

<sup>2</sup> *Ibid.* (CERD/C/118/Add.25/Rev.1).

## PHILIPPINES

### **Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**

*(article 2 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

A number of legal measures have been enacted to promote the interests of our cultural minorities, as well as to guarantee the full and equal enjoyment of their rights as citizens of the Philippines. These measures include:

Executive Order No. 969 (30 June 1984) created the Office of Muslim and Cultural Communities for the purpose of strengthening the programme to bring our cultural minorities into the mainstream of national life and enhancing their active participation in nation-building equal in stature and opportunity with all other citizens.

The updated Philippine Development Plan for 1984-1987 reflects the concern of the Convention for non-discrimination. Under the Plan, efforts of the social services sector will be principally geared toward contributing to the overall goals of total human development and equitable distribution of the fruits of development. Specifically, the sector will pursue, among other things, the strengthening of the role of cultural minorities in the mainstream of progress, with due regard for their socio-cultural values. The sector will address itself to the following objectives:

(a) Encouraging voluntary participation and indigenous forms of co-operation in the planning and management of settlement projects; and

(b) Sponsoring programmes and projects to consider the culture as well as the dignity and basic human rights of the ethnic people.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.30).



## POLAND

### Right to freedom of movement and residence

(article 13 of the Universal Declaration;  
article 5 (d) (i) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>

Provisions of Polish law do not include limitations of freedom of movement and choice of place of residence within national frontiers. The Law of 10 April 1974 on Population Records and Identification Certificates (uniform text: *Journal of Laws*, 1984, No. 32, item 174), with the amendments of 26 April 1984 (*Journal of Laws*, No. 26, item 32) does not include any limiting provisions in that respect. In particular, the provision allowing the Council of Ministers, for the purpose of protecting law and order or the vital economic interests of a given locality, to introduce a compulsory permanent residence permit with appropriate organs of the administration on the territory of that locality is no longer in force. That provision, in fact, referred latterly only to the city of Warsaw.

As regards the right to leave the country, every Polish citizen has the right to receive a passport, since this principle stems directly from article 4, paragraph 1, of the Law on Passports. All rules and regulations pertaining to this question are included in the Law on Passports of 17 June 1959 (uniform text: *Journal of Laws*, 1967, No. 17, item 81) with subsequent amendments. Documents that give a Polish citizen the right to travel abroad are either a passport or identification certificate. The reasons justifying rejection of an application for a passport have been specified in greater detail in recent revision of the Law of 5 December 1983 (*Journal of Laws*, No. 66, item 298).

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.21).

## PORTUGAL

### A. Elimination of racial discrimination

*(article 2 of the Universal Declaration;  
article 2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

An effort has been made to render discrimination based on race virtually non-existent in all fields, including the legal, economic, cultural, educational, social and many others.

### B. Protection of the family, motherhood and childhood

*(articles 16 (3) and 25 (2) of the Universal Declaration;  
article 10 of the International Covenant on Economic, Social and  
Cultural Rights)<sup>2</sup>*

The Portuguese Constitution is also the basic instrument where the protection of mothers is concerned.

Act No. 4/84 of 5 April deals with the protection of mothers and fathers and provides for specific protection for mothers only in connection with the biological cycle of motherhood, in other words, pregnancy, childbirth and lactation.

This Act also provides special measures for working women. They are entitled to 90 days of maternity leave, 60 days of which must be taken after the delivery.

In the event of the mother's death during the maternity leave or in the course of the 90 days following delivery, a working father is entitled to an amount of leave corresponding to the amount of unused maternity leave.

Decree-Law No. 102/84 of 29 March sets forth the legal guidelines for the initial training of young apprentices. It attempts to set up a mechanism for helping young people to find their place in society and take up an occupation.

### C. Right to an adequate standard of living

*(article 25 (1) of the Universal Declaration;  
article 11 of the International Covenant on Economic, Social  
and Cultural Rights)<sup>3</sup>*

Decree-Law No. 223/84 of 6 July, recently promulgated, defines the nature, functions and powers of the Regional Agricultural Directorate, as well as the prin-

<sup>1</sup> Report submitted by State (CERD/C/101/Add.8).

<sup>2</sup> *Ibid.* (E/1980/6/Add.35/Rev.1).

<sup>3</sup> *Ibid.* (E/1980/6/Add.35/Rev.1).

principles governing the organization and structure of the bodies and services of which they are composed.

The development of the food production complex is still one of the priorities of the nation's economic policy, as can be seen in the directives on agriculture and yield policy reflected in the broad lines of the Plan for 1984, approved by Act No. 43/83. At the same time, as a result of new legislation, the Government is trying to revitalize the operation of markets (Decree-Law No. 422/83, concerning the defence of competition), and to introduce greater discipline in the activities of economic agents (Decree-Law No. 28/84, concerning economic offences). The guidelines are being gradually implemented, through measures and activities now in progress or about to be undertaken.

The right to housing laid down in the Constitution is guaranteed by a series of legislative instruments and Decrees.

*Inter alia* the definition of "social housing" is determined through the establishment of its maximum value in the light of its size and location. The granting of the various types of public assistance is based on this distinction among the various kinds of housing (Decree No. 580/83 of 17 May, as amended by Decree No. 95/84 of 13 February).

Public aid for construction is made available through more favourable credit schemes (maturities and interest rates):

To local authorities and public-interest bodies, for housing construction (Decree-Law No. 220/83 of 26 May and Decree-Law No. 609/83 of 26 May);

To municipalities, in order to purchase urban land and establish infrastructures (Decree-Law No. 6/84 of 5 January).

#### D. Right to education

*(article 26 (1) of the Universal Declaration;  
article 13 of the International Covenant on Economic, Social  
and Cultural Rights)*<sup>4</sup>

Decree-Law No. 301/84 of 7 September is intended to improve the legislation already in existence in the field of televised preparatory instruction by introducing new elements with a view to ensuring complete compliance with compulsory schooling requirements (beginning and length, preventive measures and guarantees that compulsory schooling has been completed).

All laws and regulations guarantee women and girls equal educational opportunities. In practice, however, some prejudices persist which will have to be eliminated. This has led to the conclusion of a three-year agreement between the Ministry of Education and the Commission on the Status of Women.

Under the terms of the protocol to the agreement (signed on 28 February 1984), the two parties must make available to the project whatever human and material resources are deemed necessary. The Minister of Education (through the Department of Basic Education and the Department of Secondary Education) and the

<sup>4</sup> *Ibid.* (E/1982/3/Add.27/Rev.1).

Commission on the Status of Women envisage the implementation of a vast programme.

With regard to the basic legal texts regulating secondary education, the following should be mentioned:

Joint Decree ME/MISS No. 86/83 of 19 September 1983 established a commission to study the development of academic and vocational guidance measures for pupils in secondary education;

Decree-Law No. 253/84 of 26 July 1984 regulates the system of internships for pupils in vocational and technical vocational courses and the establishment of training grants;

Order No. 118/ME/84 of 26 June 1984 set up a network of vocational and academic guidance centres which operate in educational establishments and are designed to provide "vocational" support to pupils;

Order No. 627/84 of 22 August 1984 approved the regulations governing the internships and aptitude tests in connection with vocational courses;

Order No. 262/84 of 14 April 1984 changed the system of access to universities to make it more national and more fair.

University social services were reorganized under the provisions of Decree-Law No. 125/84 of 26 April, which provided specifically for the participation of users in the management of these services.

It will be possible to complete the comprehensive restructuring of university services, which is one of the priorities of the current Government, only in the context of a university autonomy policy. Major progress has already been made in this connection:

Regulatory Order No. 19/ME/84 of 23 January 1984, concerns the updating of the salaries of basic and secondary school teachers abroad;

Regulatory Order No. 32/84, concerns the qualifications of teachers;

Order No. 30/ME/84 of 7 February 1984, concerns the establishment of a working group to draw up regulations applicable to child educators and higher education teaching staff.

On 22 February 1984 a working group to prepare regulations applicable to child educators and teachers below the level of higher education was established. Since the purpose of the project is to reconcile professional interests and the requirements of a democratic approach to administration, the project must be implemented in stages and close contact must be maintained with bodies representing the workers concerned.

Order No. 48 (SEAM)/84 of 10 April 1984, concerns regulation of the recruitment of education counsellors in the context of in-service courses leading to professional qualifications for preparatory and secondary school teachers;

Order No. 107/ME/84 of 25 May 1984, regulates the Bureau for the Support of School Social Welfare Services.

**E. Promotion of understanding, tolerance and friendship among all nations,  
racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;  
article 7 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>5</sup>*

The basic concepts, aims and regulations of the Portuguese educational system comprise measures to eliminate and prevent all forms of racial discrimination and prejudice, in keeping with the principles expressed in the International Convention on the Elimination of All Forms of Racial Discrimination and other related United Nations instruments.

Action has been taken, particularly in basic (compulsory) education to encourage the integration of children from cultural or ethnic minorities into the school system and to help them overcome adaptation difficulties and improve their academic achievements. With the same aim in mind, training courses have been arranged to make teachers more aware of the special problems experienced by these minority groups.

As well as purely legislative measures, action has been taken to make the media aware of problems stemming from racial discrimination, at the national and the international level.

In the preamble to some agreements on social communication, it has been expressly stated that the parties concerned wish to contribute to better acquaintance with the national and cultural state of affairs. This constitutes a large step towards greater understanding, tolerance and friendship between different human groups.

Again, training programmes have been drawn up and individuals or national groups of different races have been allotted broadcasting time.

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<sup>5</sup> *Ibid.* (CERD/C/101/Add.8).

## SENEGAL

### A. Right to security of person

*(article 3 of the Universal Declaration;  
article 5 (b) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

The freedom of the human being shall be inviolable. No one may be convicted except by virtue of a law in force before the commission of the act in question. The right to a defence shall be absolute at every stage and level of the proceedings.

Article 6, paragraph 3, of Act No. 84-19 of 2 February 1984, concerning organization of the courts in Senegal, states:

“Judgements shall be substantiated, failing which they shall be null and void.”

Article 7, paragraph 3, of Act No. 84-19 of 2 February 1984 states:

“Sentence may be delivered only by the courts stipulated by law.”

Article 8, of Act No. 84-19 of 2 February 1984 states:

“The courts shall apply the law and the regulations in force in all matters, as well as local usage in certain matters, if such usage exists, provided it is not contrary to the law and to public order.”

### B. Equal protection of the law

*(article 7 of the Universal Declaration;  
article 5 (a) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

Article 7 of the Constitution provides:

“All human beings shall be equal before the law. Men and women shall have equal rights.

“In Senegal there shall be no subject status or privileged status based on place of birth, person or family.”

Article 7, paragraph 1, of Act No. 84-19 of 2 February 1984, concerning organization of the courts states:

“In civil and criminal cases, no one may be tried without his being in a position to present a defence.”

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.5).

<sup>2</sup> *Ibid.* (CERD/C/131/Add.5).

**C. Right to a nationality**

*(article 15 of the Universal Declaration;  
article 5 (d) (iii) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

Act No. 61-10 of 7 March 1961, as amended by Act No. 61-19 of 10 March 1961, Act No. 67-17 of 28 February 1967, Act No. 70-27 of 26 June 1970, Act No. 70-31 of 13 October 1970, Act No. 79-01 of 4 January 1979 and Act No. 84-10 of 4 January 1984, concerns Senegalese nationality and the requirements for acquisition thereof.

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<sup>3</sup> *Ibid.* (CERD/C/131/Add.5).

## SOMALIA

### **Non-discrimination; equal rights for men and women**

*(article 1 of the Universal Declaration;  
articles 2 and 5 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

Somalia annually observes on 11 January, the Day of Proclamation of the Equality of Men and Women, and on 8 March the International Women's Day and the Anniversary of the Somali Democratic Women's Organization.

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<sup>1</sup> Report submitted by State (CERD/C/88/Add.6).



## SPAIN

### Right to asylum

*(article 14 of the Universal Declaration)*<sup>1</sup>

Act 5/84 of 26 March regulates the right of asylum and the status of refugees and replaces the provisional regulations issued by the Ministry of the Interior in the Order of 26 May 1969.

The Act is extremely generous towards persons who avail themselves of its provisions, from the time of their request for asylum, facilitating their integration through the authorization of indefinite or temporary residence and the provision of identity papers and permits for engaging in occupational, professional and business activities and any other activities covered by the agreements signed by Spain. Once asylum has been granted, social and economic assistance may be provided to refugees by the Administration directly, through the Ministry of Labour and Social Security, or by the Spanish Commission for Aid to Refugees, founded in 1968 in order to provide for the needs of refugees upon their arrival in Spain.

An interesting aspect of the new legislation is the extending of asylum to ascendants and descendants of the first degree and to spouses or persons with whom the refugee is linked by a similar relationship of affection or cohabitation.

It may therefore be said that the new legislation on the right of asylum and status of refugees is an advanced set of rules which facilitates and guarantees respect for the cultural identity of refugees, freedom for them to exercise their cultural activities and their integration into the host country through the granting of residence and work permits.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.29).

## SRI LANKA

### Right to an effective remedy

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

Among recent decisions of the Supreme Court of Sri Lanka on Fundamental Rights, mention can be made of the following:

*Jayanetti v. L.R.C. (Land Reform Commission)* 1984, 2 SLR 172 : The petitioner a businessman (Member of Parliament) made an application under the L.R.C. Law to purchase 50 acres of agricultural land vested with the L.R.C. This application was recommended by the M.P. since it was an administrative requirement and later withdrawn on the basis that the land would be distributed among the local villagers. But a few months later the same property was alienated to another person on the recommendation of the M.P. The petitioner claimed that such alienation constituted a violation of the fundamental right guaranteed in article 12 of the Constitution.

The Court upheld the application of the petitioner and stated that there had been unequal treatment of the petitioner by executive or administrative action violative of article 12.

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<sup>1</sup> Report submitted by State (CERD/C/126/Add.2).

## SWEDEN

### **A. Condemnation of racial segregation and apartheid** *(articles 1 and 2 of the Universal Declaration; article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination)*<sup>1</sup>

The Government Commission, which had been instructed to review the law prohibiting new Swedish investments in South Africa and Namibia, presented its final report in June 1984. The Commission proposed several measures to make the law even more stringent. On the basis of the report the Government submitted a bill to Parliament in November 1984.

The main features of the Government bill are the following. A new law replaces the old one. The investment prohibition is supplemented by a prohibition to grant credits for a period of more than two years to the South African Government or its authorities or to grant security for debts of the South African Government or its authorities for a period exceeding five years. A prohibition of financial leasing is added. The Government may prohibit the transfer or tenure of patent rights and production rights. The policy against South Africa is also tightened up in other fields, such as public purchasing, sports, culture and science. Furthermore, Sweden is continuously working for an efficient policy of sanctions against South Africa in international organizations. The intention is to review the policy on South African again before the end of 1990. The bill has recently been passed by Parliament.

### **B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them** *(article 2 of the Universal Declaration; article 2.2 of the International Convention on the Elimination of All Forms of Racial Discrimination)*<sup>2</sup>

The Government Commission on Reindeer Breeding, which was appointed in 1979, presented its final report in 1984. The task of the Commission was to investigate the economic conditions for reindeer breeding and to survey the different biological and financial-administrative factors which determine the form and profitability of reindeer breeding. Part of the work has been to examine different proposals with a view to creating the necessary conditions for those engaged in reindeer breeding to obtain a satisfactory economic and social standard as well as safety of employment.

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<sup>1</sup> Report submitted by State (CERD/C/131/Add.2).

<sup>2</sup> *Ibid.* (CERD/C/131/Add.2).

Furthermore, the Commission has put forward some proposals for improved protection through the law on reindeer breeding.

**C. Prohibition of racial discrimination or incitement to it**  
(articles 2 and 7 of the Universal Declaration;  
article 4 of the International Convention on the Elimination  
of All Forms of Racial Discrimination;  
article 26 of the International Covenant on Civil and Political Rights)<sup>3</sup>

A report on the legal position of aliens was presented by the Swedish Commission on Ethnic, Prejudice and Discrimination in May 1984. The Commission has proposed that a number of posts which are now reserved for Swedish citizens will in the future be accessible also to foreigners. This proposal is now under consideration within the Government Office, and certain changes in favour of aliens are expected.

In June 1984 the Commission presented a report on unlawful discrimination. The Commission has examined the application of Section 9 of Chapter 16 of the Swedish Penal Code, which deals with unlawful discrimination. According to the Commission, unlawful discrimination should not be regarded as less serious than agitation against an ethnic group in Section 8. Therefore, the range of punishment should be the same: imprisonment for at most two years or if the crime is petty a fine. Another proposal of the Commission in this context is an amendment to the 1972 Tort Act to the effect that a person who has been the victim of unlawful discrimination should be entitled to compensation for his suffering.

In the main report the Commission dealt, *inter alia*, with the question of prohibiting the formation and membership of organizations promoting or encouraging persecution on ethnic grounds.

The Commission found that there were arguments against as well as in favour of prohibiting racist organizations. On one hand, the right to freedom of association should be restricted to the smallest possible extent. There were also alternative legislative possibilities. The experience of other countries showed, furthermore, that prohibition of racist organizations was not very effective.

**D. Right to an effective remedy**  
(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>4</sup>

With regard to agitation against an ethnic group, the following cases were considered by the courts in 1984.

A shopkeeper was sentenced in 1984 by the Malmoe District Court to pay 50 day-fines for putting up a sign on the front door with the text "Gypsies not welcome". The court found that the sign expressed contempt. No appeal against the conviction has been lodged.

<sup>3</sup> *Ibid.* (CERD/C/131/Add.2).

<sup>4</sup> *Ibid.* (CERD/C/131/Add.2).

In 1984, the Stockholm District Court sentenced a person to four months' imprisonment for statements expressing contempt for ethnic groups in local radio programmes. The statements concerned on one occasion immigrants and on another occasion Gypsies. An appeal was lodged, and the Court of Appeal upheld the conviction. A review permit was then demanded, but the demand was withdrawn before it had been decided upon.

The Stockholm District Court sentenced in 1984 a person to 60 day-fines for a statement in a local radio programme expressing contempt for an ethnic group. The accused was the responsible editor for a programme, in which a person who called on the telephone expressed contempt for North Africans. An appeal was lodged, but the Court of Appeal upheld the conviction. The Supreme Court did not permit a review.

#### **E. Right to freedom of movement and residence; right to leave one's country**

*(article 13 of the Universal Declaration:  
article 5 (d) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>5</sup>*

According to an agreement between Greece and Sweden in 1983, a Mixed *ad hoc* Commission on Migration Issues has been established. This Commission met for the first time in October 1984. It discussed the situation of Greek immigrants in Sweden and prescribed the scope for the future co-operation on migration.

In March 1983, the Ministry of Labour initiated a working group partly to survey the situation of Latin-American refugees in Sweden, and partly to propose measures to facilitate voluntary repatriation. The Latin-American refugees in Sweden had demanded support from Swedish authorities to improve their possibilities to return to their home countries. The working group presented its proposals in the spring of 1984. These proposals are now being discussed within the administration.

In its sixth periodic report the Swedish Government answered a question on voluntary returns. As was pointed out, there are no economic or other incentives to induce immigrants to return to their countries of origin. The final report of the Government Commission which was established in 1980 to review questions concerning immigration and the position of immigrants in Sweden (the Immigrant Policy Commission (IPOK)) was presented in June 1984. A Government bill on the basis of the report is expected during the spring of 1985. The Government has in November 1984 decided that contributions shall be paid for the journeys of refugees who leave Sweden in order to settle down in another country. The National Immigration Board decides on contributions, which will be paid only if the refugee lacks the means to pay the cost himself.

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<sup>5</sup> *Ibid.* (CERD/C/131/Add.2).

**F. Right to work**

*(article 23 of the Universal Declaration;  
article 5 (e) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>6</sup>

The agreement between the Finnish and Swedish Ministers of Labour of 1973 on channelling Finnish-Swedish labour migration through public placement services was renewed in March 1984. This agreement was signed by the social partners in the private labour market and by the labour market authorities in both countries. The implementation of this agreement is monitored by a special joint group comprising representatives of the labour market authorities and social partners in Finland and Sweden. Under the agreement, the contracting parties have entered into certain commitments with the following objectives: to induce transboundary applicants for work to avail themselves of public placement services; to promote rapid and objective service by the authorities; to induce employers to refrain from private recruitment; and to help ensure that newly established immigrants in the host country contact public placement services when seeking employment.

**G. Right to education and training**

*(article 26 of the Universal Declaration;  
article 5 (e) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>7</sup>

Sami children have, according to the Sami School Ordinance, the right to fulfil their compulsory school attendance at a Sami school instead of an ordinary primary school.

Teaching of the Sami language can also take the form of "native language" instruction. The municipalities are obliged to provide four such lessons a week.

The scarcity of Sami teaching materials has been a problem. The preparation of Sami educational materials has for a decade been undertaken by the National Board of Education.

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<sup>6</sup> *Ibid.* (CERD/C/131/Add.2).

<sup>7</sup> *Ibid.* (CERD/C/131/Add.2).

## UKRAINIAN SOVIET SOCIALIST REPUBLIC

**Condemnation of racial segregation and *apartheid***  
*(articles 1 and 2 of the Universal Declaration;*  
*articles IV and VI of the International Convention*  
*on the Suppression and Punishment of the Crime of Apartheid)*<sup>1</sup>

In recent years alone the delegations of the Republic have taken an active part in the organization and holding of important international events such as the Conference of Arab Solidarity with the Struggle for Liberation in southern Africa (Tunis, 1984), the Seminar on the Activities of Foreign Economic Interests in the Exploitation of Namibia's Natural and Human Resources (Ljubljana, 1984), and the Regional Symposium on International Efforts to Implement Decree No. 1 for the Protection of the Natural Resources of Namibia (Geneva, 1984).

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<sup>1</sup> Report submitted by State (E/CN.4/1985/26/Add.5).

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

### **A. Right to an effective remedy**

*(article 8 of the Universal Declaration;  
article 6 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)<sup>1</sup>*

A Code of Practice issued by the Commission for Racial Equality under the provisions of Section 47 of the Race Relations Act 1976 has been approved by Parliament and comes into operation on 1 April 1984. It does not extend the law. The primary aim of the Code is to give practical guidance to help employers and others to understand the law and how policies can be implemented to help eliminate racial discrimination and enhance equality of opportunity. The Code makes recommendations to employers, trade unions, employment agencies and individual employees and stresses the close link between good employment practice and equal opportunity.

The Commission embarked on a formal investigation into the allocation of council housing in the London Borough of Hackney in May 1978. Following consideration of the results of the investigation, the Commission issued a non-discrimination notice in June 1983, reflecting its finding that the Borough had practised unlawful direct discrimination against black applicants and tenants who had been allocated housing. The basis of the non-discrimination notice was that people of West Indian, Asian or African origin had not been provided with housing of the same quality as that given to white people in similar circumstances. A report of the investigation was published in January 1984.

### **B. Right to just and favourable conditions of work**

*(article 23 of the Universal Declaration;  
article 7 of the International Covenant on Economic,  
Social and Cultural Rights)<sup>2</sup>*

The Commission for Racial Equality has prepared a Code of Practice which aims at giving practical guidance to help employers, trade unions, employment agencies and employees to understand not only the employment provisions of the Race Relations Act and its implications, but also how best they can implement policies to eliminate racial discrimination and to enhance equality of opportunity. Subject to parliamentary approval, the Code came into effect on 1 April 1984.

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.7).

<sup>2</sup> *Ibid.* (E/1984/7/Add.20).



## VENEZUELA

**A. Condemnation of racial segregation and *apartheid***  
*(articles 1 and 2 of the Universal Declaration;  
article 3 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>1</sup>

On 27 August 1984, on the occasion of the celebration of Namibia Day, the Minister for Foreign Affairs of Venezuela sent a message of support in which he once more reaffirmed Venezuelan condemnation of the racist régime of South Africa.

Following the appearance of the names of a number of Venezuelan citizens in the consolidated list of sportsmen who participated in sports events in South Africa from September 1980 to 31 December 1983 published in April 1984 by the Special Committee against *Apartheid*, the Government of Venezuela made a declaration whereby it:

“ . . . deplores the participation of certain Venezuelan sportsmen for their own account and at their own risk in the events indicated, and reaffirms most categorically its rejection of any relations with the South African régime, sports included.”

**B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them**  
*(articles 2 and 26 of the Universal Declaration;  
article 2.2 of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>2</sup>

The following are the aims which the Office of Indigenous Affairs hopes to achieve in 1984:

The integration of educational policies being applied in the indigenous sector and frontier areas;

Conduct of a feasibility study on the incorporation in the system of intercultural bilingual education of the 19 ethnic groups not participating in the experiment;

Implementation, in conjunction with the Control and Evaluation Division of the Sectoral Planning and Budget Office, of activities for evaluating the curriculum design of the system of intercultural bilingual education;

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<sup>1</sup> Report submitted by State (CERD/C/118/Add.24).

<sup>2</sup> *Ibid.* (CERD/C/118/Add.24).

- Definition, in conjunction with the Control and Evaluation Division of the Sectoral Planning and Budget Office, of the school evaluation arrangements for the system of intercultural bilingual education;
- Continued elaboration of the curriculum for the system of intercultural bilingual education;
- Introduction of the study plan and programmes of instruction for the first cycle of the system of intercultural bilingual education;
- Preparation of plans for providing indigenous teachers with up-to-date knowledge and professional techniques;
- Execution of activities guiding definition of the curriculum design for the pre-school level under the system of intercultural bilingual education;
- Execution of activities guiding definition of the curriculum design for adult education under the system of intercultural bilingual education;
- Establishment of the education supervision policy in the indigenous sector, both for the system of intercultural bilingual education and for the regular system.

### C. Right to work

*(article 23 (1) of the Universal Declaration;  
article 5 (e) (i) of the International Convention on the Elimination  
of All Forms of Racial Discrimination)*<sup>3</sup>

In recent years, the level of unemployment has risen but it has been decided to combat that phenomenon by means of economic measures, including that of compelling all undertakings to increase their work-force by 10 per cent. This method of combating unemployment, which is novel in comparative law, was put into effect by Decree No. 179 dated 29 June 1984.

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<sup>3</sup> *Ibid.* (CERD/C/118/Add.24).

## **Section B. Trust and Non-Self-Governing Territories**

In Trust and Non-Self-Governing Territories progress was made towards independence.

### **A. TRUST TERRITORIES**

#### **Trust Territory of the Pacific Islands**

Pursuant to Trusteeship Council resolution 36 (III) of 8 July 1948 and General Assembly resolution 754 (VIII) of 9 December 1953, the Secretary-General and the Administering Authority of the Trust Territory of the Pacific Islands continued to co-operate during the period under review in disseminating information to the Trust Territory on the aims and objectives of the International Trusteeship System and of the United Nations.

The present report covers the period from 1 May 1983 to 30 April 1984. As in previous years, the Department of Public Information of the Secretariat implemented its information mandates by distributing material both directly to the Trust Territory and through its information centres, primarily the United Nations Information Centre at Tokyo.<sup>1</sup>

The Special Committee considered the Trust Territory between 7 and 24 August 1984. It adopted a set of conclusions and recommendations contained in the report of its Sub-Committee on Small Territories in which, *inter alia*, it reaffirmed the importance of ensuring that the people of the Trust Territory fully and freely exercise their inalienable right and that the obligations of the Administering Authority are duly discharged. It takes note of the Trusteeship Agreement concluded between the Administering Authority and the Security Council with regard to the Territory.

The Special Committee recommended to the General Assembly the adoption of a draft resolution on the question of the Trust Territory of the Pacific Islands.<sup>2</sup>

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<sup>1</sup> Report of the Secretary-General, T/1866.

<sup>2</sup> A/39/23, chap. XIX.

## B. NON-SELF-GOVERNING TERRITORIES

### 1. American Samoa

By a letter dated 23 February 1984, the Governor of American Samoa transmitted to the United States Secretary of the Interior a revised draft constitution of American Samoa which was adopted on 16 February. According to section 12 of Public Law No. 98-213, any amendments of, or modifications to, the Constitution of the Territory, as approved by the Secretary of the Interior pursuant to Executive Order No. 10264, may be made only by an Act of the Congress of the United States. Consequently, the Governor informed the Secretary of the Interior that the revised draft constitution had been transmitted to the Congress of the United States for consideration.<sup>3</sup>

The Special Committee considered the question of American Samoa on 7 August 1984. It adopted the report of its Sub-Committee containing an account of its consideration of the Territory and approved its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of American Samoa.<sup>4</sup>

The General Assembly on 5 December 1984 adopted resolution 39/31, in which it, *inter alia*, approved the chapter of the report of the Special Committee on American Samoa. It called upon the Government of the United States of America, as the administering Power, to take all necessary steps, taking into account the freely expressed wishes of the people of American Samoa, to expedite the process of decolonization of the Territory in accordance with the relevant provisions of the Charter of the United Nations and the Declaration; it also called upon the administering Power to intensify its efforts to strengthen and diversify the economy of American Samoa in order to reduce its heavy dependence on economic and financial support from the United States and to create employment opportunities for the people of the Territory; moreover, it urged the administering Power, in co-operation with the territorial Government, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those resources and to establish and maintain control of their future development.

### 2. Anguilla

The Special Committee considered the question of Anguilla on 25 October 1984 and decided to transmit the relevant documentation to the General Assembly.<sup>5</sup>

The draft was adopted on 5 December 1984 as resolution 39/39 in which the General Assembly, *inter alia*, approved the chapter of the report of the Special Committee on Anguilla; it urged the administering Power, in co-operation with the Government of Anguilla, to expand the programmes of political education so as to improve the awareness of the people of the Territory of the options available to them in the exercise of their right to self-determination and independence, in accordance

<sup>3</sup> A/AC.109/767.

<sup>4</sup> A/39/23, chap. XVII.

<sup>5</sup> A/39/23, chap. XVII.

with the Charter of the United Nations and the Declaration, and requested the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a visiting mission to Anguilla at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its fortieth session.

### 3. Bermuda

The Special Committee considered the question of Bermuda on 20 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Bermuda.<sup>6</sup>

The General Assembly on 5 December 1984 adopted resolution 39/33 in which it, *inter alia*, approved the chapter of the report of the Special Committee relating to Bermuda. It reaffirmed the inalienable right of the people of Bermuda to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and, in addition, reaffirmed its strong conviction that the presence of military bases and installations in the Territory could constitute a major obstacle to the implementation of the Declaration and that it is the responsibility of the administering Power to ensure that the existence of such bases and installations does not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations.

### 4. British Virgin Islands

The Special Committee considered the question of the British Virgin Islands on 20 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the Territory.<sup>7</sup>

The General Assembly adopted on 5 December 1984 resolution 39/34 in which it, *inter alia*, approved the chapter of the report of the Special Committee relating to the British Virgin Islands; reaffirmed that it is ultimately for the people of the British Virgin Islands themselves to determine their future political status in accordance with the relevant provisions of the Charter of the United Nations and the Declaration, takes note of the general elections held in the Territory on 11 November 1983 and reaffirmed the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination.

### 5. Cayman Islands

The Special Committee considered the Territory on 7 August 1984. It adopted the report of its Sub-Committee and endorsed its conclusions and recommendations.

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<sup>6</sup> A/39/23, chap. XX.

<sup>7</sup> A/39/51, Supplement No. 51.

It recommended to the General Assembly the adoption of a draft resolution on the question of the Cayman Islands.<sup>8</sup>

The General Assembly on 5 December 1984 adopted resolution 39/35 in which it, *inter alia*, approved the chapter of the report of the Special Committee relating to the Cayman Islands; the Assembly also reaffirmed the responsibility of the administering Power for the economic and social development of the Territory and urged it, in co-operation with the territorial Government, to render continuing support, to the fullest extent possible to the development of programmes of economic diversification that will benefit the people of the Territory.

#### 6. Cocos (Keeling) Islands

The Special Committee considered the question of the Cocos (Keeling) Islands on 24 August 1984. It adopted the report on the findings of the mission of its Subcommittee on Small Territories containing an account of its consideration of the Territory and approved the draft consensus contained therein. It recommended to the General Assembly the adoption of a draft resolution on the Territory.<sup>9</sup>

The General Assembly on 5 December 1984 adopted resolution 39/30 in which it, *inter alia*, noted with satisfaction the observations and recommendations of the United Nations Visiting Mission to observe the act of self-determination in the Cocos (Keeling) Islands, 1984 and expressed its appreciation to the Government of Australia, as the administering Power concerned, and to the Cocos (Keeling) Islands Council for the co-operation extended to the United Nations.

#### 7. East Timor

In a note to the Special Committee dated 16 August 1984, the Permanent Representative of Indonesia to the United Nations stated that the process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory.<sup>10</sup>

The Special Committee considered the question of East Timor on 13 and 14 August 1984. It decided to continue consideration of the item at its next session, subject to any directives which the Assembly might give in that connection at its thirty-ninth session.<sup>11</sup>

#### 8. Falkland Islands (Malvinas)

The Special Committee considered the Territory on 16 and 20 August 1984. On 20 August 1984, it adopted a decision on the question of the Falkland Islands (Malvinas).<sup>12</sup>

By its decision 39/404 of 31 October 1984, the General Assembly decided to call attention to the importance of the Secretary-General's continuing efforts to give full

<sup>8</sup> A/39/23, chap. XXII.

<sup>9</sup> A/39/494, annex.

<sup>10</sup> A/AC.109/791/Add.1.

<sup>11</sup> A/39/23, chap. XI.

<sup>12</sup> A/39/23, chap. XXVI.

effect to the renewed mission of good offices requested by General Assembly resolutions 37/9 and 38/12 and reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful settlement of the continuing dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland.

### 9. Gibraltar

The Special Committee considered the Territory on 20 August 1984. Taking into account the continuing discussions between the parties concerned, it decided to continue its consideration of the item at its next session, and to transmit its report to the Assembly.<sup>13</sup>

On 5 December 1984, the General Assembly adopted decision 39/140 in which, *inter alia*, it urged the Governments of Spain and of the United Kingdom to make possible the initiative of negotiation with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the General Assembly and in the spirit of the Charter.

### 10. Guam

The Special Committee considered the Territory on 24 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of Guam and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Guam.<sup>14</sup>

The General Assembly on 5 December 1984 adopted resolution 39/32 in which it, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Guam, and called upon the administering Power, in co-operation with the territorial Government, to expedite the process of decolonization strictly in accordance with the expressed wishes of the people of the Territory.

### 11. Montserrat

On 16 July 1984, a motion of no confidence in the leadership of the Chief Minister was introduced in the Legislative Council. The motion stated, *inter alia*, that the current constitutional status of the Territory contributed to its stability and to the confidence of investors. It accused the Chief Minister of promoting the idea of independence contrary to the wishes of the people of Montserrat and called for his immediate resignation. The motion was defeated along party lines, by a vote of 5 to 2.<sup>15</sup>

The Special Committee considered the Territory on 20 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It

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<sup>13</sup> A/39/23, chap. XII.

<sup>14</sup> A/39/23, chap. XVIII.

<sup>15</sup> A/AC.109/804.

recommended to the General Assembly the adoption of a draft resolution on the question of Montserrat.<sup>16</sup>

The General Assembly adopted on 5 December 1984 decision 39/36 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to Montserrat; reiterated that it is the responsibility of the administering Power to create such conditions in Montserrat as will enable its people to exercise freely and without interference, from a well-informed standpoint as to the available options, their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV), as well as other relevant resolutions of the Assembly. In that connection, the Assembly reiterated its call upon the administering Power, in co-operation with the territorial Government, to continue to strengthen the economy and to increase its assistance to programmes of diversification in order to promote the economic and financial viability of the Territory.

## 12. Namibia

The United Nations Council for Namibia held extraordinary plenary meetings from 21 to 25 May 1984 at Bangkok. In its Declaration and Programme of Action, the Council reaffirmed the inalienable right of the people of Namibia to self-determination and independence in a United Namibia under the leadership of SWAPO, their sole and authentic representative.<sup>17</sup>

The Special Committee considered the question of Namibia at various meetings between 13 and 20 August 1984. On 20 August, it adopted a decision in which the Special Committee, *inter alia*, strongly condemned the illegal South African administration for its persistent and systematic attempts to undermine, discredit and destroy the South West Africa People's Organization, its members and supporters, through arbitrary arrests, torture, intimidation and terror carried out in perpetuation of the Pretoria régime's ruthless system of oppression, exploitation and colonial domination of the Territory, and it recommended that the Security Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation régime aimed at frustrating the legitimate struggle of the Namibian people. Further, the Committee strongly recommends that the Security Council, in the light of the serious threat to international peace and security posed by South Africa's actions, respond positively to the overwhelming demand of the international community by imposing forthwith comprehensive mandatory sanctions against that country under the terms of Chapter VII of the Charter.<sup>18</sup>

In its resolution 39/50 A adopted on 12 December 1984 the General Assembly, *inter alia*, reaffirmed its conviction that the solidarity and support of the front-line States for the Namibian cause continues to be a factor of paramount importance in the efforts to bring genuine independence to the territory. By its resolution 39/50 B of the same date, the Assembly reiterated that Security Council resolution 435 (1978), in which the Council endorsed the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the question of Namibia and demands its immediate and unconditional implementation. It also urged the

<sup>16</sup> A/39/23, chap. XXIII.

<sup>17</sup> A/39/286-S/16601.

<sup>18</sup> A/39/23, chap. IX.



Security Council to impose comprehensive mandatory sanctions against the racist régime of South Africa under Chapter VII of the Charter, in order to ensure the total cessation of all co-operation with that régime, particularly in the military and nuclear fields, by Governments, corporations, institutions and individuals.

### 13. Pitcairn

The Special Committee considered the Territory on 7 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and adopted the draft consensus contained therein. It recommended to the General Assembly the adoption of a draft decision on the question of Pitcairn.<sup>19</sup>

On 5 December 1984, the General Assembly adopted decision 39/409, in which it, *inter alia*, took note of the statement of the representative of the United Kingdom of Great Britain and Northern Ireland affirming the policy of his Government to respect the wishes of the people of Pitcairn when it considers the future constitutional arrangements for the Territory and to give further encouragement to the people of Pitcairn to pursue the way of life that they themselves have chosen and that best suits their own particular circumstances.

### 14. Saint Helena

The Special Committee considered the Territory on 24 August 1984. It adopted the draft decision contained in the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory. It recommended to the General Assembly the adoption of a draft decision on the question of Saint Helena.<sup>20</sup>

On 5 December 1984, the General Assembly adopted decision 39/411 in which it, *inter alia*, expressed the hope that the administering Power would continue to implement infrastructure and community development projects aimed at improving the general welfare of the community and to encourage local initiative and enterprise. It noted with concern the presence of a military base on the dependency of Ascension and, in that regard, recalled all the relevant United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories.

### 15. Tokelau

The Special Committee considered the Territory on 7 August 1984. It adopted the draft decision contained in the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory. It recommended to the General Assembly the adoption of a draft decision on the question of Tokelau.<sup>21</sup>

On 5 December 1984, the General Assembly adopted decision 39/408, in which it, *inter alia*, reaffirmed that it is the responsibility of the administering Power to keep the people of Tokelau fully informed. In this regard, the Assembly noted that the people of the Territory have expressed the view that, at the present time, they do

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<sup>19</sup> A/39/23, chap. XV.

<sup>20</sup> A/39/23, chap. XVI.

<sup>21</sup> A/39/23, chap. XIV.

not wish to review the nature of the existing relationship between Tokelau and New Zealand. It welcomed the assurances of the administering Power that it will continue to be guided solely by the wishes of the people of Tokelau as to the future status of the Territory; called upon the administering Power to continue its programme of political education within the context of its efforts to ensure the preservation of the identity and cultural heritage of the people of Tokelau; and expressed the opinion that the administering Power should continue to expand its programme of budgetary support and development aid to the Territory.

#### 16. Turks and Caicos Islands

The Special Committee considered the Territory on 20 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of the Turks and Caicos Islands.<sup>22</sup>

The draft was adopted as resolution 39/37 of 5 December 1984, in which the General Assembly, *inter alia*, approved the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Turks and Caicos Islands; reaffirmed the inalienable right of the people of the Turks and Caicos Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and requested the administering Power, in consultation with the territorial Government, to continue to provide the assistance necessary for the training of qualified local personnel in the skills essential to the development of economic and social sectors of the Territory.

#### 17. United States Virgin Islands

On 21 June 1984, a representative of the Governor of the Territory, in a statement to the Sub-Committee on Small Territories, confirmed that the Select Committee had been holding public meetings in the Territory. This was also confirmed by representatives of the administering Power in their statements to the Sub-Committee, and to the Fourth Committee of the General Assembly on 8 November 1984. In a statement to the Sub-Committee, the representative of the administering Power stressed that his Government was ready to consider any proposal of the Territory which would be appropriate to its "unique conditions and needs". He said that the territorial Government's democratic method of determining the wishes of the people before it made its proposals was a tribute both to his Government's long association with the Territory and to the people themselves.<sup>23</sup>

On 5 December 1984, the General Assembly adopted resolution 39/38 on the question of the United States Virgin Islands, by which it called upon the administering Power, taking into account the wish of the people of the United States Virgin Islands, to take all necessary steps to expedite the process of decolonization in accordance with the relevant provisions of the Charter of the United Nations and the

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<sup>22</sup> A/39/23, chap. XXIV.

<sup>23</sup> A/AC.109/813.

Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as all other relevant resolutions and decisions of the General Assembly; and noted that the Select Committee, established by the Senate of the United States Virgin Islands to ascertain the views of the people on their future status, had been holding public hearings throughout the Territory. The Assembly affirmed the responsibility of the administering Power under the Charter of the United Nations for the economic and social development of the Territory.<sup>24</sup>

The Special Committee considered the Territory on 24 August 1984. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of the United States Virgin Islands.<sup>25</sup>

### 18. Western Sahara

In mid-February 1984, the Chairman of the Organization of African Unity undertook another initiative to break the deadlock in the Western Saharan conflict. He was reported to have made several proposals to Morocco and the Frente Polisario, but the outcome of those efforts has not been made public.<sup>26</sup>

The Special Committee considered the Territory on 17 August 1984. It decided to give consideration to the item at its next session, subject to any directives which the General Assembly might give in that connection at its thirty-ninth session, and to transmit the relevant documentation to the Assembly.<sup>27</sup>

On 5 December 1984, the General Assembly adopted resolution 39/40 on the question of Western Sahara. In this resolution, the Assembly, *inter alia*, reaffirmed that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence, and welcomed the efforts of the Organization of African Unity and its Implementation Committee with a view to promoting a just and definitive solution to the question of Western Sahara in accordance with the resolutions and decisions of that Organization and the United Nations on the question.

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<sup>24</sup> *Ibid.*

<sup>25</sup> A/39/23, chap. XXV.

<sup>26</sup> A/AC.109/785.

<sup>27</sup> A/39/23, chap. X.

PART II

ACTIVITIES OF THE  
SUPERVISORY BODIES

## Section A. Practice of the supervisory bodies

### A. Committee on the Elimination of Racial Discrimination

#### INTRODUCTION

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1984. The twenty-ninth session was held at United Nations Headquarters, New York, from 5 to 23 March 1984; and the thirtieth session was held at the United Nations Office at Geneva, from 6 to 24 August 1984.<sup>1</sup>

In accordance with the provision of article 8 of the Convention, representatives of the States parties held their Ninth Meeting at United Nations Headquarters on 20 January 1984, and elected nine members of the Committee on the Elimination of Racial Discrimination from among the candidates nominated to replace those whose terms of office had expired on 19 January 1984.<sup>2</sup>

In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the twenty-ninth and thirtieth sessions of the Committee.

At the thirtieth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventieth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination in accordance with arrangements for co-operation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention (No. 111), 1958, as well as other information in the report relevant to its activities.<sup>3</sup>

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<sup>1</sup> Report of the Committee on the Elimination of Racial Discrimination, *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18)*, para. 3.

<sup>2</sup> *Ibid.*, para. 4.

<sup>3</sup> *Ibid.*, paras. 14-15.

## 1. RULES OF PROCEDURE

The Committee considered this item during its twenty-ninth session, on 19 and 22 March 1984.<sup>4</sup>

The Committee decided to delete the word "provisional" from the text of its rules of procedure. At the same meeting, it established a working group to examine on the basis of the working paper prepared by the Secretariat the possibility of introducing titles and headings to the rules and incorporating a table of contents for ease of reference.<sup>5</sup>

The Committee subsequently adopted the proposals made by the working group on the rules of procedure. The revised text of the rules of procedure is contained in document CERD/C/35/Rev.2.

## 2. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

At its twenty-ninth and thirtieth sessions, the Committee examined the reports submitted by States parties under article 9 of the Convention. A list of States parties whose reports were examined, together with indications of the type of report and meetings at which the reports were considered, is included below. The relevant paragraphs of the report, containing a summary of the consideration of each periodic report, are also indicated.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Dates of consideration</i>	<i>Summary of consideration contained in the report,<sup>a</sup> paragraphs:</i>
Mali.....	Fourth	CERD/C/74/Add.3	651	6/3/84	62-75
New Zealand	Fifth/sixth	CERD/C/75/Add.14 and CERD/C/106/ Add.10	652-653	6-7/3/84	76-84
Saint-Vincent and the Grenadines	Initial	CERD/C/85/Add.1	652	6/3/84	85-87
Algeria.....	Sixth	CERD/C/106/Add.4	653-654	7/3/84	88-102
Botswana.....	Third/fourth/ fifth	CERD/C/105/Add.1	654	7/3/84	103-113
Central African Republic...	Sixth	CERD/C/10/Add.10	655	8/3/84	114-127
Colombia.....	Initial	CERD/C/85/Add.2	655-656	8/3/84	128-140
Tonga.....	Sixth	CERD/C/106/Add.5	656	8/3/84	141-144
Democratic Yemen.....	Fifth/sixth	CERD/C/106/Add.6	657	9/3/84	145-156
Rwanda.....	Fourth	CERD/C/88/Add.4	657-658	9/3/84	157-167

<sup>a</sup> A/39/18.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Dates of consideration</i>	<i>Summary of consideration contained in the report,<sup>a</sup> paragraphs:</i>
Bolivia .....	Fifth/sixth/ seventh	CERD/C/107/Add.1	658	9/3/84	168-175
El Salvador...	Initial/second	CERD/C/86/Add.3	659	12/3/84	176-184
Luxembourg	Third	CERD/C/103/Add.2	659	12/3/84	185-195
Trinidad and Tobago.....	Fifth	CERD/C/89/Add.4	660	12/3/84	196-206
Syrian Arab Republic ...	Seventh	CERD/C/91/Add.36	661-662	13/3/84	207-224
Cape Verde...	Second	CERD/C/86/Add.4	662-663	13-14/3/84	225-233
Belgium .....	Third/fourth	CERD/C/88/Add.5	663-665	14-15/3/84	234-246
United Arab Emirates ...	Fifth	CERD/C/105/Add.2	664	14/3/84	247-251
Mauritius .....	Sixth	CERD/C/106/Add.8	664 and 666-667	13-15/3/84	252-261
Denmark .....	Sixth	CERD/C/106/Add.9	664-666	14-15/3/84	262-277
Papua New Guinea .....	Initial	CERD/C/101/Add.4	666	15/3/84	278-286
Qatar .....	Fourth	CERD/C/104/Add.1	667	16/3/84	287-296
Italy .....	Third/fourth	CERD/C/104/Add.2	671-672	20/3/84	297-312
Peru .....	Fifth/sixth	CERD/C/90/Add.7	676 and 679	7-8/8/84	312-327
Australia.....	Fourth	CERD/C/88/Add.3	676-677	7/8/84	328-352
Viet Nam .....	Initial	CERD/C/101/Add.5	677-678	7-8/8/84	353-366
Seychelles.....	Third	CERD/C/103/Add.3	679	8/8/84	367-377
Uganda .....	Initial	CERD/C/71/Add.2	680 and 687	9 and 14/8/84	378-386
Republic of Korea.....	Third	CERD/C/113/Add.1	681	9/8/84	387-395
Mozambique.	Initial	CERD/C/111/Add.1	681	9/8/84	396-398
Namibia .....	Initial	CERD/C/101/Add.7	682	10/8/84	399-420
Iraq .....	Seventh	CERD/C/107/Add.2 and 6	683	10/8/84	421-433
Chad.....	Third	CERD/C/87/Add.2	683	10/8/84	434-437
Argentina.....	Eighth	CERD/C/118/Add.1 and 16	684-685	13/8/84	438-453
Jordan .....	Fifth	CERD/C/105/Add.3 and 6	685	13/8/84	454-467
Guatemala ...	Initial	CERD/C/111/Add.2	686-687	14/8/84	468-481
Kuwait .....	Eighth	CERD/C/118/Add.3	687	14/8/84	482/491
Finland.....	Seventh	CERD/C/107/Add.3	687-688	14-15/8/84	492-502
Norway .....	Seventh	CERD/C/107/Add.4	688-689	14-15/8/84	503-516
Ethiopia .....	Fourth	CERD/C/104/Add.3	689	15/8/84	517-529
Netherlands..	Sixth	CERD/C/106/Add.11	689 and 690-691	15-16/8/84	530-548
Sri Lanka .....	Initial	CERD/C/101/Add.6	690-691	16/8/84	549-567

<sup>a</sup> A/39/18.

## 3. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Ten of the 124 States which have acceded to or ratified the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. These States are Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention which has not recognized the competence of the Committee to do so.

Consideration of communications under article 14 of the Convention takes place in closed meetings. All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications or on the action to be taken in respect of communications which have been declared admissible.

Within three months after a decision of the Committee declaring a communication admissible has been communicated to the State party concerned, the State party shall submit to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, which may have been taken by it. No communication may, however, be declared admissible unless the State party has received the text of the communication and has been given an opportunity to furnish information or observations concerning the question of admissibility, including information relating to the exhaustion of domestic remedies.

The Committee concludes its consideration of a communication which has been declared admissible by formulating its opinion thereon in the light of all information made available to it by the petitioner and the State party. The opinion of the Committee is communicated to the parties together with any suggestions and recommendations which the Committee may wish to make.

The Committee commenced its work under article 14 of the Convention at its thirtieth session. It is envisaged that the Committee will include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon (art. 14, para. 8 of the Convention). The Committee's work under article 14 of the Convention has not yet reached this reporting stage.



4. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

The Committee considered this item during its twenty-ninth session on 20 March 1984, and during its thirtieth session, on 21 August 1984.<sup>6</sup>

At its twenty-ninth session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1983 in connection with article 15 of the Convention.<sup>7</sup>

At its thirtieth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fifty-first (1984) session in connection with article 15 of the Convention.<sup>8</sup>

The opinions and recommendations of the Committee, based on its consideration of reports and other information submitted to it in 1984 under article 15 of the Convention, as adopted by the Committee on 21 August 1984, appear below in part II, section B, of the present *Yearbook*.

5. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION<sup>9</sup>

The Committee considered this item during its twenty-ninth session, on 22 and 23 March 1984, and during its thirtieth session on 21 August 1984.

For the consideration of the item the Committee had before it the following documents: (a) the report of the Second World Conference to Combat Racism and Racial Discrimination (A/CONF.119/26); (b) the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination approved by the General Assembly at its thirty-eighth session (resolution 38/14, annex); (c) the draft plan of activities for the period 1985-1989, prepared by the Secretary-General in accordance with General Assembly resolution 38/14 (A/39/167-E/1984/33); and (d) Economic and Social Council resolution 1984/43 of 24 May 1984 concerning the Second Decade.

At the twenty-ninth session of the Committee, the item was introduced by Mr. Lamptey, who represented the Committee, together with the former Chairman, Mr. Ingles, at the Second World Conference to Combat Racism and Racial Discrimination, held in Geneva from 1 to 12 August 1983. He summarized the Committee's contribution to the Second World Conference and referred to the recommendation it had received from the Conference. Mr. Lamptey invited members to consider how the Committee could best contribute to the realization of the aims and objectives of the Second Decade.

At the same session, the Committee examined possible ways to contribute to the realization of the aims and objectives of the Second Decade. Several members of the

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<sup>6</sup> *Ibid.*, para. 574.

<sup>7</sup> *Ibid.*, para. 577.

<sup>8</sup> *Ibid.*, para. 578.

<sup>9</sup> *Ibid.*, paras. 584-595.

Committee put forward a number of proposals that could be implemented during the Decade. Within this context, the Committee heard a statement by the Assistant Secretary-General for Human Rights indicating, *inter alia*, how the experience accumulated by the Committee since its inception in the implementation of the provisions of the Convention could best be utilized to further the objectives of the Second Decade. The Committee decided to give due consideration, at its thirtieth session, to the proposals put forward by several of its members as well as to the suggestions made by the Assistant Secretary-General.

It also agreed to recommend to the General Assembly that the two studies on articles 4 and 7 of the Convention prepared for the Second World Conference by the Committee (A/CONF.119/10 and 11) be issued as United Nations publications and given the widest possible distribution. For the text as adopted, see part II, section B, of the present *Yearbook*.

The Committee decided to keep the item "Second Decade for Action to Combat Racism and Racial Discrimination" on its agenda throughout the entire Decade and requested the Secretary-General to keep the Committee informed of the activities which will be undertaken in accordance with the Programme.

The Committee examined relevant suggestions relating to its work contained in the draft plan of activities for the period 1985-1989 prepared by the Secretary-General, as well as in the Programme of Action for the Second Decade, approved by the General Assembly in resolution 38/14.

Taking into consideration section D of the Programme of Action for the Second Decade and General Assembly resolution 37/46 of 3 December 1982, most members of the Committee reiterated that a study on the scope and implementation of article 5 (e) in conjunction with article 1, paragraph 4, and article 2, paragraph 2, of the Convention should be prepared. The study would concentrate on minorities, indigenous populations and other vulnerable groups.

## B. Human Rights Committee

### INTRODUCTION

The Human Rights Committee held three sessions in 1984; the twenty-first session (490th to 517th meetings) was held at United Nations Headquarters, New York, from 26 March to 13 April 1984; the twenty-second session (518th to 544th meetings) was held at the United Nations Office at Geneva from 9 to 27 July 1984; and the twenty-third session (545th to 572nd meetings) was held at the United Nations Office at Geneva from 22 October to 9 November 1984.<sup>10</sup>

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<sup>10</sup> Reports of the Human Rights Committee, *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40 (A/39/40)*, para. 4, and *Fortieth Session, Supplement No. 40 (A/40/40)*, para. 4.

## 1. ORGANIZATIONAL AND OTHER MATTERS

(a) *Working Groups*

In accordance with rule 89 of its provisional rules of procedure, the Committee established working groups to meet prior to its twenty-first, twenty-second and twenty-third sessions entrusting them with the task of making recommendations to the Committee regarding communications under the Optional Protocol.<sup>11</sup>

(b) *Action by the General Assembly on the annual report submitted by the Committee under article 45 of the Covenant*

At its 492nd meeting, held on 27 March 1984, the Committee considered this item in the light of the relevant paragraphs of the summary records of the Third Committee and General Assembly resolutions 38/116 and 38/117 of 16 December 1983.

Members of the Committee expressed gratification over the many encouraging remarks about its work within the Third Committee.

It was noted that a number of comments and opinions relating to the Committee's work were advanced by representatives in the Third Committee. These included suggestions to simplify the current admissibility procedure under the Optional Protocol to extend the time-limit for State party responses to communications to take a more positive approach in following up Committee decisions and to improve co-ordination among the bodies that dealt with reports submitted under various human rights instruments and the suggestion that the Committee should question the legitimacy of lengthy states of emergency. Note was also taken by members of a number of comments and opinions expressed in the Third Committee relating, *inter alia*, to the scope of the Human Rights Committee's mandate, the slow rate of new accessions to the Covenant, the paucity of reports dealt with by the Committee, the Committee's request for better publicity, the introduction of a reporting obligation in cases of public emergency and the Committee's reporting schedule.

Members of the Committee commented on the various opinions and suggestions that were made by representatives in the Third Committee regarding its work. Several members pointed out that an amendment of the rules of procedure had been proposed to the Committee in the interest of streamlining and expediting the consideration of communications. Some members expressed their agreement with the view that the current two-month period for submission of comments on the admissibility of a complaint was inadequate, particularly in the case of States with a federal structure. Regarding the follow-up of Committee decisions, several members noted that States parties had been invited to inform the Committee of their reaction to its views under article 5 (4) of the Optional Protocol and that positive responses of three States parties to such views had already been received and published in the Committee's last annual report. Regarding the matter of improving co-ordination among human rights bodies it was noted that the problem relating to the reporting obligations of States parties might not be easy to solve, given the differences in the procedures under the various instruments in the periodicity of the various reports, in

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<sup>11</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, para. 11, and *Fortieth Session, Supplement No. 40 (A/40/40)*, para. 9.

the guidelines for their preparation and in the nature of the issues examined. Nevertheless, there should be an organized flow of information among the various bodies and the hope was expressed that positive results might be achieved at the meeting of the Chairmen of relevant bodies, referred to in paragraph 5 of General Assembly resolution 38/117.

Members noted that a wide range of views was expressed by representatives at the Third Committee concerning the scope of the Human Rights Committee's mandate. They did not agree that the Human Rights Committee could do anything that was not prohibited to it under the Covenant. Members of the Committee were generally of the view that the Committee's mandate was clearly established in the Covenant. Several members felt that the Committee could but express its opinion on how the Covenant should be understood and inform States parties about the collective concerns of its members with a view to helping them to fulfil their obligations. Regarding the decline in the rate of new accessions, which members regretted, it was pointed out that some States not yet parties to the Covenant were developing countries lacking technical personnel and infrastructure and the legislation necessary to fulfil the obligations flowing from the Covenant. It was suggested that some of these States could be encouraged to become parties if appropriate assistance were provided to them. The need for addressing in any promotional activities the special sensitivities of newly independent States concerning sovereignty was also stressed. In connection with the concern expressed about the low number of State party reports considered by the Committee, it was noted that although the Committee did not have a large backlog of reports it would soon be receiving an increasing number of second periodic reports and should aim at examining reports at a higher rate.

The Committee noted with appreciation paragraph 13 of General Assembly resolution 38/116, in which the Assembly requested the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat was able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/93 of 14 December 1976.<sup>12</sup>

(c) *Question of the transmission of the annual report of the Committee to the General Assembly*

By its decision 1983/101 of 4 February 1983, the Economic and Social Council invited the Committee to consider the possibility of rescheduling its meetings so as to allow for transmittal of the Committee's annual report to the General Assembly through the Economic and Social Council. During 1984, consultations were held with regard to this matter between the President of the Economic and Social Council and the Chairman of the Human Rights Committee. The various implications of the proposal were considered by the Committee in some detail at its eighteenth and twenty-first sessions. The Committee reached the conclusion that, in view of its membership and functions, it would not be possible for it to rearrange its meetings and that, if its report were to be adopted during its spring session, it would be almost nine months out of date by the time it came before the General Assembly. Accord-

<sup>12</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 18-23.

ingly, at its twenty-third session, held from 22 October to 9 November 1984, the Committee decided as an interim arrangement "to request the Economic and Social Council to continue to authorize the Secretary-General, as it has done in the past, to transmit the report of the Human Rights Committee directly to the General Assembly, without prejudice to further consideration of the present arrangements at any time by the Economic and Social Council or by the Committee".<sup>13</sup>

(d) *Question of publicity for the Covenant and for the work of the Committee*

Members of the Committee have constantly emphasized the need for more publicity to be given both to the text of the Covenant itself (together with the Optional Protocol) and to the work of the Committee in promoting the due observance and enjoyment of the rights and freedoms set forth in the Covenant.

It is important that the text of the Covenant should be available not only in the working languages of the United Nations but in the official languages, and so far as possible other native languages of the States parties. To assist with this process the Centre for Human Rights is compiling a collection of different language texts.<sup>14</sup>

The point is also frequently made in the course of the examination of States' reports that every State party should take steps to bring the Covenant to the attention of the administrative and judicial authorities so that they are aware of the obligations that the State has assumed under it (see general comment 3/13).

An admirable example of ways in which knowledge and understanding of human rights can be promoted was an all-island poster competition for school-children organized by the Sri Lanka Human Rights Centre with the objective of fostering humanitarian attitudes of mutual respect and tolerance and of creating greater awareness of the articles of the Universal Declaration of Human Rights. Arrangements were made in co-operation with the Government of Sri Lanka to have the children's posters, illustrative of human rights, exhibited at the United Nations Office at Geneva while the Committee was examining the report of Sri Lanka (see paras. 95-135).

The General Assembly, in its resolution 38/116, urged that arrangements for the publication in bound volumes of the Committee's official public records should be expedited. The Assistant Secretary-General for Human Rights has since assured the Committee that the publication of its records covering the first two years, namely 1977 and 1978, is well under way. The publication of a volume of selected decisions under the Optional Protocol will also be completed in 1984.

In addition, the Centre for Human Rights has arranged for the general comments adopted by the Committee under article 40, paragraph 4, of the Covenant (CCPR/C/21 and Add.1-2) to be issued in a consolidated version and to be brought to the attention of all other human rights organs which it services. The Committee was informed that the Centre intended to continue that practice in the future.

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<sup>13</sup> *Ibid.*, Fortieth Session, Supplement No. 40 (A/40/40), para. 13.

<sup>14</sup> *Ibid.*, Thirty-ninth Session, Supplement No. 40 (A/39/40), paras. 26-29; 31 and 32.

(e) *Question of technical assistance to States parties*

At its twenty-second session, pursuant to a request by the Government of Guinea, the Committee authorized one of its members to make himself available for consultation with the Government of Guinea with a view to ascertaining how that Government could be assisted in fulfilling its reporting obligations under the Covenant.<sup>15</sup>

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40  
OF THE COVENANT

(a) *Consideration of reports*

(i) *Approach and procedure for consideration of second periodic reports*

At its twenty-first session, the Committee discussed the question of whether or not to establish a pre-sessional working group on second periodic reports and the question of the mandate of such a working group.

Although there was no agreement as to whether such a working group should be sessional or pre-sessional, there was broad agreement on the need for it. In this connection, some members noted that the working group established to examine Yugoslavia's second periodic report had helped to identify subjects for discussion and to focus the Committee's attention on the main issues and problems. It was also pointed out that such a working group was needed to ensure a more disciplined approach to the examination of second periodic reports and to help the Committee in developing a meaningful dialogue with each reporting State.

Accordingly, the Committee decided to establish a pre-sessional working group to take up the question of second periodic reports in general and to undertake preparatory work on second periodic reports scheduled for consideration at the twenty-second session. The Working Group on second periodic reports met prior to the Committee's twenty-second session, when the reports of Chile and the German Democratic Republic were to be considered. After having reviewed all relevant information regarding these two countries, the Working Group drafted for presentation to the Committee two lists—one for Chile and one for the German Democratic Republic—covering a variety of subjects on which it would seem most helpful to discuss with the representatives of the State concerned. The Working Group also presented recommendations to the Committee concerning procedural aspects of dealing with second periodic reports to the effect that the Committee should follow the general approach adopted at its twentieth session when it examined the second periodic report of Yugoslavia.

At its twenty-second session, the Committee considered the draft lists and recommendations of the Working Group. It ultimately adopted an approach to the consideration of the second periodic reports of Chile and the German Democratic Republic which included the following main elements: the preparation and transmission to the respective delegations of an unofficial, non-exhaustive list of subjects and issues with specifications which would seem most helpful to discuss, each issue to be treated one by one and in a manner providing for immediate replies, if possible, by the representatives of the State party, as well as an opportunity for members to seek

<sup>15</sup> *Ibid.*, Fortieth Session, Supplement No. 40 (A/40/40), para. 17.

additional clarifications under each issue; general observations or supplementary questions to be left until the conclusion of the dialogue on the issues and points contained in the list; reaffirmation of each member's right to pose additional questions; and recognition that any immediate response would depend on the willingness of States parties' representatives.

Later at the same session and in the light of its experience during the session, the Committee reviewed its approach and procedure relating to the consideration of second periodic reports in general. After a broad exchange of views the Committee agreed to continue to develop its procedures within the context of its statement of duties under article 40 of the Covenant.<sup>9</sup> The Committee also agreed that the Working Group on article 40 of the Covenant, which was to meet prior to its twenty-third session, should take the views of the members of the Committee into account in its preparation for the consideration of second periodic reports at that session.

In preparing the list of issues for the consideration of the second periodic reports which were to be taken up during the twenty-third session, the Working Group was able to introduce some refinements, making the lists more concise and yet sufficiently precise to highlight the specific matters which the Committee wished to focus on. The Group also agreed that the effectiveness of the procedure would depend largely on restraint by members of the Committee in exercising their right to comment and put questions, especially as the time available for considering second periodic reports was limited.<sup>16</sup>

(ii) *States parties*

The initial reports of India, Egypt, Gambia, the Democratic People's Republic of Korea and Panama, and the second periodic reports of the German Democratic Republic and Chile were considered by the Committee at its twenty-first and twenty-second sessions.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date(s) of consideration</i>	<i>Summary of consideration contained in the report (A/39/40), paragraphs:</i>
India	Initial	CCPR/C/10/Add.8	493, 494 and 498	28-30/3/84	239-286
Egypt	Initial	CCPR/C/26/Add.1/ Rev.1	499, 500 and 505	2-5/4/84	287-315
Gambia	Initial	CCPR/C/10/Add.7	501, 502 and 506	3-5/4/84	316-363
Democratic People's Republic of Korea	Initial	CCPR/C/22/Add.3 and 5	509, 510 and 516	9-12/4/84	364-398

<sup>16</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 62-66, and *Fortieth Session, Supplement No. 40 (A/40/40)*, para. 48.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date(s) of consideration</i>	<i>Summary of consideration contained in the report (A/39/40), paragraphs:</i>
Panama	Initial	CCPR/C/4/Add.8/Rev.1	521, 522 and 526	11 and 13/7/84	399-434
Chile	Second	CCPR/C/32/Add.1 1 and 2	527-531	16-18/7/84	435-478
German Democratic Republic	Second	CCPR/C/28/Add.2	532, 533, 534 and 536	18-20/7/84	479-540

The initial report of Trinidad and Tobago, the second periodic reports of Chile (resumed), the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic, as well as additional information submitted subsequent to the examination by the Committee of the initial reports of Venezuela and Canada were considered by the Committee at its twenty-third session.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date(s) of consideration</i>	<i>Summary of consideration contained in the report (A/40/40), paragraphs:</i>
Chile ( <i>re-summed</i> )	Second	CCPR/C/32/Add.1 and 2	546-548	23-24/10/84	54-83
Trinidad and Tobago	Initial	CCPR/C/10/Add.9	550, 551 and 555	25 and 29/10/84	84-146
Venezuela	Supplementary	CCPR/C/1/Add.8	556 and 557	30/10/84	147-175
Canada	Supplementary	CCPR/C/1/Add.62	558-560 and 562	31/10 and 1-2/11/84	176-250
USSR	Second	CCPR/C/28/Add.3	564-567 and 570	5, 6 and 8/11/84	251-319
Byelorussian SSR	Second	CCPR/C/28/Add.4	568, 569 and 571	7-8/11/84	320/381

(b) *Question of the reports and general comments of the Committee*

During the period covered by the present report, the Committee adopted general comments on articles 1 and 14 at its twenty-first session in 1984.

The Committee discussed its general comment on article 6 in closed session on the basis of a draft provided by its Working Group, at its 554th, 555th and 561st meetings. The Committee adopted the general comment in open session at its 563rd meeting, held on 2 November 1984. In view of its importance, the Committee agreed to submit the text of that general comment to the General Assembly at its thirty-ninth session. The Committee also decided to submit it, together with general comments relating to articles 1 and 14 (Nos. 12 (21) and 13 (21), respectively), to the Economic and Social Council at its first regular session of 1985.<sup>17</sup>

<sup>17</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, para. 45, and *Fortieth Session, Supplement No. 40 (A/40/40)*, para. 683.



*Method of preparation*

The method followed by the Committee in the drafting of general comments has been to entrust the preparation of an initial draft to a representative working group of members. This working group solicits the views of its members as well as of other members of the Committee, who are all invited to submit written proposals for consideration. The various proposals received are then discussed within the working group, which attempts to prepare a text capable of reaching consensus within the Committee as a whole.

The working group on general comments usually prepares a draft for consideration in the Committee which is circulated as a conference room paper for discussion in public session. The members of the Committee are then given full opportunity to comment on the proposals of the working group, ask questions, seek explanations or clarifications, and propose modifications or additions. In many instances, the draft is referred back to the working group for further elaborations and deliberations and the process is repeated in the working group as well as in the Committee. After these processes have been gone through and when all members of the Committee are satisfied, the general comments are formally adopted and included in the annual report of the Committee. The translations of texts adopted only in one working language at the twenty-first session were considered and approved separately at the twenty-second session, at which a number of difficulties had to be overcome.

*The use of general comments*

In line with the declared purposes of the Committee's general comments, the Committee itself has placed importance on their use, primarily within the reporting system but also in other connections, and has welcomed any observations on them or publicity given to them.

Thus, the guidelines for reports from States under article 40, paragraph 1 (b), of the Covenant mention information taking the general comments into account among matters on which the contents of reports should concentrate. The Committee and its members have often referred to the general comments when examining reports and putting questions to State representatives. Some States have also done so.

Under article 40, paragraph 5, of the Covenant States parties may submit observations on general comments. However, formal use of this opportunity has so far not been made by any State party.

On the other hand, debates in the United Nations General Assembly (Third Committee) on the Committee's annual reports have shown interest in the general comments, and views on their substance and function have sometimes been expressed, to which members of the Committee have responded in their turn.

At its 490th meeting, the Committee was informed that the Centre for Human Rights regularly drew attention to the general comments in the various organs serviced by the Centre and had circulated consolidated versions of them.

In the consultations between the President of the Economic and Social Council and the Chairman of the Committee and in the Council's recent debate, a potential role has been suggested for the Council as a forum where the Committee's general comments could be considered and policy recommendations might be made.

*Further work on general comments*

At its twenty-second session, the Committee considered which articles of the Covenant or other subjects it should now take up for general comments and what procedure to follow to ensure continued progress in this field. The need for better planning and more system was stressed, and it was pointed out that its method of preparation could be greatly assisted by the Secretariat in the way suggested by the Assistant Secretary-General for Human Rights at the twenty-first session.

The Committee decided to ask its next Working Group under article 40 to prepare for the next session a programme for its further work on general comments in the light of the Committee's discussion and to consider, if possible, any tentative drafts put before the Working Group by any member.<sup>18</sup>

## 3. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

Since the Committee started its work under the Optional Protocol at its second session in 1977, 174 communications have been placed before it for consideration (147 of these were placed before the Committee from its second to its nineteenth session; 27 further communications have been placed before the Committee since then, i.e. at its twentieth, twenty-first and twenty-second sessions, covered by the present report). During these seven years, some 342 formal decisions have been adopted. A volume containing a selection of decisions from the second to the sixteenth session is being published.

The status of the 174 communications placed before the Human Rights Committee for consideration, so far, is as follows:

- (a) Concluded by views under article 5 (4) of the Optional Protocol;
- (b) Concluded in another manner (inadmissible, discontinued, suspended or withdrawn);
- (c) Declared admissible, not yet concluded;
- (d) Pending at pre-admissibility stage (15 thereof transmitted to the State party under rule 91 of the Committee's provisional rules of procedure).

At its twenty-first session, held from 26 March to 13 April 1984, the Human Rights Committee, or its Working Group on Communications, examined 44 communications submitted to the Committee under the Optional Protocol. The Committee concluded consideration of four cases by adopting its views thereon. These are cases Nos. 85/1981 (*Hector Algreto Romero v. Uruguay*), 109/1981 (*Teresa Gómez de Voituret v. Uruguay*), 110/1981 (*Antonio Viana Acosta v. Uruguay*) and 123/1982 (*Jorge Manera Lluberas v. Uruguay*). Sixteen communications were declared admissible (under rule 88, paragraph 2, of its provisional rules of procedure the Committee decided to deal jointly with eight of these communications) and two communications were declared inadmissible. Decisions were taken in five cases under rule 91 of the Committee's provisional rules of procedure, requesting information on questions of admissibility from one or both of the parties. Consideration of five cases was discontinued. Secretariat action was requested in the remaining 12

<sup>18</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 546, 550-557.

cases, mainly for the purpose of obtaining additional information from the authors to allow further consideration by the Committee.

At its twenty-second session, held from 9 to 27 July 1984, the Human Rights Committee, or its Working Group on Communications, examined 17 communications submitted to the Committee under the Optional Protocol. The Committee concluded consideration of one case by adopting its views thereon. This is case No. 124/1982 (*Tshitenge Muteva v. Zaire*). One communication was declared admissible and one inadmissible. A decision was taken in one case under rule 91 of the Committee's provisional rules of procedure, requesting information on questions of admissibility from the State party. Consideration of two cases was discontinued. Secretariat action was requested in the remaining 11 cases, mainly for the collection of further information.

During the twenty-third to twenty-fifth sessions the Committee examined a number of communications submitted under the Optional Protocol. It concluded consideration of 12 cases by adopting its views thereon. These are cases Nos. 89/1981 (*Paavo Muhonen v. Finland*), 115/1982 (*John Wight v. Madagascar*), 132/1982 (*Monja Jaona v. Madagascar*), 139/1983 (*Hiber Conteris v. Uruguay*) and eight cases that were dealt with jointly, 146/1983 and 148 to 154/1983 (*Kanta Baboeram-Adhin, Johnny Kamperveen, Jenny Jamila Rehnuma Karamat Ali, Henry François Leckie, Vidya Satyavati Oemrawsingh-Adhin, Astrid Sila Bhamini-Devi Sohansingh-Kanhai, Rita Dulci Imanuel-Rahman and Irma Soeinem Hoost-Boldwijn v. Suriname*). The Committee also concluded consideration of 10 cases by declaring them inadmissible. These are cases Nos. 113/1981 (*C. F. et al. v. Canada*), 158/1983 (*O. F. v. Norway*), 168/1984 (*V. O. v. Norway*), 173/1984 (*M. F. v. the Netherlands*), 174/1984 (*J. K. v. Canada*), 175/1984 (*N. B. v. Sweden*), 178/1984 (*J. D. B. v. the Netherlands*), 183/1984 (*D. F. et al. v. Sweden*), 185/1984 (*L. T. K. v. Finland*) and 187/1985 (*J. H. v. Canada*). The texts of the views adopted on the 12 cases as well as the texts of the decisions on the 10 cases declared inadmissible are reproduced in annexes VII to XXI to the report. Consideration of 11 other cases was discontinued (in four cases at the request of the authors). Procedural decisions were adopted in a number of pending cases (transmitted to the State party under rule 91 of the Committee's provisional rules of procedure or declared admissible) and Secretariat action was requested on other pending cases.<sup>19</sup>

During the thirty-third session, the Committee concluded its consideration of three cases by declaring them inadmissible. These are cases Nos. 158/1983 (*O. F. v. Norway*), 173/1984 (*M. F. v. the Netherlands*) and 174/1984 (*J. K. v. Canada*).

#### *Issues considered by the Committee*

A summary illustrating the nature and results of the Committee's activities under the Optional Protocol during its thirty-third session can be found in paragraphs 691, 692, 693, 698 and 699 of the Committee's report to the General Assembly at its fortieth session (A/39/40).

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<sup>19</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 563, 564, 566, 567, and *Fortieth Session, Supplement No. 40 (A/40/40)*, para. 689.

### C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights

#### 1. ORGANIZATIONAL MATTERS

The 1984 session of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, hereinafter called the Group of Experts established in accordance with Economic and Social Council resolutions 1988 (LX) of 11 May 1976 and 1982/33 of 6 May 1982 and Council decision 1978/10 of 3 May 1978, was held at United Nations Headquarters from 16 April to 4 May 1984.<sup>20</sup>

#### 2. CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9 AND 10 TO 12 OF THE COVENANT

The Sessional Working Group considered the reports submitted by States parties concerning rights covered by articles 6 to 9 and articles 10 to 12 of the Covenant from 17 April to 1 May 1984.<sup>21</sup>

On each report, the Sessional Working Group heard introductory statements by a representative or representatives of the State party whose report was being considered. Comments were then made on the report and introductory statements and questions were posed to the representative or representatives of the State party by the Sessional Working Group.

The representative or representatives of the State party submitting the report then replied to the questions raised during the consideration of the report.

The following documents were before the Group of Experts:

#### A. Reports submitted by States parties concerning rights covered by articles 6 to 9 of the Covenant

<i>Initial reports</i>	<i>Dates) considered</i>	<i>Discussion contained in document</i>
Venezuela (E/1984/6/Add.1 and Corr.1)	19, 23 April 1984	E/1984/WG.1/SR.7, 8 and 10
Mexico (E/1984/6/Add.2) <sup>a</sup>		
Iraq (E/1984/6/Add.3) <sup>a</sup>		
Rwanda (E/1984/6/Add.4)	23-24 April 1984	E/1984/WG.1/SR.10 and 12
Peru (E/1984/6/Add.5)	24, 27 April 1984	E/1984/WG.1/SR.11 and 18
Japan (E/1984/6/Add.6 and Corr.1)	23 April 1984	E/1984/WG.1/SR.9 and 10

<sup>20</sup> Report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1984/83), para. 1.

<sup>21</sup> *Ibid.*, paras. 10-13.

<i>Second periodic reports</i>	<i>Date(s) considered</i>	<i>Discussion contained in document</i>
Chile (E/1984/7/Add.1) <sup>b</sup>	24 April 1984	E/1984/WG.1/SR.11 and 12
Spain (E/1984/7/Add.2)	24-25 April 1984	E/1984/WG.1/SR.12 and 14
German Democratic Republic (E/1984/7/Add.3) <sup>a</sup>		
Philippines (E/1984/7/Add.4)	26, 30 April 1984	E/1984/WG.1/SR.15 and 20
Sweden (E/1984/7/Add.5)	25-26 April 1984	E/1984/WG.1/SR.14 and 16
Mongolia (E/1984/7/Add.6)	26-27 April 1984	E/1984/WG.1/SR.16 and 18
Union of Soviet Socialist Republics (E/1984/7/Add.7)	23 April 1984	E/1984/WG.1/SR.9 and 10
Byelorussian Soviet Socialist Republic (E/1984/7/Add.8)	25-26 April 1984	E/1984/WG.1/SR.13, 14 and 15
Ukrainian Soviet Socialist Republic (E/1984/7/Add.9)	25-26 April 1984	E/1984/WG.1/SR.13, 14 and 15
Yugoslavia (E/1984/7/Add.10)	26-27 April 1984	E/1984/WG.1/SR.16 and 18
Denmark (E/1984/7/Add.11)	27 April and 1 May 1984	E/1984/WG.1/SR.17 and 21
Ecuador (E/1984/7/Add.12)	30 April and 1 May 1984	E/1984/WG.1/SR.20 and 22
Cyprus (E/1984/7/Add.13)	27 April and 1 May 1984	E/1984/WG.1/SR.18 and 22
Finland (E/1984/7/Add.14)	27 April 1984	E/1984/WG.1/SR.17 and 18
Hungary (E/1984/7/Add.15)	30 April and 1 May 1984	E/1984/WG.1/SR.19 and 21
Norway (E/1984/7/Add.16)	30 April and 1 May 1984	E/1984/WG.1/SR.19 and 22
Romania (E/1984/7/Add.17) <sup>a</sup>		
Bulgaria (E/1984/7/Add.18) <sup>c</sup>		

*B. Reports submitted by States parties concerning rights covered by articles 10 to 12 of the Covenant*

<i>Report</i>	<i>Date(s) considered</i>	<i>Discussion contained in document</i>
Italy (E/1980/6/Add.31 and 36)	17-18 April 1984	E/1984/WG.1/SR.3 and 5
Canada (E/1980/6/Add.32)	17-18 April 1984	E/1984/WG.1/SR.4 and 6
Netherlands (E/1980/6/Add.33)	17-19 April 1984	E/1984/WG.1/SR.4, 5, 6 and 8
India (E/1980/6/Add.34 and Corr.1)	18-19 April 1984	E/1984/WG.1/SR.6 and 8
Portugal (E/1980/6/Add.35) <sup>a</sup>		

<sup>a</sup> At its 22nd meeting on 1 May, the Group of Experts decided, at the request of the Government, to postpone the consideration of the report until 1985.

<sup>b</sup> After consideration of the second periodic report of Chile concerning rights covered by articles 6 to 9 of the Covenant, the Chairman made a concluding statement summing up the discussion in the Sessional Working Group:

"The Sessional Working Group considered the report of Chile (E/1984/7/Add.1). During the consideration of the report, members of the Working Group expressed deep concern with regard to the situation of human rights in Chile in particular making reference to General Assembly resolution 38/102 of 16 December 1983 and resolution 1984/63 adopted on 16 March 1984 by the Commission on Human Rights at its fortieth session. Members of the Working Group urged the Government of Chile to heed the appeals made by the Commission and the Assembly to restore human rights and fundamental freedoms in that country and requested that information reflecting the actual situation as far as the implementation of articles 6 to 9 of the Covenant is concerned be provided by the Government of Chile."

<sup>c</sup> Report to be considered at the 1985 session of the group of Experts.

3. FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES IN ORDER TO ASSIST THE COUNCIL TO FULFIL, IN PARTICULAR, ITS RESPONSIBILITIES UNDER ARTICLES 21 AND 22 OF THE COVENANT

The Group of Experts agreed to bring once again to the attention of the Economic and Social Council a number of issues mentioned in its 1983 report (E/1983/41).

The Council was requested to remind States parties to the Covenant to submit reports under article 16 thereof, in accordance with the programme established by Council resolution 1988 (LX) of 11 May 1976, and the Council might wish to urge States parties to cover the entire cycle of initial reports before submitting second periodic reports and, further, to instruct the Group of Experts not to consider second periodic reports if the above condition has not been fulfilled.

The Group of Experts recommended to the Economic and Social Council that it should remind the States parties that their obligations under the Covenant should be fully implemented in all the Territories under their jurisdiction, without prejudice to their administrative structure and the competence of the relevant federal, regional, local or other authorities.

The Group of Experts reiterated its recommendation to the Economic and Social Council in 1983 that States parties should be requested to submit balanced reports and to include in their reports a brief introduction containing demographic and macro-economic data necessary to make them more comprehensive to the Group in its consideration of the reports. The necessary statistical information and a brief description of the contents of legislative or administrative acts should be provided.<sup>22</sup>

The Group of Experts also recommended that the Council should request the Secretary-General that the processing of reports submitted by States parties too late to be considered at the first session of the Group of Experts following their submission, be nevertheless carried out immediately so that members of the Group, as well as the relevant specialized agencies, can receive the reports in question at the earliest possible date and on a continuous basis.

To facilitate its discussions, the Group of Experts recommended that the Council should request the specialized agencies, on the basis of experience gained in other bodies and of reports so far submitted and considered by the Group, to provide their views on the implementation of the Covenant within their special field of competence, in accordance with article 18 of the Covenant and paragraph 6 of Council resolution 1988 (LX) of 11 May 1976.

The Group of Experts regretted that the ILO Committee of Experts had not found it possible to undertake the necessary detailed analysis of the reports concerning articles 6 to 9 of the Covenant referred to in the annex to document E/1984/55, but had found it necessary to postpone the examination of those reports to its session in 1985. As many of the reports examined by the Group referred to documentation and information submitted to the ILO under relevant instruments,

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<sup>22</sup> *Ibid.*, paras. 16-19.

the Group of Experts was of the opinion that the timely submission of reports by the specialized agencies under article 18 of the Covenant would be useful for its work.<sup>23</sup>

The Council's attention was drawn to the fact that the full composition and attendance of the members of the Group of Experts was essential for the accomplishment of its task and the enhancement of the importance of its work. In this connection, the Council might wish to urge the States parties to submit candidates from their respective regions to fill the existing vacancies.<sup>24</sup>

#### 4. QUESTION OF THE REPORTING OBLIGATIONS OF THE STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Group of Experts considered the suggestions contained in the report of the Secretary-General (A/38/393, sect. IV) with a view to improving the situation in the overall framework of reporting obligations under relevant human rights instruments:

The Group of Experts took note of the request by the General Assembly in paragraph 5 of resolution 38/117 of 16 December 1983 that the Secretary-General should consider the possibility of convening a meeting of the Chairmen of Committees and groups entrusted with the consideration of reports submitted under the relevant human rights instruments;

The Group of Experts, realizing the difficulties a number of States parties experience in submitting initial and/or periodic reports on a timely basis, supported the suggestion that technical assistance and co-operation should be extended through the United Nations or its affiliated organizations to those States parties which might need and might formally request such assistance. Attention was drawn particularly to the expertise and assistance which relevant specialized agencies could be called upon to furnish in accordance with articles 22 and 23 of the Covenant.<sup>25</sup>

### **D. Group of Three Established under the Convention on the Suppression and Punishment of the Crime of *Apartheid***

#### 1. ORGANIZATION OF THE SESSION

The Group held its seventh (1984) session at the United Nations Office at Geneva from 30 January to 3 February 1984.<sup>26</sup>

<sup>23</sup> *Ibid.*, paras. 23-25.

<sup>24</sup> *Ibid.*, para. 27.

<sup>25</sup> *Ibid.*, para. 30.

<sup>26</sup> Report of the Group of Three Established under the Convention (E/CN.4/1984/48), para. 6.

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE VII OF THE CONVENTION

The Group undertook the examination of the following reports: third periodic report of the Byelorussian Soviet Socialist Republic (E/CN.4/1983/24/Add.13); second report of Tunisia (E/CN.4/1983/24/Add.14); initial report of the Philippines (E/CN.4/1984/36/Add.1); initial report of El Salvador (E/CN.4/1984/36/Add.2); third report of Qatar (E/CN.4/1984/36/Add.3); second report of Cape Verde (E/CN.4/1984/36/Add.4); second periodic report of Mongolia (E/CN.4/1984/36/Add.5); initial report of Rwanda (E/CN.4/1984/36/Add.6); fourth report of Hungary (E/CN.4/1984/36/Add.7); and the second report of Egypt (E/CN.4/1984/36/Add.8).

The Group undertook the examination of each report in the presence of the representatives of the reporting States who had been invited to attend the meetings of the Group in accordance with the recommendation made by the Group since its 1979 session, with the exception of the reports of Tunisia, Qatar and Cape Verde which were considered without the participation of Government representatives.

A summary of the consideration of the reports by the Group can be found in paragraphs 11 to 20 of its report (E/CN.4/1984/48).

3. CONSIDERATION OF THE ACTIONS OF TRANSNATIONAL CORPORATIONS WHICH  
OPERATE IN SOUTH AFRICA

In accordance with the request contained in resolutions 1982/12 and 1983/12 of the Commission on Human Rights and item 5 of its agenda, the Group of Three undertook to examine whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of *apartheid* and whether or not some legal actions could be taken under the Convention.

The Group noted that several United Nations organs have been repeatedly drawing the attention of the international community to the close interconnection existing between the activities of transnational corporations operating in South Africa and the persistence of its racist régime in pursuing its policy of racial discrimination and *apartheid*. The Group shared the view of the Special Committee against *Apartheid* expressed in its latest report to the General Assembly (A/38/22), in the sense that the effectiveness of international action for the eradication of *apartheid* has been hampered by the activities of transnational corporations which are interested in deriving profits from that inhuman system.

Having this in mind and taking into account the information available to it, the Group expressed the opinion that article III of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* could apply to the actions of transnational corporations operating in South Africa.

The Group felt that further examination of the matter was needed and that the views and opinions of the States parties to the Convention on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa would be of the highest usefulness.<sup>27</sup>

<sup>27</sup> *Ibid.*, paras. 21-24.



## **Section B. Relevant decisions, general recommendations, comments and observations of the supervisory bodies**

### **A. Committee on the Elimination of Racial Discrimination**

1. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1984 under article 15 of the Convention, as adopted by the Committee, on 21 August 1984, are as follows:<sup>1</sup>

#### *The Committee on the Elimination of Racial Discrimination,*

*Having examined* the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of article 15, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Wishes* to draw the attention of the General Assembly, the Trusteeship Council and the Special Committee to the following opinions and recommendations, in conformity with its obligations under article 15 of the Convention:

#### GENERAL

At the outset the Committee wishes to state that it has not been provided with information relevant to its task in the reports received concerning a number of Trust and Non-Self-Governing Territories in the various regions: the African Territories; Namibia and Western Sahara; the Pacific and Indian Ocean Territories; the Atlantic Ocean and Caribbean Territories, including Gibraltar; Anguilla, Bermuda, Falkland Islands (Malvinas), and Saint Helena.<sup>2</sup>

<sup>1</sup> *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18), para. 583.*

<sup>2</sup> *Ibid.*

2. DECISIONS ADOPTED BY THE COMMITTEE AT ITS TWENTY-NINTH  
AND THIRTIETH SESSIONS

A. TWENTY-NINTH SESSION

*1 (XXIX). Views and recommendations of the Committee on the reporting obligations of States parties to the Convention*

1. The Committee on the Elimination of Racial Discrimination appreciates the serious consideration given by the General Assembly to its request for assistance in getting States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their obligations under article 9 of the Convention.

2. The Committee also wishes to record its thanks to the Secretary-General for his suggestions and recommendations in this regard.

3. The Committee having, at its twenty-ninth session, given very careful consideration to the opinions expressed in the General Assembly and at the ninth meeting of States parties to the Convention as well as the suggestions and recommendations of the Secretary-General on this matter has come to the following conclusions:

(a) The failure of certain States parties to submit the required reports under article 9 is due either to difficulties resulting from unavailability of personnel with the requisite competence in the field of human rights reporting, or a lack of political will to fulfil obligations flowing from the Convention. There may also be a problem of overload in the reporting system as a result of the present obligations of States parties under several international instruments in the field of human rights;

(b) In all three instances a change in the periodicity of the reporting obligations cannot be an answer. The reporting system is the most decisive element in the monitoring process with which the Committee is charged, and it is the principal means by which pressure is brought to bear upon States parties to fulfil the substantive obligation to eliminate racial discrimination in all its forms. The latent nature of racial discrimination, its persistence and its susceptibility to sudden flare-ups and accentuation make it imperative that monitoring should be rigorous and, in this regard, a shorter period for reporting is more beneficial than an extended period;

(c) The formal extension, by any means, of the periodicity of reporting will have a negative effect on the main task of combating racism and racial discrimination, since it will weaken the obligations assumed by States parties under the Convention. The Committee cannot therefore support an amendment of the Convention;

(d) The formalization of a reporting system requiring a four-year substantive report and a two-year interim one will be equally dangerous since its effect will be the same as if the Convention had been amended. Support cannot therefore be given to this suggestion;

(e) The Committee under its own rules of procedure has adopted a flexible approach making it possible for reports to be combined on occasion without relieving the reporting State of the legal obligation to present its report within the time-frame stipulated by the Convention, and this flexibility is helping

States parties which have the will to fulfil their obligations but which are temporarily burdened;

(f) With respect to those States parties whose difficulties appear to arise from a lack of personnel, the necessary assistance in terms of training and advisory services should be provided and the Committee will wholeheartedly support any action to be initiated by the Secretary-General in this respect. Collectively and individually the Committee is ready to contribute to this effort, which is considered the first task in the solution of the reporting problem;

(g) When training and advisory services have been provided, the Committee and the General Assembly will be in a position to determine which States parties have failed to report due to a lack of political will and appropriate action can be recommended at that time;

(h) With the increase in the number of States parties and their fulfilment of the reporting obligations the problem of the volume of work will arise for the Committee. The Committee is convinced that under its rules of procedure it has the means to change its method of work to respond adequately to this problem;

(i) The Committee gives its full support to the suggestion of co-ordinating meetings of the chairmen of the monitoring bodies of the human rights instruments, and has empowered its Chairman to participate in this activity.

673rd meeting  
22 March 1984

#### B. THIRTIETH SESSION

### 1 (XXX). *Initial report of Namibia*

#### *The Committee on the Elimination of Racial Discrimination,*

*Having examined* the initial report of Namibia submitted by the United Nations Council for Namibia, as the legal Administering Authority for Namibia until its independence,

*Deeply concerned* by references contained in the report regarding the inhuman policy of *apartheid* imposed in Namibia by the illegal administration of the Government of South Africa,

*Gravely concerned* by the continuous suffering of the Namibian people as a consequence of racism, racial discrimination, extension of *apartheid*, systematic human rights violations as well as the brutal repression carried out by the illegal and racist administration of the Government of South Africa,

*Convinced* that the self-determination and independence of Namibia are fundamental prerequisites for ending that untenable situation and that, to that end, the Government of South Africa must immediately comply with the pertinent United Nations resolutions and decisions, particularly General Assembly resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, the advisory opinion of the International Court of Justice of 21 June 1971, Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978, Council for Namibia Decree No. 1 for the Protection of the Natural Resources of Namibia and the 1983 Paris Declaration on Namibia,

*Deeply concerned also* by the statement contained in the initial report of Namibia to the effect that international efforts for the elimination of racial discrimination, colonialism and racism have not been effective in Namibia because some governments, international organizations and institutions have persisted in maintaining links with South Africa despite United Nations resolutions against such collaboration,

*Taking into consideration* the provisions contained in article 9, paragraph 2, of the Convention, which empower the Committee to make suggestions and general recommendations based on the examination of the reports and information received from the States parties,

1. *Expresses* appreciation for the submission of the initial report of Namibia by the United Nations Council for Namibia as well as for the introductory statement of its representative before the Committee;

2. *Commends* the United Nations Council for Namibia for its significant work as the only legal Administering Authority for Namibia until independence;

3. *Expresses great concern* at the inability of the Council to apply the provisions of the Convention in Namibia owing to the policy of *apartheid* of South Africa;

4. *Strongly condemns* the policy of *apartheid*, racial discrimination and the continuous violations of human rights and fundamental freedoms inflicted by the Government of South Africa upon the people of Namibia;

5. *Expresses furthermore* its solidarity with, and support for, the people of Namibia in its struggle for complete liberation and national independence and calls for the implementation of the relevant United Nations resolution on Namibia;

6. *Appeals* to all the States parties which have not yet done so to suspend all diplomatic, cultural, economic, military, sporting and any other relations with the racist Government of South Africa;

7. *Decides* to keep under constant review the question of Namibia and to take any appropriate action in accordance with its mandate under the Convention and, in this connection, requests the United Nations Council for Namibia to provide the Committee with additional information on developments about the situation in Namibia at any time the Council deems it fit.

*693rd meeting  
20 August 1984*

**2 (XXX). *Publication of the Committee's studies on articles 4 and 7 of the Convention***

*The Committee on the Elimination of Racial Discrimination,*

*Recalling* General Assembly resolutions 33/99 of 16 December 1978, 36/12 of 28 October 1981 and 37/46 of 3 December 1982,

*Having considered* General Assembly resolutions 38/14, 38/15 and 38/21 of 22 November 1983,

*Desiring* to contribute to the United Nations efforts towards the elimination of racism and racial discrimination in the context of its responsibility for the monitoring of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Convinced* that its contribution to the Second World Conference to Combat Racism and Racial Discrimination consisting of two studies on articles 4 and 7 of the Convention would be a valuable source of information of great interest to national authorities, researchers, professors, international, governmental and non-governmental organizations as well as to other persons concerned with the promoting of human rights,

*Believing* that the two studies will constitute a useful tool in the activities to be carried out during the Second Decade to Combat Racism and Racial Discrimination,

*Requests* the General Assembly to authorize the publication of the two studies on articles 4 and 7 of the Convention in printed form, with a view to giving them the widest possible dissemination.

694th meeting  
21 August 1984

## B. Human Rights Committee

### 1. GENERAL COMMENTS UNDER ARTICLE 40, PARAGRAPH 4, OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

#### *General comment 12 (21) (article 1)*<sup>3</sup>

In accordance with the purposes and principles of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights recognizes that all peoples have the right of self-determination. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self-determination in a provision of positive law in both Covenants and placed this provisions as article 1 apart from and before all of the other rights in the two Covenants.

Article 1 enshrines an inalienable right of all peoples as described in its paragraphs 1 and 2. By virtue of that right they freely "determine their political status and freely pursue their economic, social and cultural development". The article imposes on all States parties corresponding obligations. This right and the corresponding obligations concerning its implementation are interrelated with other provisions of the Covenant and rules of international law.

<sup>3</sup> English version adopted by the Committee at its 516th meeting (twenty-first session), held on 12 April 1984. The Arabic, French, Russian and Spanish versions were approved by the Committee at its 537th meeting (twenty-second session) held on 23 July 1984. (See A/39/40, annex VI, paras. 1-8.)

Although the reporting obligations of all States parties include article 1, only some reports give detailed explanations regarding each of its paragraphs. The Committee has noted that many of them completely ignore article 1, provide inadequate information in regard to it or confine themselves to a reference to election laws. The Committee considers it highly desirable that States parties' reports should contain information on each paragraph of article 1.

With regard to paragraph 1 of article 1, States parties should describe the constitutional and political processes which in practice allow the exercise of this right.

Paragraph 2 affirms a particular aspect of the economic content of the right of self-determination; namely the right of peoples, for their own ends, freely to "dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence". This right entails corresponding duties for all States and the international community. States should indicate any factors or difficulties which prevent the free disposal of their natural wealth and resources contrary to the provisions of this paragraph and to what extent that affects the enjoyment of other rights set forth in the Covenant.

Paragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but *vis-à-vis* all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination. The general nature of this paragraph is confirmed by its drafting history. It stipulates that "The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations". The obligations exist irrespective of whether a people entitled to self-determination depends on a State party to the Covenant or not. It follows that all States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination. Such positive action must be consistent with the States' obligations under the Charter of the United Nations and under international law: in particular, States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination. The reports should contain information on the performance of these obligations and the measures taken to that end.

In connection with article 1 of the Covenant the Committee refers to other international instruments concerning the right of all peoples to self-determination, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970 (General Assembly resolution 2625 (XXV)).

The Committee considers that history has proved that the realization of and respect for the right of self-determination of peoples contributes to the establishment of friendly relations and co-operation between States and to strengthening international peace and understanding.

*General comment 13 (21) (article 14)*<sup>4</sup>

The Committee notes that article 14 of the Covenant is of a complex nature and that different aspects of its provisions will need specific comments. All of these provisions are aimed at ensuring the proper administration of justice, and to this end uphold a series of individual rights such as equality before the courts and tribunals and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. Not all reports provided details on the legislative or other measures adopted specifically to implement each of the provisions of article 14.

In general, the reports of States parties fail to recognize that article 14 applies not only to procedures for the determination of criminal charges against individuals but also to procedures to determine their rights and obligations in a suit at law. Laws and practices dealing with these matters vary widely from State to State. This diversity makes it all the more necessary for States parties to provide all relevant information and to explain in greater detail how the concepts of “criminal charge” and “rights and obligations in a suit at law” are interpreted in relation to their respective legal systems.

The Committee would find it useful if, in their future reports, States parties could provide more detailed information on the steps taken to ensure that equality before the courts, including equal access to courts, fair and public hearings and competence, impartiality and independence of the judiciary are established by law and guaranteed in practice. In particular, States parties should specify the relevant constitutional and legislative texts which provide for the establishment of the courts and ensure that they are independent, impartial and competent, in particular with regard to the manner in which judges are appointed, the qualifications for appointment, and the duration of their terms of office; the conditions governing promotion, transfer and cessation of their functions and the actual independence of the judiciary from the executive branch and the legislature.

The provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialized. The Committee notes the existence, in many countries, of military or special courts which try civilians. This could present serious problems as far as the equitable, impartial and independent administration of justice is concerned. Quite often the reason for the establishment of such courts is to enable exceptional procedures to be applied which do not comply with normal standards of justice. While the Covenant does not prohibit such categories of courts, nevertheless the conditions which it lays down clearly indicate that the trying of civilians by such courts should be very exceptional and take place under conditions which genuinely afford the full guarantees stipulated in article 14. The Committee has noted a serious lack of information in this regard in the reports of some States parties whose judicial institutions include such courts for the trying of civilians. In some countries such military and special courts do not afford the strict guarantees of the proper administration of justice in accordance with the requirements of article 14 which are essential for the effective protection of human rights. If States parties decide in circumstances of a public emergency as contemplated by article 4 to derogate from normal procedures required under article 14, they should ensure that such derogations do not exceed those strictly required by the exigencies of the actual situation, and respect the other conditions in paragraph 1 of article 14.

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<sup>4</sup> *Ibid.*

The second sentence of article 14, paragraph 1, provides that "everyone shall be entitled to a fair and public hearing". Paragraph 3 of the article elaborates on the requirements of a "fair hearing" in regard to the determination of criminal charges. However, the requirements of paragraph 3 are minimum guarantees, the observance of which is not always sufficient to ensure the fairness of a hearing as required by paragraph 1.

The publicity of hearings is an important safeguard in the interest of the individual and of society at large. At the same time article 14, paragraph 1, acknowledges that courts have the power to exclude all or part of the public for reasons spelt out in that paragraph. It should be noted that, apart from such exceptional circumstances, the Committee considers that a hearing must be open to the public in general, including members of the press, and must not, for instance, be limited only to a particular category of persons. It should be noted that, even in cases in which the public is excluded from the trial, the judgement must, with certain strictly defined exceptions, be made public.

The Committee has noted a lack of information regarding article 14, paragraph 2, and, in some cases, has even observed that the presumption of innocence, which is fundamental to the protection of human rights, is expressed in very ambiguous terms or entails conditions which render it ineffective. By reason of the presumption of innocence, the burden of proof of the charge is on the prosecution and the accused has the benefit of doubt. No guilt can be presumed until the charge has been proved beyond reasonable doubt. Further, the presumption of innocence implies a right to be treated in accordance with this principle. It is therefore a duty for all public authorities to refrain from prejudging the outcome of a trial.

Among the minimum guarantees in criminal proceedings prescribed by paragraph 3, the first concerns the right of everyone to be informed in a language which he understands of the charge against him (subparagraph (a)). The Committee notes that State reports often do not explain how this right is respected and ensured. Article 14, subparagraph 3 (a) applies to all cases of criminal charges, including those of persons not in detention. The Committee notes further that the right to be informed of the charge "promptly" requires that information is given in the manner described as soon as the charge is first made by a competent authority. In the opinion of the Committee this right must arise when in the course of an investigation a court or an authority of the prosecution decides to take procedural steps against a person suspected of a crime or publicly names him as such. The specific requirements of subparagraph 3 (a) may be met by stating the charge either orally or in writing, provided that the information indicates both the law and the alleged facts on which it is based.

Subparagraph 3 (b) provides that the accused must have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing. What is "adequate time" depends on the circumstances of each case, but the facilities must include access to documents and other evidence which the accused requires to prepare his case, as well as the opportunity to engage and communicate with counsel. When the accused does not want to defend himself in person or request a person or an association of his choice, he should be able to have recourse to a lawyer. Furthermore, this subparagraph requires counsel to communicate with the accused in conditions giving full respect for the confidentiality of their communications. Lawyers should be able to counsel and to represent their clients in ac-



cordance with their established professional standards and judgement without any restrictions, influences, pressures or undue interference from any quarter.

Subparagraph 3 (c) provides that the accused shall be tried without undue delay. This guarantee relates not only to the time by which a trial should commence, but also the time by which it should end and judgement be rendered; all stages must take place “without undue delay”. To make this right effective, a procedure must be available in order to ensure that the trial will proceed “without undue delay”, both in first instance and on appeal.

Not all reports have dealt with all aspects of the right of defence as defined in subparagraph 3 (d). The Committee has not always received sufficient information concerning the protection of the right of the accused to be present during the determination of any charge against him nor how the legal system assures his right either to defend himself in person or to be assisted by counsel of his own choosing, or what arrangements are made if a person does not have sufficient means to pay for legal assistance. The accused or his lawyer must have the right to act diligently and fearlessly in pursuing all available defences and the right to challenge the conduct of the case if they believe it to be unfair. When exceptionally for justified reasons trials *in absentia* are held, strict observance of the rights of the defence is all the more necessary.

Subparagraph 3 (e) states that the accused shall be entitled to examine or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him. This provision is designed to guarantee to the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution.

Subparagraph 3 (f) provides that if the accused cannot understand or speak the language used in court he is entitled to the assistance of an interpreter free of any charge. This right is independent of the outcome of the proceedings and applies to aliens as well as to nationals. It is of basic importance in cases in which ignorance of the language used by a court or difficulty in understanding may constitute a major obstacle to the right of defence.

Subparagraph 3 (g) provides that the accused may not be compelled to testify against himself or to confess guilt. In considering this safeguard the provisions of article 7 and article 10, paragraph 1, should be borne in mind. In order to compel the accused to confess or to testify against himself, frequently methods which violate these provisions are used. The law should require that evidence provided by means of such methods or any other form of compulsion is wholly unacceptable.

In order to safeguard the rights of the accused under paragraphs 1 and 3 of article 14, judges should have authority to consider any allegations made of violations of the rights of the accused during any stage of the prosecution.

Article 14, paragraph 4, provides that in the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. Not many reports have furnished sufficient information concerning such relevant matters as the minimum age at which a juvenile may be charged with a criminal offence, the maximum age at which a person is still considered to be a juvenile, the existence of special courts and procedures, the laws governing procedures against juveniles and how all these special arrangements for

juveniles take account of "the desirability of promoting their rehabilitation". Juveniles are to enjoy at least the same guarantees and protection as are accorded to adults under article 14.

Article 14, paragraph 5, provides that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. Particular attention is drawn to the other language versions of the word "crime" ("*infraccion*", "*delito*", "*prestuplenie*") which show that the guarantee is not confined only to the most serious offences. In this connection, not enough information has been provided concerning the procedures of appeal, in particular the access to and the powers of reviewing tribunals, what requirements must be satisfied to appeal against a judgement and the way in which the procedures before review tribunals take account of the fair and public hearing requirements of paragraph 1 of article 14.

Article 14, paragraph 6, provides for compensation according to law in certain cases of a miscarriage of justice as described therein. It seems from many State reports that this right is often not observed or insufficiently guaranteed by domestic legislation. States should, where necessary, supplement their legislation in this area in order to bring it into line with the provisions of the Covenant.

In considering State reports differing views have often been expressed as to the scope of paragraph 7 of article 14. Some States parties have even felt the need to make reservations in relation to procedures for the resumption of criminal cases. It seems to the Committee that most States parties make a clear distinction between a resumption of a trial justified by exceptional circumstances and a retrial prohibited pursuant to the principle of *ne bis in idem* as contained in paragraph 7. This understanding of the meaning of *ne bis in idem* may encourage States parties to reconsider their reservations to article 14, paragraph 7.

#### *General comment 14 (23) (article 6)<sup>3</sup>*

In its general comment 6 (16), adopted at its 378th meeting on 27 July 1982, the Human Rights Committee observes that the right to life enunciated in the first paragraph of article 6 of the International Covenant on Civil and Political Rights is the supreme right from which no derogation is permitted even in time of public emergency. The same right to life is enshrined in article 3 of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948. It is basic to all human rights.

In its previous general comment, the Committee also observes that it is the supreme duty of States to prevent wars. War and other acts of mass violence continue to be a scourge of humanity and take the lives of thousands of innocent human beings every year.

While remaining deeply concerned by the toll of human life taken by conventional weapons in armed conflicts, the Committee has noted that, during successive sessions of the General Assembly, representatives from all geographical regions have expressed their growing concern at the development and proliferation of increasingly awesome weapons of mass destruction, which not only threaten human life but also

<sup>3</sup> Adopted by the Committee at its 563rd meeting (twenty-third session), held on 2 November 1984. See A/40/40, annex VI.

absorb resources that could otherwise be used for vital economic and social purposes, particularly for the benefit of developing countries, and thereby for promoting and securing the enjoyment of human rights for all.

The Committee associates itself with this concern. It is evident that the designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront mankind today. This threat is compounded by the danger that the actual use of such weapons may be brought about, not only in the event of war, but even through human or mechanical error or failure.

Furthermore, the very existence and gravity of this threat generate a climate of suspicion and fear between States, which is in itself antagonistic to the promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and the International Covenants on Human Rights.

The production, testing, possession, deployment and use of nuclear weapons should be prohibited and recognized as crimes against humanity.

The Committee accordingly, in the interest of mankind, calls upon all States, whether parties to the Covenant or not, to take urgent steps, unilaterally and by agreement, to rid the world of this menace.

## 2. VIEWS OF THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 5, PARAGRAPH 4, OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND DECISION OF THE COMMITTEE UNDER THE OPTIONAL PROTOCOL

During its twenty-first, twenty-second and twenty third sessions held in 1984, having concluded its consideration of a number of communications submitted to it under the Optional Protocol, and having taken into account all written information made available to it by the authors of the communications and by the States parties concerned, the Human Rights Committee adopted a number of views and decisions under the Optional Protocol. A detailed account of views and decisions adopted can be found in annexes IX and XVI of the Committee's report to the General Assembly at its thirty-ninth session,<sup>6</sup> and annexes XII, XIII and XIV of its report to the Assembly at its fortieth session.<sup>7</sup>

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<sup>6</sup> A/39/40.

<sup>7</sup> A/40/40.

**C. Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights. Recommendations of the Sessional Working Group<sup>8</sup>**

DRAFT DECISION I

*Provisional agenda for 1985 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights<sup>1</sup>*

1. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12.

*Documentation*

Portugal (E/1980/6/Add.35 and Corr.1).

2. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 13 to 15.

*Documentation*

Iraq (E/1982/3/Add.26); Portugal (E/1982/3/Add.27).

3. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 6 to 9.

*Documentation*

Initial reports: Mexico (E/1984/6/Add.2); Iraq (E/1984/6/Add.3).

Second periodic reports: German Democratic Republic (E/1984/7/Add.3); Romania (E/1984/7/Add.17); Bulgaria (E/1084/7/Add.18).

**D. Group of Three Established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. Conclusions and recommendations of the fortieth session of the Group of Three (1984)**

The Group of Three expresses its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. The practice of inviting representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, to be present at the meetings of the Group when reports submitted by their Governments are considered proved once again to be a useful and constructive contribution to its work and should be continued in the future.

<sup>8</sup> Report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1984/83), para. 33.

The Group commends those States parties which have submitted periodic reports and urges those States parties which have not yet done so to submit their reports as required under article VII of the Convention as soon as possible.

The Group reiterates its recommendations that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties when preparing their reports.

The Group expresses concern at the fact that only 77 States have, as at 31 December 1983, become parties to the Convention. Being convinced that the ratification of, or accession to, the Convention on a universal basis and the implementation of its provisions are necessary for its effectiveness, the Group recommends once again to the Commission on Human Rights that it should urge all States which have not yet done so to ratify or to accede to the Convention without delay.

The Group calls upon States parties to provide in their reports more information on the legislative, judicial and administrative measures they have adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article.

The Group also calls upon States parties to provide in their reports more information on concrete cases in which measures to prosecute, bring to trial and punish persons responsible for, or accused of, the acts enumerated in article II of the Convention, have been applied under their jurisdiction.

The Group calls upon States parties to identify in their reports, where possible, individuals, organizations, institutions and representatives of States deemed responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by the State party to the Convention, with a view to enabling the Commission to continue its progressive updating of the list referred to in article X of the Convention.

The Group wishes to appeal once again to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully in accordance with the Charter of the United Nations the decisions taken by the Security Council and other competent organs of the United Nations aimed at the prevention, suppression and punishment of the crime of *apartheid*, in accordance with article VI of the Convention.

The Group, recalling in particular paragraph 3 of General Assembly resolution 3068 (XXVIII) by which the Convention was adopted, wishes once again to draw the attention of States parties, and intergovernmental and non-governmental organizations, through the Commission on Human Rights, to the desirability of disseminating more information about the Convention and acquainting the public as widely as possible through the information media at their disposal with the implementation of its provisions by States parties as well as the work of the Group of Three established under article IX of the Convention.

The Group wishes to express in particular the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invites the States parties to include ample information on these measures in their reports.

The Group wishes to draw the attention of the States parties to the importance of article XI of the Convention and invites the States parties to include in their reports more information on their implementation of the provisions of this article.

The Group wishes to request, through the Commission on Human Rights, the international organizations, organs and bodies of the United Nations system to intensify, in accordance with General Assembly resolution 37/47, their activities aimed at publicizing and disseminating materials concerning problems of racial discrimination in general and *apartheid* in particular.

The Group wishes to draw attention once again to the importance of strengthening the assistance given to the national liberation movements in southern Africa.

The Group wishes to recommend to the Commission on Human Rights to request the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa.<sup>9</sup>

## E. Relevant decisions and resolutions of parent bodies

### 1. COMMISSION ON HUMAN RIGHTS

At its fortieth session in 1984, the Commission on Human Rights adopted the following resolutions regarding the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and the International Covenants on Human Rights.

***Resolution 1984/7 of 28 February 1984 on the "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid"***<sup>10</sup>

*The Commission on Human Rights,*

*Recalling* its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982 and 1983/12 of 18 February 1983,

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

*Having considered* the report of the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,

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

<sup>9</sup> Report of the Group of Three Established under the Convention (E/CN.4/1984/48), paras. 25 to 38.

<sup>10</sup> *Official Records of the Economic and Social Council 1984, Supplement No. 4 (E/1984/14), chap. II A.*

1. *Takes notes with appreciation* of the report of the Group of three members of the Commission which was set up under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and in particular, the conclusions and recommendations contained in that report;
2. *Welcomes* the work done by the Group of Three in accordance with the request contained in paragraph 6 of Commission resolution 1983/12;
3. *Commends* those States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* that have submitted periodic reports and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;
4. *Again urges* States which have not yet done so to ratify or accede to the Convention without delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and in Namibia, and without whose co-operation such operations could not be halted;
5. *Recommends once again* that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports;
6. *Reiterates* its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;
7. *Draws the attention* of all States to the opinion expressed by the Group of Three in its report that article III of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* could apply to the actions of transnational corporations operating in South Africa;
8. *Requests* the Group of Three to continue examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa, including legal actions that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of *apartheid*, and to report to the Commission at its forty-first session;
9. *Calls* on States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of *apartheid*, in accordance with article VI of the Convention and with the Charter of the United Nations;
10. *Reiterates* its request to the Secretary-General to invite States parties to the Convention to submit their views on the interim study prepared by the *Ad Hoc* Working Group of Experts on southern Africa with a view to promoting the speedy creation of effective international machinery to suppress and punish the crime of *apartheid*, in accordance with articles IV, V and VI of the Convention;
11. *Draws the attention* of the States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

12. *Notes* the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

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

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

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

***Resolution 1984/18 of 6 March 1984 on the "Status of the International Covenants on Human Rights"***<sup>11</sup>

*The Commission on Human Rights,*

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

*Recalling* its resolution 1983/17 of 22 February 1983 and General Assembly resolution 38/116 of 16 December 1983,

*Recalling* its resolution 1983/50 of 10 March 1983 on the development of public information activities in the field of human rights,

*Having considered* the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights,

*Noting with appreciation* that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights and to the Optional Protocol,

*Bearing in mind* the important responsibilities of the Economic and Social Council in the implementation of the International Covenant on Economic, Social and Cultural Rights,

*Recognizing* the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report,

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

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<sup>11</sup> *Ibid.*



2. *Takes due note* of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

3. *Appreciates* that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto and takes note of the further decision of the Human Rights Committee on the question of periodicity of reports from States parties under article 40, paragraph 1 (b), of the Covenant as well as the adoption by the Committee of further general comments under article 40, paragraph 4, of the Covenant;

4. *Invites* all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

5. *Again invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

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

7. *Stresses*, in particular, the obligation of a State party availing itself of the right of derogation from the provisions of the International Covenant on Civil and Political Rights in accordance with article 4, paragraph 1, of the Covenant to inform the other States parties immediately through the intermediary of the Secretary-General of the provisions from which it has derogated and of the reasons by which it was actuated;

8. *Emphasizes* the importance of States parties sending experts to present their reports under the International Covenants on Human Rights, as well as nominating experts to serve on the implementation committees set up under the Covenants;

9. *Welcomes* the measures taken by the Secretary-General to publish the documentation of the Human Rights Committee in annual bound volumes and requests the Secretary-General to make the necessary resources available so that the remaining volumes can be produced as soon as possible;

10. *Takes note* of paragraph 13 of General Assembly resolution 38/116, in which the Assembly requests the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenant on Human Rights;

11. *Encourages* all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

12. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its forty-first 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 Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

13. *Requests* the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, regional training courses and other possibilities available under the programme of advisory services;

14. *Decides* to consider at its forty-first session on agenda item entitled "Status of the International Covenants on Human Rights".

*Resolution 1984/19 of 6 March 1984 on the "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty"*<sup>12</sup>

*The Commission on Human Rights,*

*Bearing in mind* article 3 of the Universal Declaration of Human Rights, which affirms that everyone has the right to life,

*Having regard* to article 6 of the International Covenant on Civil and Political Rights, which reaffirm that every human being has the inherent right to life and emphasizes that nothing in that article shall be invoked to delay or to prevent the abolition of capital punishment by any State party to the Covenant,

*Recalling* General Assembly resolution 2857 (XXVI) of 20 December 1971 on the question of capital punishment,

*Noting* General Assembly resolution 32/61 of 8 December 1977, which reaffirms that the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment,

*Recalling* General Assembly decision 35/437 of 15 December 1980 and General Assembly resolution 36/59 of 25 November 1981 concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

*Recalling also* General Assembly resolution 37/192 of 18 December 1982, by which this Commission was requested to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

1. *Decides* to transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the

<sup>12</sup> *Ibid.*

abolition of the death penalty, together with all the pertinent documents and material from the Commission and the General Assembly, and invites the Sub-Commission to consider the idea of elaborating a draft of a second optional protocol at its next session and to submit its views thereon to the Commission at its forty-first session;

2. *Invites* the Sub-Commission to consider establishing a sessional working group at its next session to consider the idea of elaborating a draft of a second optional protocol;

3. *Requests* the Secretary-General to inform the General Assembly at its thirty-ninth session of the action taken by the Commission at its fortieth session and by the Sub-Commission at its thirty-seventh session;

4. *Decides* to consider this matter further at its forty-first session under a sub-item to the agenda item on the status of the International Covenants on Human Rights, entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty", taking into account the views and observations of the Sub-Commission.

## 2. ECONOMIC AND SOCIAL COUNCIL

At its first regular session of 1984 the Economic and Social Council adopted the following resolutions and decision with regard to the International Covenants on Human Rights.

***Resolution 1984/2 of 8 May 1984 entitled "Scheduling of the sessions of the Human Rights Committee established under the International Covenant on Civil and Political Rights"***

*The Economic and Social Council,*

*Recalling* paragraph 5 (g) of its decision 1984/101 of 10 February 1984,

*Having heard* the statement made by the President of the Economic and Social Council on 4 May 1984 regarding the outcome of his consultations with the Chairman of the Human Rights Committee on the question of the scheduling of the sessions of that Committee, and the views expressed by delegations on the matter,

*Decides* to request the President of the Economic and Social Council to continue further his consultations with the Chairman of the Human Rights Committee and to report thereon to the Council at its organizational session for 1985.

***Resolution 1984/9 of 24 May 1984 entitled "Implementation of the International Covenant on Economic, Social and Cultural Rights"***

*The Economic and Social Council,*

*Bearing in mind* its important responsibilities under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,

*Recalling* its resolutions 1988 (LX) of 11 May 1976, 1979/43 of 11 May 1979, 1983/41 of 27 May 1983 and its decision 1981/158 of 8 May 1981,

*Recalling also* General Assembly resolutions 37/191 of 18 December 1982 and 38/116 of 16 December 1983,

*Having considered* the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

*Mindful* of the relevant resolutions and decisions adopted by the General Assembly and the Economic and Social Council on the control and limitation of documentation,

*Recalling* its resolution 1982/33 of 6 May 1983, by which it decided to review the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its first regular session of 1985, taking into account the principle of equitable geographical distribution and the increase in the number of States parties to the Covenant,

*Recalling also* that the meetings of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights are public, that States parties to the Covenant, States Members of the United Nations and representatives of the specialized agencies concerned may participate in its proceedings in accordance with Council decision 1978/10 of 3 May 1978, and that interested non-governmental organizations in consultative status with the Council and the public at large may attend those meetings,

*Noting* the concern expressed by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights about the lack of publicity given to its work at the present session of the Council,

1. *Takes note* of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

2. *Invites* again all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights;

3. *Calls upon* States parties to the Covenant to submit reports required under article 16 thereof, in accordance with the programme established by Council resolution 1988 (LX), and urges States parties to complete the entire cycle of initial reports before submitting second periodic reports;

4. *Invites* States parties to the Covenant to comply with the guidelines established by the Secretary-General concerning the form and content of reports and to take note of the relevant recommendations of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights in preparing and submitting their reports;

5. *Requests* the specialized agencies, on the basis of experience gained in other bodies and of reports so far submitted and considered by the Sessional

Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to report on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities, in accordance with article 18 of the Covenant and paragraph 6 of Council resolution 1988 (LX);

6. *Requests* the Secretary-General to take all appropriate measures to ensure that the United Nations press service issues press releases on the proceedings of the next session of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

7. *Requests* the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to continue to consider including in its report to the Council brief summaries of the consideration of each country report;

8. *Requests* the Secretary-General to bring the relevant suggestions and recommendations listed in section IV of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to the attention of States parties to the Covenant so that States parties may take them into account in preparing and submitting their reports under the Covenant;

9. *Also requests* the Secretary-General to submit to the Economic and Social Council at its first regular session of 1985 a report on the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and other bodies established in accordance with existing international instruments in the field of human rights in order to facilitate the review which the Council will undertake in accordance with its resolution 1982/33;

10. *Decides* that the review shall be conducted at an early date during its first regular session of 1985 to allow enough time for a full discussion of this important matter, taking into account any recommendations which the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights may agree upon at its next session.

***Decision 1984/121 of 24 May 1984 on the Provisional Agenda for 1985 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights***

At its 19th plenary meeting, on 24 May 1984, the Council approved the provisional agenda for 1985 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights set out below.

PROVISIONAL AGENDA FOR 1985 OF THE SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12.

*Documentation*

Portugal (E/1980/6/Add.35 and Corr.1)

Any other reports received by the Secretary-General

2. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 13 to 15.

*Documentation*

Iraq (E/1982/3/Add.26)

Portugal (E/1982/3/Add.27)

3. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 6 to 9.

*Documentation*

Initial reports

Mexico (E/1984/6/Add.2)

Iraq (E/1984/6/Add.3)

Second periodic reports

German Democratic Republic (E/1984/7/Add.3)

Romania (E/1984/7/Add.17)

Bulgaria (E/1984/7/Add.18)

4. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.
5. Consideration of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

### 3. GENERAL ASSEMBLY

At its thirty-ninth session in 1984, the General Assembly adopted the following resolutions relating to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*; the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenants on Human Rights.

**Resolution 39/19 of 23 November 1984 entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid"**

*The General Assembly,*

*Recalling* its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its subsequent resolutions on the status of the Convention,

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

*Convinced* that the implementation of the objectives of the Second Decade to Combat Racism and Racial Discrimination proclaimed by its resolution 38/14 of 22 November 1983 and of the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination will contribute to the final eradication of *apartheid* and all other forms of racism and racial discrimination,

*Strongly condemning* South Africa's continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its repeated acts of aggression against sovereign African States, which constitute a manifest breach of international peace and security,

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

*Underlining* that the strengthening of the existing mandatory arms embargo and the application of comprehensive mandatory economic sanctions under Chapter VII of the Charter are vital in order to compel the racist régime of South Africa to abandon its policy of *apartheid*,

*Firmly convinced* that the legitimate struggle of the oppressed peoples in southern Africa against *apartheid*, racism and colonialism and for the effective implementation of their inalienable right to self-determination and independence demands more than ever all necessary support by the international community and, in particular, further action by the Security Council,

*Underlining* that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and would be a useful contribution towards achieving the complete elimination of *apartheid*,

1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

2. *Commends* those States parties to the Convention that have submitted their reports under article VII thereof;

3. *Appeals once again* to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia;

4. *Expresses its appreciation* of the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, in analysing the periodic reports of States and in publicizing the experience gained in the international struggle against the crime of *apartheid*;

5. *Calls upon* all States parties to the Convention to adopt legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in article II of the Convention;

6. *Further calls upon* States parties to the Convention to submit their opinions on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa and on the application of article III of the Convention to the activities of those corporations;

7. *Requests* the Commission on Human Rights to intensify, in cooperation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

8. *Requests* the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

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

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

11. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special session concerning the implementation of the Convention.

***Resolution 39/20 of 23 November 1984 entitled "Status of the  
International Convention on the Elimination of All Forms of  
Racial Discrimination"***

*The General Assembly,*

*Recalling* its resolutions 3057 (XXVIII) of 2 November 1973, 3135 (XXVIII) of 14 December 1973, 3225 (XXIX) of 6 November 1974, 3381 (XXX) of 10 November 1975, 31/79 of 13 December 1976, 32/11 of 7 November 1977,



33/101 of 16 December 1978, 34/26 of 15 November 1979, 35/38 of 25 November 1980, 36/11 of 28 October 1981, 37/45 of 3 December 1982 and 38/18 of 22 November 1983,

*Expressing its satisfaction* at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,

1. *Takes notes* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

2. *Expresses its satisfaction* at the increase in the number of States that have ratified the Convention or acceded thereto;

3. *Reaffirms once again its conviction* that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Second Decade to Combat Racism and Racial Discrimination;

4. *Requests* those States that have not yet become parties to the Convention to ratify it or accede thereto;

5. *Calls upon* States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

6. *Requests* the Secretary-General to continue to submit to the General Assembly annual reports concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

***Resolution 39/21 of 23 November 1984 entitled "Report of the Committee on the Elimination of Racial Discrimination"***

*The General Assembly,*

*Recalling* its resolutions 38/21 of 22 November 1983 on the report of the Committee on the Elimination of Racial Discrimination and 39/20 of 23 November 1984 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

*Having considered* the report of the Committee on the Elimination of Racial Discrimination on the work of its twenty-ninth and thirtieth sessions, submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Emphasizing* that it is important for the success of the struggle against all instances of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in their internal and foreign policies by the basic provisions of the Convention,

*Bearing in mind* the fact that the Convention is being implemented in different economic, social and cultural conditions prevailing in individual States parties,

*Mindful* of the obligation of all States parties to comply fully with the provisions of the Convention,

*Aware* of the importance of the contribution of the Committee on the Elimination of Racial Discrimination to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

*Taking note* of the decisions adopted and the recommendations made by the Committee at its twenty-ninth and thirtieth sessions,

1. *Takes note with appreciation* of the report of the Committee on the Elimination of Racial Discrimination on the work of its twenty-ninth and thirtieth sessions;

2. *Strongly condemns* the policy of *apartheid* in South Africa and Namibia as a crime against humanity and urges all Member States to adopt effective political, economic and other measures in conformity with the relevant resolutions of the General Assembly, the Security Council and other United Nations bodies, in order to support the legitimate struggle of the oppressed people of South Africa and Namibia for their national liberation and human dignity, and to secure the elimination of the racist *apartheid* system;

3. *Takes note with appreciation* of the report submitted to the Committee by the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence and encourages the Council in its determined endeavours towards the elimination of *apartheid* from the Territory and the attainment of independence of the people of Namibia;

4. *Commends* the Committee for its continuous endeavours towards the elimination of *apartheid* in South Africa and Namibia and of all forms of discrimination based on race, colour, descent or national or ethnic origin, wherever it exists;

5. *Takes note with appreciation* of the Committee's decision to participate actively in the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

6. *Requests* the Secretary-General to explore the possibilities of issuing as United Nations publications the two studies prepared by the Committee on articles 4 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination;

7. *Welcomes* the efforts of the Committee aimed at the elimination of all forms of discrimination against national or ethnic minorities, persons belonging to such minorities and indigenous populations, wherever such discrimination exists, and the attainment of the full enjoyment of their human rights through the implementation of the principles and provisions of the Convention;

8. *Welcomes further* the efforts of the Committee aimed at the elimination of all forms of discrimination against migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality, including the freedom to maintain their cultural characteristics;

9. *Calls upon* all Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the prevention or

elimination of discrimination based on race, colour, descent or national or ethnic origin;

10. *Further calls upon* States parties to the Convention to protect fully, by the adoption of the relevant legislative and other measures, in conformity with the Convention, the rights of national or ethnic minorities and persons belonging to such minorities, as well as the rights of indigenous populations;

11. *Commends* States parties to the Convention on measures taken to ensure, within their jurisdiction, the availability of appropriate recourse procedures for the victims of racial discrimination;

12. *Reiterates its invitation* to the States parties to the Convention to provide the Committee, in accordance with its general guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and on their relations with the racist régime of South Africa;

13. *Calls upon* the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies and urges again the administering Powers to co-operate with these bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention;

14. *Appeals* to the States parties to take fully into consideration their obligation under the Convention to submit their reports in due time;

15. *Takes note* of the decision of the Committee to hold its session in one of the African countries at the appropriate time and requests the Secretary-General to explore the possibilities and financial implications of holding that session within the context of the Second Decade to Combat Racism and Racial Discrimination and to inform the General Assembly and the Committee of his findings;

16. *Requests* the Secretary-General to take the necessary steps to ensure wider publicity of the work of the Committee, which would facilitate its task to implement effectively its functions under the Convention.

***Resolution 39/136 of 14 December 1984 entitled "International Covenants on human rights"***

*The General Assembly,*

*Recalling* its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981, 37/191 of 18 December 1982 and 38/116 and 38/117 of 16 December 1983,

*Taking note* of the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights,

*Noting with appreciation* that, following its appeal, more Member States have acceded to the International Covenant on Human Rights,

*Recognizing* the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

*Taking into account* the useful work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

*Bearing in mind* the important responsibilities of the Economic and Social Council in relation to the International Covenant on Human Rights,

1. *Takes note with appreciation* of the report of the Human Rights Committee on its twentieth, twenty-first and twenty-second sessions, and expresses its satisfaction with the serious and constructive manner in which the Committee is continuing to perform its functions;

2. *Expresses its appreciation* to those States parties to the International Covenant on Civil and Political Rights that have submitted their reports to the Human Rights Committee under article 40 of the Covenant and urges States parties that have not yet done so to submit their reports as speedily as possible;

3. *Urges* those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

4. *Commends* those States parties to the International Covenant on Economic, Social and Cultural Rights that have submitted their reports under article 16 of the Covenant and urges States that have not yet done so to submit their reports as soon as possible;

5. *Notes with satisfaction* that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in future;

6. *Again urges* all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

7. *Invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

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

9. *Requests* the Secretary-General to keep the Human Rights Committee informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on

Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women and also to transmit the annual reports of the Human Rights Committee to those bodies;

10. *Looks forward* to the report of the Secretary-General, to be submitted to the Economic and Social Council at its first regular session of 1985, on the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and other bodies established in accordance with existing international instruments in the field of human rights in order to facilitate the review which the Council will undertake in accordance with its resolution 1982/33 of 6 May 1982;

11. *Welcomes* the decision by the Economic and Social Council in its resolution 1984/9 of 24 May 1984 to conduct the review at an early stage of its first regular session of 1985 to allow enough time for a full discussion of this important matter;

12. *Requests* the Secretary-General to submit to the General Assembly at its fortieth 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;

13. *Again urges* the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps within existing resources to give more publicity to the work of the Committee and, similarly, to the work of the Economic and Social Council and its Sessional Working Group and to improve administrative and related arrangements to enable them to carry out their respective functions effectively under the International Covenant on Human Rights;

14. *Urges* the Secretary-General to continue to expedite the publication of the official public records of the Human Rights Committee in bound volumes, as indicated in General Assembly resolution 37/191, starting with its first session;

15. *Requests* the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights.

***Resolution 39/137 of 14 December 1984 entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty"***

*The General Assembly,*

*Recalling* its decision 35/437 of 15 December 1980 and its resolution 36/59 of 25 November 1981 concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

*Recalling also* its resolution 37/192 of 18 December 1982, in which it requested the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

*Taking note* of Commission on Human Rights resolution 1984/19 of 6 March 1984 and the action taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to implement that resolution,

*Taking note also* of the report of the Secretary-General,

1. *Requests* the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider further the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. *Invites* Member States which are in a position to do so, specialized agencies and international organizations to assist the Commission and the Sub-Commission in the consideration of this question;

3. *Requests* the Secretary-General to inform the General Assembly at its forty-second session of the consideration given to this question by the Commission and the Sub-Commission;

4. *Decides* to continue its consideration of this question at its forty-second session, in the light of the action taken by the Commission and the Sub-Commission, under the item entitled "International Covenants on Human Rights".

***Resolution 39/138 of 14 December 1984 entitled "Reporting obligations of States parties to United Nations Conventions on Human Rights"***

*The General Assembly,*

*Recalling* its resolutions 37/44 of 3 December 1982 and 38/117 of 16 December 1983,

*Considering* that the General Assembly, as the principal organ of the United Nations entitled to adopt conventions on human rights, is in the position to take an overview of their implementation as an integrated system of substantive provisions and reporting obligations of States parties to the various conventions,

*Conscious* that the fulfilment of reporting obligations constitutes an essential element of co-operation by States parties in contributing to the assessment of their compliance with their obligations,

*Bearing in mind* the report of the Secretary-General on the reporting obligations of States parties under various United Nations conventions on human rights,

*Having considered* the report of the meeting of the Chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination held at Geneva on 16 and 17 August 1984,

*Concerned* about the problems experienced by the above-mentioned bodies in the functioning of the reporting procedures, including the burden which several coexisting reporting systems place upon States parties to the conventions on human rights,

*Convinced*, therefore, of the need to improve the existing reporting systems in order to resolve the problems experienced both by the bodies entrusted with the consideration of the periodic reports of the States parties and by the States parties to the conventions on human rights,

1. *Reiterates* the importance it attaches to the obligations established under international conventions, including their respective reporting systems;

2. *Takes note with interest* of the report of the meeting of the Chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, which contains suggestions made by the Chairmen with regard to exchange of information among their respective bodies, co-ordination of guidelines for the submission of the reports of States parties, advisory services and assistance for States parties to the various conventions on human rights, and other matters;

3. *Expresses the view* that the presence at the above-mentioned meeting of the Chairmen of all bodies concerned with reporting obligations of States parties to United Nations conventions on human rights would have further contributed to the review of problems experienced in the functioning of reporting procedures;

4. *Acknowledges* that common problems have arisen in the functioning of the reporting procedures, thus indicating the necessity of considering them within the overall framework of reporting obligations of States parties under the various conventions on human rights;

5. *Decides* to keep under consideration the problems that have arisen from the coexistence of several different reporting systems, in particular the proliferation of reporting obligations under the various instruments, as well as the serious delays which have occurred in the submission of reports;

6. *Requests* the Secretary-General, to that effect, to submit to the General Assembly at its fortieth session a report containing:

(a) Updated information on the general situation of the submission of reports of States parties to all conventions which are already in force, thus enabling the General Assembly to take an overview of the fulfilment of all reporting obligations and to consider how to achieve an improvement, particularly in the interest of States parties with limited technical and administrative resources;

(b) A consolidated text of the guidelines of the various bodies entrusted with the consideration of the reports of States parties on the implementation of all United Nations conventions on human rights;

7. *Requests* the Commission on Human Rights to consider, in the context of its standing item concerning advisory services in the field of human rights, the suggestions made by the Chairmen;

8. *Decides* to consider the question of reporting obligations of States parties to United Nations conventions on human rights in the light of the report of the Secretary-General to be submitted in accordance with paragraph 6 above and to consider also the eventual convening of another meeting of the Chairmen of the bodies entrusted with the consideration of the reports of States parties;

9. *Invites* the bodies concerned to give particular attention to the present resolution when they next meet;

10. *Decides* to consider the question at its fortieth session, in the light of the report of the Secretary-General to be submitted in accordance with paragraph 6 above.



PART III

INTERNATIONAL DEVELOPMENTS

## Section A. United Nations organs

### Introduction

The United Nations organs whose work in the field of human rights is summarized here are: the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

During the period under review, human rights matters were dealt with at various sessions of those organs as follows:

General Assembly, thirty-ninth session (18 September-18 December 1984 and 9-12 April 1985);

Economic and Social Council, first regular session of 1984 (1-25 May 1984);

Commission on Human Rights, fortieth session (6 February-16 March 1984);

Sub-Commission on Prevention of Discrimination and Protection of Minorities, thirty-seventh session (6-31 August 1984).

### A. Elimination of racial discrimination: Decade for Action to Combat Racism and Racial Discrimination

At its fortieth session in February-March 1984, the Commission on Human Rights considered the question of the implementation of the Programme for the Decade. By its resolution 1984/8 of 28 February 1984,<sup>1</sup> it commended all States which participated in the Second World Conference to Combat Racism and Racial Discrimination for their efforts in the continuing struggle for the elimination of all forms of racism, racial discrimination and *apartheid*.

During its first regular session in 1984, the Economic and Social Council, by its resolution 1984/43 of 24 May 1984,<sup>2</sup> recommended the adoption by the General Assembly of the Programme for the Second Decade for Action to Combat Racism and Racial Discrimination.

In resolution 1984/24 adopted on 24 May 1984,<sup>3</sup> the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Asbjørn Eide with carrying out a study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress made in this field, if any, between the first and second world conferences to combat racism and racial discrimi-

<sup>1</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>2</sup> E/1984/84.

<sup>3</sup> *Ibid.*

nation, taking into account also any resolutions the General Assembly might adopt on the report of the Second World Conference to Combat Racism and Racial Discrimination and the first stage of the implementation of the Programme of Action for the Second Decade.

By its decision 1984/151 of 24 May 1984,<sup>4</sup> the Council took note of the reports of the Secretary-General submitted in accordance with paragraph 18 (e) and (f) of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and paragraph 7 of General Assembly resolution 38/14 of 22 November 1983 on the Second Decade for Action to Combat Racism and Racial Discrimination.

The General Assembly also considered the question of the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination at its thirty-ninth session.

By its resolution 39/16 of 23 November 1984,<sup>5</sup> the Assembly, *inter alia*, invited the concerned organs of the United Nations, in particular the Committee on the Elimination of Racial Discrimination, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the relevant specialized agencies, to continue exercising vigilance in identifying actual or emergent situations of racism and racial discrimination, to draw attention to them where discovered and to suggest appropriate remedial measures.

#### **B. Measures against ideologies and practices based on racial intolerance, hatred and terror**

The question of measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequence, was considered by the Commission on Human Rights at its fortieth session. By its resolution 1984/42 of 12 March 1984,<sup>6</sup> the Commission recommended to the Economic and Social Council that it requested the General Assembly to hold a special commemorative meeting, during its fortieth session in 1985, to celebrate the fortieth anniversary of the conclusion of the Second World War and the founding of the United Nations.

By its decision 1984/149 of 24 May 1984,<sup>7</sup> the Council took note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror and decided to transmit it to the General Assembly at its thirty-ninth session.

By its resolution 39/114 of 14 December 1984,<sup>8</sup> the Assembly, *inter alia*, invited Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the Inter-

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<sup>4</sup> *Ibid.*

<sup>5</sup> A/39/51, Supplement No. 51.

<sup>6</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>7</sup> E/1984/84.

<sup>8</sup> A/39/51, Supplement No. 51.

national Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies, and called once again upon all States to provide the Secretary-General with their comments on this question and requested the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its fortieth session in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

### C. Elimination of all forms of religious intolerance

By its resolution 1984/57 of 15 March 1984,<sup>9</sup> the Commission on Human Rights authorized the Sub-Commission to entrust the Special Rapporteur with the preparation of a study, in accordance with the terms of Sub-Commission resolution 1983/31, on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief; and requested the Commission on Human Rights to consider this matter further at its forty-first session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

For its consideration of the item, the Economic and Social Council, by its resolution 1984/39 of 24 May 1984,<sup>10</sup> endorsed the resolution of the Commission.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1984/31 of 30 August 1984,<sup>11</sup> requested the Special Rapporteur to continue her work and to submit a progress report to the Sub-Commission, at its thirty-eighth session and a final report at its thirty-ninth session.

By its resolution 39/131 of 14 December 1984, the General Assembly endorsed Council resolution 1984/39,<sup>12</sup> and invited the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations, and to take all appropriate measures to make the text available for use both by United Nations information centres and by other interested bodies.

### D. Human rights of national, ethnic, religious and linguistic minorities

During the thirty-ninth session of the Commission on Human Rights, the informal Working Group established by the Commission continued its consideration of the revised consolidated text of the draft declaration on the right of persons belonging to national, ethnic, religious and linguistic minorities,<sup>13</sup> and provisionally adopted the preamble of the draft declaration.

<sup>9</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>10</sup> E/1984/84.

<sup>11</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. XVIII A.

<sup>12</sup> A/39/51, Supplement No. 51.

<sup>13</sup> E/CN.4/1984/74.

By its resolution 1984/62 of 15 March 1984,<sup>14</sup> the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-seventh session, to prepare a text defining the term "minority", taking into account studies already carried out in this field, comments and views provided by Governments, as well as discussions held during the session of the Working Group and other relevant documentation.

### **E. Studies relating to prevention of discrimination and protection of minorities**

#### **1. STATUS OF THE INDIVIDUAL AND CONTEMPORARY INTERNATIONAL LAW**

By its resolution 1984/2 adopted on 28 August 1984,<sup>15</sup> the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission during its thirty-eighth session.

#### **2. DRAFT PRINCIPLES ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS**

At its thirty-seventh session, the Sub-Commission by its resolution 1984/3 of 28 August 1984,<sup>16</sup> requested the Special Rapporteur to continue her work on the above-mentioned study and the draft body of principles and guidelines with a view to submitting her final report to the Sub-Commission at its thirty-eighth session.

### **F. Question of the violation of human rights**

#### **1. STUDY OF SITUATIONS WHICH REVEAL A CONSISTENT PATTERN OF GROSS-VIOLATIONS OF HUMAN RIGHTS**

At its fortieth session, the Commission on Human Rights adopted, in closed meetings, a number of decisions within the framework of Council resolution 1503 (XLVIII) entitled "Procedures for dealing with communications relating to violations of human rights and fundamental freedoms".

Prior to that session, a working group of five commission members had met for one week to examine documents referred to the Commission by the Sub-Commission and submitted a confidential report on its work to the Commission.

By its decision 1984/109 of 1 March 1984,<sup>17</sup> further endorsed by Economic and Social Council decision 1984/143 of 24 May 1984,<sup>18</sup> the Commission decided to request the Secretary-General to continue his consultations with the Government of

<sup>14</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>15</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>16</sup> *Ibid.*

<sup>17</sup> E/1984//84.

<sup>18</sup> *Ibid.*

Haiti, as envisaged in his report to the Commission, with a view to further exploring ways and means of providing the Government of Haiti with assistance to facilitate the realization of full enjoyment of human rights for the people of Haiti, and requested the Secretary-General to report to the Commission at its forty-first session on the implementation of this decision.

By its resolution 1984/30 of 30 August 1984,<sup>19</sup> the Sub-Commission, *inter alia*, further requested the Secretary-General to transmit, as soon as possible, a reminder to Governments and non-governmental organizations which have not yet commented on the communication sent to them pursuant to paragraph 4 of resolution 1983/32 of the Sub-Commission, to submit, if they wished to do so, their comments, views and information to the Secretary-General; and to prepare a progress report, taking into consideration all the replies received and the comments made by the members of the Commission and the Sub-Commission at its thirty-eighth session.

## 2. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: *Ad Hoc* WORKING GROUP OF EXPERTS OF THE COMMISSION ON HUMAN RIGHTS WITH RESPECT TO SOUTHERN AFRICA

At its fortieth session in 1984, the Commission on Human Rights examined two reports submitted to it by the *Ad Hoc* Working Group of Experts on southern Africa: a progress report<sup>20</sup> dealing with new developments concerning policies and practices which violate human rights in South Africa and Namibia, and a study on the international penal tribunal.<sup>21</sup>

By its resolution 1984/4 of the 28 February 1984,<sup>22</sup> the Commission requested the *Ad Hoc* Working Group of Experts to report to the Commission on Human Rights at its forty-first session on the practices and policies which violate human rights in Namibia and to make appropriate recommendations.

By its resolution 1984/5 adopted on the same day,<sup>23</sup> the Commission requested the *Ad Hoc* Working Group to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, particularly serious violations of human rights in South Africa and Namibia which may come to its attention during its studies.

The Economic and Social Council, by its resolution 1984/42 of 24 May 1984,<sup>24</sup> took note of the extract from the progress report of the *Ad Hoc* Working Group of Experts on southern Africa; demanded the immediate release of all imprisoned trade unionists and the lifting of the orders banning trade unionists and trade union organizations and requested the Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Council.

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<sup>19</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>20</sup> E/CN.4/1984/8, part II.

<sup>21</sup> E/CN.4/1426.

<sup>22</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>23</sup> *Ibid.*

<sup>24</sup> E/1984/84.

The General Assembly also considered at that session the report of the Special Committee against *Apartheid*,<sup>25</sup> and adopted, on 13 December 1984, resolution 39/72B.<sup>26</sup> It also requested Governments and organizations to make voluntary contributions or provide other assistance for the special projects of the Special Committee and to make generous contributions to the Trust Fund for Publicity against *Apartheid*.

### 3. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

The Commission on Human Rights at its fortieth session adopted a number of resolutions concerning the violation of human rights in the occupied Arab territories.

By its resolution 1984/1A of 20 February 1984,<sup>27</sup> the Commission, *inter alia*, called upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967; it reiterated and called to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution, and it requested the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-first session.

By resolution 1984/1B of the same date,<sup>28</sup> the Commission expressed its deep concern at the consequence of Israel's systematic refusal to apply that Convention in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem; condemned the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem; called upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem; urged once more all States parties to that Convention to make every effort to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

By its resolution 1984/2 also adopted on 20 February 1984,<sup>29</sup> the Commission condemned Israel for its attempts and measures to impose Israeli citizenship and

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<sup>25</sup> A/39/51, Supplement No. 51.

<sup>26</sup> *Ibid.*

<sup>27</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

identity cards on the Syrian citizens in the occupied Golan Heights by force; re-affirmed its determination that all provisions of The Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War continue to apply to the Syrian territory occupied by Israel since 1967, strongly demanded that Israel recognize the provisions of these Conventions and apply them in the occupied Arab territories, and called upon parties to these Conventions to respect their obligations thereunder in all circumstances; and called upon Israel, the occupying Power, to rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, emphasized that Israel must allow the evacuees from among the Golan population to return to their homes and to recover their former property and residences occupied by Israel since 1967.

By its resolution 1984/3 of the same date,<sup>30</sup> the Commission, *inter alia*, condemned Israel for its persistence in developing the colonization of these territories which aims at changing the demographic composition, institutional structure and status of the occupied territories, including Jerusalem.

At its thirty-ninth session, the General Assembly had before it in connection with this question, the report of the Special Committee on the Exercise of the Inalienable Rights of the Palestinian People.<sup>31</sup> In its resolution 39/49 A-D of 11 December 1984<sup>32</sup> the Assembly, *inter alia*, requested the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine (resolution 39/49 A); invited all Governments and organizations to lend their co-operation to the Special Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks (resolution 39/49 B); noted with appreciation the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolution 38/58 E (resolution 39/49 C); and requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 15 March 1985 (resolution 39/49 D).

#### 4. QUESTION OF HUMAN RIGHTS IN CHILE

At its fortieth session, the Commission on Human Rights had before it the report of the Special Rapporteur on the situation of human rights in Chile.<sup>33</sup>

By its resolution 1984/63 of 15 March 1984,<sup>34</sup> the Commission, *inter alia*, commended the Special Rapporteur for his report<sup>35</sup> on the situation of human rights in Chile; once again called on the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various inter-

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<sup>30</sup> *Ibid.*

<sup>31</sup> A/39/51, Supplement No. 51.

<sup>32</sup> *Ibid.*

<sup>33</sup> A/38/385 and Add.1; E/CN.4/1984/7.

<sup>34</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>35</sup> A/38/385 and Add.1; E/CN.4/1984/7.



national instruments and, in particular, to put an end to the régime of exception and the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed, and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms. It also decided to extend the mandate of the Special Rapporteur for a year and to request him to report on the situation of human rights in Chile to the General Assembly at its thirty-ninth session and to the Commission on Human Rights at its forty-first session.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted at its thirty-seventh session on 30 August 1984, resolution 1984/29<sup>36</sup> by which it recommended to the Commission on Human Rights to address an urgent appeal to the Chilean authorities to respect and promote human rights in conformity with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

At its thirty-ninth session, the General Assembly had before it the report of the Special Rapporteur on the human rights situation in Chile.<sup>37</sup> In its resolution 39/121 adopted on 14 December 1984,<sup>38</sup> the Assembly expressed its alarm at the fact that the repressive activities of the police and security agencies and, in particular, the National Information Agency continued to go unpunished, as pointed out in the report of the Special Rapporteur; and once more urged the Chilean authorities to respect and, where necessary, restore economic, social and cultural rights and, in particular, the rights intended to preserve the cultural identity and improve the social situation of indigenous populations, recognizing especially their right to their land. It requested the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-first session.

#### 5. OTHER MATTERS RELATING TO VIOLATIONS OF HUMAN RIGHTS

##### *Bolivia*

At its fortieth session, the Commission on Human Rights had before it a study by the Special Rapporteur Envoy.<sup>39</sup>

By its resolution 1984/43 of 13 March 1984,<sup>40</sup> the Commission invited all Member States, organizations of the United Nations and humanitarian and non-governmental organizations to provide support and assistance to the Government of Bolivia in its efforts to strengthen the enjoyment of human rights and fundamental freedoms in that country; it requested the Commission on Human Rights to consider this subject at its forty-first session, in the light of the Secretary-General's report on the implementation of the present resolution.

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<sup>36</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>37</sup> A/39/51, Supplement No. 51.

<sup>38</sup> *Ibid.*

<sup>39</sup> E/CN.4/1984/46.

<sup>40</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

Commission draft resolution IX,<sup>41</sup> was endorsed by the Economic and Social Council resolution 1984/32 of 24 May 1984.<sup>42</sup>

### *Cyprus*

At its fortieth session, the Commission on Human Rights had before it a report of the Secretary-General<sup>43</sup> prepared pursuant to Commission decision 1983/107.

By its decision 1984/117 of 14 March 1984,<sup>44</sup> the Commission decided that the debate under agenda item 12 (a) (Question of human rights in Cyprus) should be postponed to the forty-first session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

### *East Timor*

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by its resolution 1984/24 of 29 August 1984<sup>45</sup> requested the Secretary-General to continue his efforts to encourage all parties concerned, including the administering Power, to co-operate in order to achieve a durable solution taking into full consideration the interests of the people of East Timor; it recommended therefore to the Commission on Human Rights to study carefully at its forty-first session the evolution of the situation of human rights and fundamental freedoms in East Timor.

### *El Salvador*

At its fortieth session, the Commission on Human Rights had before it the report of the Special Representative on the situation of human rights in El Salvador.<sup>46</sup>

By its resolution 1984/52 of 14 March 1984<sup>47</sup> the Commission, *inter alia*, reiterated its appeal to all Salvadorian parties in the conflict to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population and to protecting the rights of the prisoners and wounded of all parties, wherever these organizations operate in the country.

By its decision 1984/136 adopted on 24 May 1984,<sup>48</sup> the Economic and Social Council noting Commission on Human Rights resolution 1984/52 of 14 March 1984,<sup>49</sup> endorsed the Commission's decision to extend the mandate of the Special

<sup>41</sup> *Ibid.*

<sup>42</sup> E/1984/84.

<sup>43</sup> E/CN.4/1984/31.

<sup>44</sup> E/1984/14; E/CN.4/1984/77, chap. II B.

<sup>45</sup> *Ibid.*, chap. II A.

<sup>46</sup> E/CN.4/1984/25 and Corr.1.

<sup>47</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>48</sup> E/1984/84.

<sup>49</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

Representative on the situation of human rights in El Salvador for another year and requested him to submit his report on further developments in the situation of human rights in that country to the General Assembly at its thirty-ninth session and to the Commission at its forty-first session.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities also considered the question at its thirty-seventh session. By its resolution 1984/26 of 30 August 1984<sup>50</sup> the Sub-Commission, *inter alia*, recommended that, in spite of the change of Government in El Salvador, the Commission continue to examine the human rights situation and compliance with the Geneva Conventions; suggested that the Commission repeat its appeal to the parties in the conflict to resume talks without delay to seek a comprehensive negotiated political solution that will guarantee respect for human rights and fundamental freedoms and urged all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance and support, so as to allow the restoration of peace and security and the establishment of a negotiating mechanism that will make for a comprehensive political solution.

At its thirty-ninth session, the General Assembly had before it a report<sup>51</sup> by the Special Representative. In its resolution 39/119 adopted on 14 December 1984,<sup>52</sup> the Assembly, *inter alia*, expressed its deepest concern at the fact that, as indicated in the report of the Special Representative, although the number of human rights violations has decreased, they are still serious and numerous, resulting in suffering for the Salvadorian people; reiterated its appeal to the Government of El Salvador and to the opposition forces to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country; encouraged the Secretary-General in his efforts to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in his report on the work of the Organization and decided to review the question of human rights and mass exoduses at its fortieth session.

### Guatemala

At its fortieth session, the Commission on Human Rights adopted, on 14 March 1984, resolution 1984/53<sup>53</sup> in which it expressed its profound concern at the continuing massive violations of human rights in Guatemala, particularly, the violence against non-combatants, widespread repression, massive displacement of rural and indigenous peoples, disappearances and killings, which are recently reported to have increased, particularly in urban areas.

The Commission's request to its Chairman to extend the mandate of the Special Rapporteur was further endorsed by Economic and Social Council decision 1984/137 of 24 May 1984.<sup>54</sup>

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<sup>50</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>51</sup> A/39/636, annex.

<sup>52</sup> A/39/51, Supplement No. 51.

<sup>53</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>54</sup> E/1984/84.

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1984/23 adopted on 29 August 1984,<sup>55</sup> *inter alia*, expressed its profound conviction that the solutions to the crisis will be greatly facilitated by allowing the people of Guatemala freely to determine its political, social and economic future without foreign interference and in a climate devoid of intimidation and terror as set out in article 1 of the International Covenant on Economic, Social and Cultural Rights and invited the Special Rapporteur to take due account of the situation of the indigenous population, as well as all reports submitted to the Sub-Commission, which it will forward to him, and any other relevant data furnished him.

The General Assembly also considered the matter at its thirty-ninth session, and adopted, on 14 December 1984, resolution 39/120<sup>56</sup> in which, *inter alia*, it urged the Government of Guatemala to establish the necessary conditions to ensure the independence of the judicial system and to enable the judiciary to uphold the rule of law, including the right of *habeas corpus*, and to prosecute and punish speedily and effectively those found responsible for violations of human rights, including members of the military and security forces; appealed to the Government of Guatemala to allow international humanitarian organizations to render their assistance in investigating the fate of persons who have disappeared, with a view to informing their relatives of their whereabouts, to visit detainees or prisoners and to bring assistance to the civilian population in areas of conflict, and invited the Government of Guatemala and other parties concerned to continue co-operating with the Special Rapporteur of the Commission on Human Rights.

#### *Iran (Islamic Republic of)*

By its resolution 1984/54 of 14 March 1984,<sup>57</sup> the Commission on Human Rights expressed its deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran as reflected in the report of the Secretary-General, and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, in particular of the Baha'is, and the lack of an independent judiciary and other recognized safeguards for a fair trial.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities also considered the question at its thirty-seventh session. By its resolution 1984/14 adopted on 29 August 1984,<sup>58</sup> it, *inter alia*, expressed its alarm and reports of continuing gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran, in particular of political, ethnic and national groups such as the Kurds, and of the Baha'i religious community.

#### *Mass exoduses*

At its fortieth session, the Commission on Human Rights had before it the study on human rights and mass exoduses prepared by its Special Rapporteur.<sup>59</sup>

<sup>55</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>56</sup> A/39/51, Supplement No. 51.

<sup>57</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>58</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>59</sup> E/CN.4/1503.

By its resolution 1984/49 adopted on 14 March 1984,<sup>60</sup> the Commission, *inter alia*, welcomed the fact that the Secretary-General will continue to follow closely developments in the area of human rights and mass exoduses and will keep under review the recommendations of the Special Rapporteur, and furthermore requested the Secretary-General to take into consideration all further comments made by Member States, including those expressed at the fortieth session of the Commission on Human Rights.

The General Assembly also considered the matter at its thirty-ninth session. In its resolution 39/117 adopted on 14 December 1984,<sup>61</sup> the Assembly, *inter alia*, invited Governments to intensify their co-operation and assistance in world-wide efforts to address the serious problem of mass exoduses of refugees and displaced persons; and encouraged the Secretary-General in his efforts to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in his report on the work of the Organization.<sup>62</sup>

#### *Summary executions*

In its resolution 1984/50 of 14 March 1984,<sup>63</sup> the Commission on Human Rights recommended its draft resolution XII<sup>64</sup> for adoption by the Economic and Social Council.

Upon this draft resolution, further endorsed by Council resolution 1984/35 of 24 May 1984,<sup>65</sup> the Council appealed urgently to Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions.

The General Assembly also considered the matter at its thirty-ninth session. In its resolution 39/110 adopted on 14 December 1984<sup>66</sup> the Assembly, *inter alia*, appealed to all Governments to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report; and requested the Secretary-General to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate.

#### **G. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa**

At its fortieth session, the Commission on Human Rights, having considered the updated report<sup>67</sup> prepared by the Special Rapporteur of the Sub-Commission on

<sup>60</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>61</sup> A/39/51, Supplement No. 51.

<sup>62</sup> A/39/1, Supplement No. 1.

<sup>63</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>64</sup> *Ibid.*, chap. I A.

<sup>65</sup> E/1984/84.

<sup>66</sup> A/39/51, Supplement No. 51.

<sup>67</sup> E/CN.4/Sub.2/1983/6 and Add.1 and 2.

the adverse consequences of assistance to the racist régime in South Africa for the enjoyment of human rights which contained an updated list of banks and firms giving assistance to the racist régime, reiterated, in its resolution 1984/6 of 28 February 1984<sup>68</sup> its requests to all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting any type of loans to the racist régime in South Africa; it called upon States, specialized agencies, regional inter-governmental organizations and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime and it welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate the Special Rapporteur to continue to update the list, subject to annual review, and to submit the revised report to the Commission, through the Sub-Commission.

The Commission's decision to mandate the Special Rapporteur to continue to update the list of banks and submit the revised report to the Commission was further endorsed by ECOSOC decision 1984/130 adopted on 25 May 1984.<sup>69</sup>

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the updated report<sup>70</sup> by the Special Rapporteur.

In its resolution 1984/4 of 28 August 1984,<sup>71</sup> the Sub-Commission called upon all Governments to disseminate the updated report, and give its contents the widest possible publicity; it also invited the Secretary-General to give the updated report of the Special Rapporteur the widest distribution and publicity and to issue it as a United Nations publication.

The question was also considered by the General Assembly at the thirty-ninth session. By its resolution 39/15 of 23 November 1984,<sup>72</sup> the Assembly, *inter alia*, affirmed that the highest priority must be accorded to international action to secure the full implementation of the resolution of the United Nations for the eradication of *apartheid* and the liberation of the peoples of southern Africa. It called upon the Governments of the countries where the banks, transnational corporations and other organizations named and listed in the updated report are based to take effective action to put a stop to their trading, manufacturing and investing activities in the territory of South Africa as well as in the Territory of Namibia illegally occupied by the racist Pretoria régime; and it urgently requested all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting loans or financial assistance of any type to the racist régime of South Africa.

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<sup>68</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>69</sup> E/1984/84.

<sup>70</sup> E/CN.4/Sub.2/1984/8 and Add.1 and 2.

<sup>71</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>72</sup> A/39/51, Supplement No. 51.

## H. The right of peoples to self-determination

At its fortieth session, on 29 February 1984, the Commission on Human Rights adopted resolution 1984/14,<sup>73</sup> by which it, *inter alia*, called upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence; it reaffirmed the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, including armed struggle, for the elimination of the *apartheid* system and the exercise of the right of self-determination by the people of South Africa; it demanded that South Africa put an immediate, total and unconditional end to its wanton and unprovoked acts of aggression and withdraw its occupation forces from Angola.

The General Assembly also considered the question of the universal realization of the right of peoples to self-determination at its thirty-ninth session. By its resolution 39/18 of 23 November 1984,<sup>74</sup> the Assembly, *inter alia*, declared its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world; it called upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned.

### *Afghanistan*

By its resolution 1984/10 adopted on 29 February 1984,<sup>75</sup> the Commission on Human Rights, *inter alia*, called for the immediate withdrawal of foreign troops from Afghanistan and for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops; affirmed the right of the Afghan refugees to return to their homes in safety and honour; urged all concerned to work towards a settlement which would ensure that the Afghan people determine their destiny free from outside interference and which would enable the Afghan refugees to return to their homes.

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted on 28 August 1984, resolution 1984/8,<sup>76</sup> in which it requested the Commission on Human Rights urgently to call on the authorities in Afghanistan to put an end to the bombardment of the civilian population; it further requested the Commission on Human Rights to ask its Special Rapporteur on Afghanistan also to investigate the human and material losses resulting from the recent bombardments of the civilian population and to include his findings in his report to the Commission.

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<sup>73</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>74</sup> A/39/51, Supplement No. 51.

<sup>75</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>76</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

*Democratic Kampuchea*

By its resolution 1984/12 adopted on 29 February 1984,<sup>77</sup> the Commission on Human Rights, *inter alia*, reaffirmed that the continuing occupation of Kampuchea by foreign forces deprives the people of Kampuchea of the exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present; it requested the Secretary-General to continue to monitor closely the developments in Kampuchea and urgently to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of fundamental human rights in Kampuchea; it noted with appreciation the report of the *Ad Hoc* Committee of the International Conference on Kampuchea and requested that the Committee continue its work, pending the reconvening of the Conference; it also recommended that the Economic and Social Council at its first regular session of 1984 continue to consider, and in particular to undertake, appropriate measures towards the early implementation of relevant recommendations, with a view to achieving the full enjoyment of the fundamental human rights and freedoms of the Kampuchean people, particularly its inalienable right to self-determination.

By its decision 1984/148 of 24 May 1984,<sup>78</sup> the Economic and Social Council endorsed resolution 1984/12<sup>79</sup> of the Commission; it also noted with appreciation the note by the Secretary-General<sup>80</sup> prepared pursuant to its decision 1983/135.

*Palestine*

In its resolution 1984/11 adopted on 29 February 1984,<sup>81</sup> the Commission on Human Rights, *inter alia*, reaffirmed the inalienable right of the Palestine people to self-determination without external interference and the establishment of a fully independent and sovereign State of Palestine; it also reaffirmed the inalienable right of the Palestinians to return to their homes and property, from which they have been uprooted by force, and called for their return and the exercise of their right to self-determination, it requested the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Division for Palestinian Rights.

*Western Sahara*

In its resolution 1984/13 adopted on 29 February 1984,<sup>82</sup> the Commission on Human Rights requested the Implementation Committee in the discharge of its mandate to take account of the proceedings of the Eighteenth and Nineteenth Ordinary Sessions on the question of Western Sahara and to this end invited the Secretary-General of the Organization of African Unity to make available the full records of the said proceedings to the Committee; it welcomed the constructive attitude of the

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<sup>77</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>78</sup> E/1984/84.

<sup>79</sup> *Ibid.*

<sup>80</sup> E/1984/88.

<sup>81</sup> E/1984/84.

<sup>82</sup> E/1984/14; E/CN.4/1984/77, chap. II A.



Sahrawi leaders in making it possible for the 19th Summit to meet by withdrawing from it voluntarily and temporarily.

### **I. Question of the human rights of persons subjected to any form of detention or imprisonment**

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its resolution 1984/8 adopted on 28 August 1984<sup>83</sup> expressed its appreciation to the Special Rapporteur, for his preliminary report and the importance and usefulness of the excellent work he has so far accomplished; it requested the Special Rapporteur to continue to work on the study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session.

In its resolution 1984/16 of 29 August 1984,<sup>84</sup> the Sub-Commission took into consideration the conclusions of the preliminary report on amnesty laws, prepared by the Special Rapporteur which stress the positive nature of the amnesty process currently under way in Colombia; it also considered that this valuable precedent should be encouraged, since it progressively transforms a process of conflict into a momentum for peace, creating conditions for national reconciliation, inasmuch as it took into account not only the effects but also the economic and social causes of the situation and requested the Special Rapporteur to include in his final report the evolution of the current amnesty process and its effects in regard to the safeguarding and promotion of human rights and fundamental freedoms.

### **J. Enforced or involuntary disappearances of persons**

At its fortieth session, the Commission on Human Rights adopted, on 6 March 1984, resolution 1984/23<sup>85</sup> by which it requested the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task; it encouraged the Governments concerned to consider with special attention the wish of the Working Group to visit their countries, when such wish is expressed, thus enabling the Group to fulfil its mandate more effectively.

The General Assembly also considered the question at its thirty-ninth session and adopted, on 14 December 1984, resolution 39/111<sup>86</sup> in which it welcomed the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group, as laid down in Commission resolution 1984/23 and appealed to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion.

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<sup>83</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>84</sup> *Ibid.*, chap. XVIII A.

<sup>85</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>86</sup> A/39/51, Supplement No. 51.

### **K. Torture and other cruel, inhuman or degrading treatment or punishment**

An open-ended working group of the Commission on Human Rights met prior to the Commission's fortieth session to continue work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, and provisionally adopted the draft convention. In its resolution 1984/21 of 6 March 1984,<sup>87</sup> the Commission requested the Secretary-General to bring the documents referred to in paragraph 2 to the attention of the Governments of all States and to invite these Governments to communicate to him, preferably before 1 September 1984, their comments on the draft convention contained in the annex to the working group's report; it recommended that the General Assembly consider, pursuant to its resolution 38/119, the draft convention contained in the annex to the working group's report as a matter of priority, with a view to the early adoption of a convention against torture and other cruel, inhuman or degrading treatment or punishment.

At its thirty-ninth session, the General Assembly, in its resolution 39/46 of 10 December 1984,<sup>88</sup> expressed its appreciation for the work achieved by the Commission on Human Rights in preparing the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

### **L. Slavery and the slave trade**

By its resolution 1984/40 of 12 March 1984,<sup>89</sup> the Commission on Human Rights requested the Secretary-General to call upon States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions, and to call upon other States, intergovernmental organizations, relevant agencies of the United Nations and non-governmental organizations concerned and the International Criminal Police Organization (INTERPOL) to supply relevant information to the Working Group on Slavery. The Commission also requested the Secretary-General to transmit the statements submitted to the Working Group on Slavery at its seventh session by the Anti-Slavery Society for the Protection of Human Rights, the Minority Rights Group and the International Abolitionist Federation containing allegations specifically on slavery-like practices in certain countries to the Governments concerned for observations and comments.

Pursuant to draft resolution XI of the Commission on Human Rights,<sup>90</sup> the Economic and Social Council, in its resolution 1984/34 of 24 May 1984,<sup>91</sup> requested

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<sup>87</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>88</sup> A/39/51, Supplement No. 51.

<sup>89</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>90</sup> *Ibid.*, chap. I A.

<sup>91</sup> E/1984/84.

the Secretary-General to entrust a working group composed of experts designated by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization with the task of conducting a comprehensive study on the phenomenon of traditional practices affecting the health of women and children.

At its thirty-seventh session, the Sub-Commission considered the report of the mission to Mauritania prepared by its expert.<sup>92</sup>

By its resolution 1984/28 of 30 August 1984,<sup>93</sup> the Sub-Commission expressed its appreciation to the Government of the Islamic Republic of Mauritania for inviting a mission of the Sub-Commission to visit Mauritania, for the facilities placed at the mission's disposal during its stay in Mauritania, enabling it to meet freely with a great variety of persons and for its exemplary co-operation with the United Nations in this matter; it also expressed further its high appreciation to the expert for his excellent and valuable report.

The Sub-Commission also considered, during its thirty-seventh session, the report of the Working Group on Slavery,<sup>94</sup> which held its tenth session in Geneva from 30 July to 3 August 1984. By its resolution 1984/33 of 30 August 1984,<sup>95</sup> the Sub-Commission, *inter alia*, requested the Commission on Human Rights to request the Sub-Commission to consider undertaking, at the appropriate time, a study concerning alleged slavery-like practices against women and children, as mentioned in the report of the Working Group on Slavery, indicating ways and means by which women and children subjected to such practices could best be assisted and rehabilitated, for subsequent consideration by the Commission on Human Rights, and also the study on debt bondage, as recommended on previous occasions by the Sub-Commission; it also requested the United Nations Children's Fund, the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to give particular attention in their technical assistance programmes to situations where poverty is leading to or perpetuating slavery and slavery-like practices.

## M. Rights of the child

### 1. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

A pre-sessional working group on the draft convention on the rights of the child was held prior to the fortieth session of the Commission on Human Rights. By its resolution 1984/24 of 8 March 1984,<sup>96</sup> the Commission authorized a meeting of an open-ended working group for a period of one week prior to the forty-first session of the Commission on Human Rights to facilitate and speed up the completion of the

<sup>92</sup> E/CN.4/Sub.2/1984/23.

<sup>93</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. II B.

<sup>94</sup> E/CN.4/Sub.2/1984/25.

<sup>95</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. XVIII A.

<sup>96</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

work on a draft convention on the rights of the child. This recommendation was endorsed by Council resolution 1984/25 of 24 May 1984.<sup>97</sup>

By its resolution 39/135 of 14 December 1984,<sup>98</sup> the General Assembly, *inter alia*, requested the Commission on Human Rights to give the highest priority to this question and to make every effort at its forty-first session to complete the draft convention and to submit it, through the Economic and Social Council, to the General Assembly at its fortieth session.

## 2. EXPLOITATION OF CHILD LABOUR

At its fortieth session in 1984, the Commission on Human Rights by its resolution 1984/35 of 12 March 1984,<sup>99</sup> requested the Secretary-General to organize, in close co-operation with the International Labour Office, a seminar on ways and means to achieve the elimination of the exploitation of child labour in all parts of the world, within the framework of the Programme of Advisory Services in the Field of Human Rights.

The Economic and Social Council, by its resolution 1984/28 of 24 May 1984,<sup>100</sup> endorsed the Commission's recommendations that the Secretary-General organize in close co-operation with the International Labour Office, a seminar on ways and means of achieving the elimination of the exploitation of child labour.

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, by its resolution 1984/33 of 30 August 1984<sup>101</sup> to submit to the Commission for its consideration the resolution mentioned above.

## N. Human rights of disabled persons

By its resolution 1984/20 of 29 August 1984,<sup>102</sup> the Sub-Commission on Prevention of Discrimination and Protection of Minorities, *inter alia*, requested the Special Rapporteur to take account in his study of any relevant information received from Governments, specialized agencies, regional international organizations and non-governmental organizations, paying particular attention to the views of organizations of disabled persons; it also requested the Special Rapporteur to include on a preliminary basis, an outline of the topic of scientific experimentation as it relates to disability.

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<sup>97</sup> E/1984/84.

<sup>98</sup> A/39/51, Supplement No. 51.

<sup>99</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>100</sup> E/1984/84.

<sup>101</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. XVIII A.

<sup>102</sup> *Ibid.*

### O. International legal protection of the human rights of individuals who are not citizens of the country in which they live

At its thirty-ninth session, the General Assembly considered the report of the Working Group established for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live.<sup>103</sup>

By its resolution 39/103 of 14 December 1984,<sup>104</sup> the General Assembly requested the Secretary-General to invite Governments to submit further comments and views on the draft declaration as a whole, taking into consideration the progress made by the Working Group and the present state of the draft, in time for their inclusion in a report of the Secretary-General to be submitted to the General Assembly at its fortieth session.

### P. Indigenous populations

At its fortieth session, the Commission on Human Rights in its resolution 1984/32 of 12 March 1984,<sup>105</sup> commended the Working Group for its efforts to establish a long-term programme of work and looks forward to receiving elements for draft standards regarding the rights of indigenous populations.

By its resolution 1984/35A of 30 August 1984,<sup>106</sup> the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having examined the study submitted by the Special Rapporteur,<sup>107</sup> requested the Commission on Human Rights to transmit the study to all States Members of the United Nations, the specialized agencies, particularly the International Labour Organisation, the World Health Organization, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization, the International Atomic Energy Agency, United Nations bodies concerned and all non-governmental organizations concerned with human rights issues, drawing their attention to its conclusions, proposals and recommendations, and requesting them to submit any comments they may wish to make to the Secretary-General for transmission to the Working Group on Indigenous Populations at its fourth session, and to the Sub-Commission at its thirty-eighth session.

By its resolution 1984/35B adopted on the same day,<sup>108</sup> the Sub-Commission having examined the report of the Working Group at its third session,<sup>109</sup> requested the Working Group to consider elaborating, as appropriate, analytical papers with a view to their subsequent circulation to interested observers, analyses of basic issues such as the legal foundations of indigenous rights in general, as well as draft principles relating to land rights.

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<sup>103</sup> A/C.3/39/9 and Corr.1.

<sup>104</sup> A/39/51, Supplement No. 51.

<sup>105</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>106</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>107</sup> E/CN.4/Sub.2/476 and Add.1-6.

<sup>108</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. I B.

<sup>109</sup> E/CN.4/Sub.2/1984/20.

### Q. Human rights of migrant workers

At its fortieth session, the Commission on Human Rights, by its resolution 1984/61 of 15 March 1984,<sup>110</sup> *inter alia*, welcomed the progress being made by the open-ended working group in the discharge of its mandate, and expressed the hope that the General Assembly will complete the elaboration of the Convention as soon as possible.

By its resolution 39/102 of 14 December 1984,<sup>111</sup> the General Assembly took note with satisfaction of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and commended it for concluding, in its first reading, the drafting of the preamble and articles, which will serve as the basis for the second reading of the draft convention.

### R. Human rights and scientific and technological developments

At its fortieth session, the Commission on Human Rights adopted a number of resolutions relating to the question of human rights and scientific and technological developments.

By its resolution 1984/27 of 12 March 1984,<sup>112</sup> the Commission invited all Member States and relevant international organizations that have not yet done so to submit to the Secretary-General their views on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms.

By its resolution 1984/28 of the same date,<sup>113</sup> the Commission appealed to all States, appropriate organs of the United Nations, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms.

By its resolution 1984/29 of the same date,<sup>114</sup> the Commission stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, in order to promote human rights and fundamental freedoms under conditions of scientific and technological progress.

Finally, the Commission adopted, on the same day, resolution 1984/30,<sup>115</sup> by which it requested the Secretary-General to invite Members of the United Nations,

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<sup>110</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>111</sup> A/39/51, Supplement No. 51.

<sup>112</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

United Nations bodies and specialized agencies to submit their views and comments on the recommendations of the international experts.

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, adopted another resolution relating to the question of human rights and scientific and technological developments.

By its resolution 1984/12 of 29 August 1984,<sup>116</sup> the Sub-Commission requested the Special Rapporteur, taking account of the information received, to submit to the Sub-Commission at its thirty-eighth session, the proposed final guidelines in the field of computerized personnel files.

The General Assembly also examined the question of human rights and scientific and technological developments at its thirty-ninth session. In its resolution 39/133 of 14 December 1984,<sup>117</sup> it called upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress.

By its resolution 1984/134 of the same date,<sup>118</sup> the Assembly again called upon all States that have not yet done so to take effective measures with a view to prohibiting any propaganda for war, in particular the formulation, propounding and dissemination of propaganda for doctrines and concepts aimed at unleashing nuclear war.

#### **S. The new international economic order and the protection of human rights**

At its fortieth session, the Commission on Human Rights adopted a resolution relating to the question of the new international economic order and the protection of human rights.

By its resolution 1984/17 of 6 March 1984,<sup>119</sup> the Commission recommended that the Economic and Social Council should arrange for the study on the new international economic order and the promotion of human rights to be published and given the widest possible distribution in all the official languages of the United Nations. The Economic and Social Council endorsed this resolution by its decision 1984/133 of 24 May 1984.<sup>120</sup>

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it a report by its Special Rapporteur entitled "The right to adequate food as a human right".<sup>121</sup> By its resolution 1984/15 adopted on 29 August 1984,<sup>122</sup> the Sub-Commission requested the Special Rapporteur to continue his work on the above-mentioned study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session.

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<sup>116</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. XVIII A.

<sup>117</sup> A/39/51, Supplement No. 51.

<sup>118</sup> *Ibid.*

<sup>119</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>120</sup> E/1984/84.

<sup>121</sup> E/CN.4/Sub.2/1984/22 and Add.1 and 2.

<sup>122</sup> E/CN.4/1985/3; E/CN.4/Sub.2/1984/43, chap. XVIII A.

## T. Further promotion and encouragement of human rights and fundamental freedoms

### 1. PROGRAMMES AND METHODS OF WORK OF THE COMMISSION AND ITS SUB-COMMISSION

At its fortieth session, the Commission on Human Rights noted with appreciation the review undertaken by the open-ended working group.<sup>123</sup>

By its resolution 1984/59 of 15 March 1984,<sup>124</sup> the Commission decided to consider at its forty-first session, in the light of discussion at the thirty-ninth session of the General Assembly, the establishment of an open-ended working group to continue the overall analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of programmes and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

By its decision 1984/112 adopted on 15 March 1984,<sup>125</sup> the Commission decided, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, to adjourn the debate on draft resolution E/CN.4/1984/L.23 and the amendments thereto contained in documents E/CN.4/1984/L.90 and E/CN.4/1984/L.102, and on draft resolution E/CN.4/1984/L.89, until its forty-first session.

### 2. PUBLIC INFORMATION ACTIVITIES IN THE FIELD OF HUMAN RIGHTS

At its fortieth session, the Commission on Human Rights had before it a report by the Secretary-General concerning stimulation of public interest in the promotion and protection of human rights.<sup>126</sup>

By its resolution 1984/58 of 15 March 1984,<sup>127</sup> the Commission, *inter alia*, requested the Secretary-General to take all appropriate measures to enhance and further develop the promotional and public information activities of the Centre for Human Rights in order to enable it better to carry out its functions as a lead agency within the United Nations system on human rights matters.

## U. Advisory services in the field of human rights

At its fortieth session, the Commission on Human Rights had before it a report by the Secretary-General concerning the Programme of Advisory Services in the Field of Human Rights.<sup>128</sup>

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<sup>123</sup> E/CN.4/1984/73.

<sup>124</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>125</sup> *Ibid.*, chap. II B.

<sup>126</sup> E/CN.4/1984/23.

<sup>127</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

<sup>128</sup> E/CN.4/1984/44.



By its resolution 1984/44 of 13 March 1984,<sup>129</sup> the Commission on Human Rights, *inter alia*, expressed its appreciation to the Secretary-General for his efforts to provide assistance in the field of human rights to Governments, at their request, under the Programme of Advisory Services in the Field of Human Rights; it also requested the Secretary-General to continue and, as appropriate, to enhance such assistance in the field of human rights within the framework of the programme of advisory services.

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<sup>129</sup> E/1984/14; E/CN.4/1984/77, chap. II A.

## **Section B. Specialized agencies**

### **A. Food and Agriculture Organization of the United Nations (FAO)**

#### **RURAL POOR AND HUMAN RIGHTS ISSUES**

Recent trends indicate that a larger number of rural people are either losing access to land they cultivated, or are left with fragmented and small holdings which cannot produce enough to meet their basic needs. Access to land for the rural populations of the developing world is a precondition for gainful employment and survival and, therefore, for meeting basic human rights.

The Declaration of Principles and the Programme of Action of the World Conference on Agrarian Reform and Rural Development (WCARRD), which was organized by FAO, identified—among others—access to land and water as a precondition for rural development.

FAO gives priority to its programmes for improving the social and economic conditions of the disadvantaged rural populations of the developing world. Within this context, FAO provides assistance to its member countries in the formulation and implementation of national policies for reforms of their agrarian structures. The objectives are to provide access to land and water to the disadvantaged rural populations and to encourage the establishment of purposeful groupings and associations for their active participation in development.

Furthermore, FAO emphasizes the need to its member countries of introducing a policy focus on the rural poor, recognizing the fact that under existing agrarian and power structures, the means and benefits of development would not otherwise reach them.

FAO also supports the settlement in agriculture of large numbers of refugees in the developing regions, particularly in Africa, so as to provide them with basic requirements and employment, thereby regaining their dignity and basic human rights.

To this end, FAO, as the lead agency of the UN ACC Task Force on Rural Development, and in co-operation with other members, has worked towards collaboration and co-ordination within the UN family, for assisting countries in improving the social and economic conditions of the disadvantaged rural populations and, therefore, in meeting an important condition for gaining their human rights.

### **B. International Labour Organisation (ILO)**

#### **1. GENERAL**

A general review of the activities of the International Labour Organisation in 1984 having a bearing on the recognition and promotion of human rights, as defined

in the Universal Declaration of Human Rights, may be found in Part II of the Report of the Director-General to the 71st session of the International Labour Conference, 1985.

## 2. ADOPTION OF INTERNATIONAL LABOUR STANDARDS

At its 70th session, in 1984, the International Labour Conference adopted the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169). This Recommendation supplements the Employment Policy Convention and Recommendation of 1964. It deals with certain general principles of employment policy, population policy, the employment of youth and disadvantaged groups and persons, technology policies, employment in the informal sector, employment in small undertakings, regional development policies with a view to promoting employment, public investment and special public works programmes, international economic co-operation and employment, and international migration and employment. The Recommendation states that full recognition by member States of the right to work should be linked with the implementation of economic and social policies aimed at the promotion of full, productive and freely chosen employment.

## 3. CONFERENCE DISCUSSION ON INTERNATIONAL LABOUR STANDARDS

A discussion on international labour standards took place at the 70th session (1984) of the International Labour Conference on the basis of the Director-General's report on this question. An analysis of this discussion (Doc. GB.228/4/2) was presented in November 1984 to the Governing Body, which approved various proposals for further action. In particular, the Governing Body decided to establish a working party to consider and make recommendations concerning future policy regarding the adoption of international labour standards, including a review of subjects on which the preparation of new or revised standards might be considered.

## 4. RATIFICATION OF CONVENTIONS

During 1984, 30 ratifications of international labour conventions were registered, bringing the total to 5,167 at 31 December 1984. At that date the number of ratifications of certain key conventions dealing with trade union rights, forced labour, equality and employment was as follows:

<i>Convention</i>	<i>Number of ratifications</i>
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).....	97
Right to Organise and Collective Bargaining Convention, 1949 (No. 98).....	113
Workers' Representatives Convention, 1971 (No. 135).....	41
Rural Workers' Organisations Convention, 1975 (No. 141).....	25
Labour Relations (Public Service) Convention, 1978 (No. 151) .....	16
Forced Labour Convention, 1930 (No. 29).....	128
Abolition of Forced Labour Convention, 1957 (No. 105).....	109

<i>Convention</i>	<i>Number of ratifications</i>
Equal Remuneration Convention, 1951 (No. 100).....	105
Discrimination (Employment and Occupation) Convention, 1958 (No. 111).....	107
Employment Policy Convention, 1964 (No. 122) .....	70

#### 5. COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

The Committee of Experts held its 54th session in March 1984. Its main report, containing in particular comments arising out of the examination of reports on ratified conventions, was published as Report III (Part 4A) of the International Labour Conference, 70th session. This report also contained a special section reviewing action for the elimination of discrimination taken by countries that have not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and general remarks concerning problems encountered in the implementation of the Employment Policy Convention, 1964 (No. 122).

#### 6. REPRESENTATIONS AND COMPLAINTS CONCERNING THE OBSERVANCE OF RATIFIED CONVENTIONS

(a) The Commission of Inquiry, appointed in 1983 to examine complaints concerning the observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), presented its report in May 1984 (see *ILO Official Bulletin*, vol. LXVII, 1984, Series B, Special Supplement).

(b) In 1983, the Governing Body received a representation by the Belgian General Federation of Labour concerning the observance by Belgium of several conventions relating to freedom of association, hours of work, night work and social security. The questions of freedom of association were referred to the Committee on Freedom of Association and its conclusions were adopted by the Governing Body in November (see *Official Bulletin*, vol. LXVI, 1983, Series B, No. 3, pp. 60-68). Conclusions on the other questions were approved by the Governing Body in February 1984 (GB.225/20/15).

(c) In June 1984, the Governing Body set up a committee to examine a representation by the World Federation of Trade Unions concerning the observance by the Federal Republic of Germany of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

(d) In November 1984, the Governing Body approved the report of the committee established to examine the representation made by the Confederation of Private Employers of Bolivia alleging non-observance by Bolivia of conventions concerning minimum wage fixing, Nos. 26 and 131 (GB.228/9/19).

(e) The Governing Body received a representation by several workers' organizations of Costa Rica concerning the observance by Costa Rica of a number of conventions relating to freedom of association, labour inspection, tripartite consultation, employment policy, minimum wages, social security and minimum age. In June 1984, it set up a committee to examine the representation, with the exception of

questions concerning freedom of association which were referred to the Committee on Freedom of Association.

(f) The Governing Body received a representation by the General Confederation of Portuguese Workers concerning the observance by Portugal of certain conventions dealing with forced labour, labour inspection, freedom of association, protection of wages and holidays with pay. The question of freedom of association was referred to the Committee on Freedom of Association. In June 1984, the Governing Body established a committee to examine the other questions raised in the representation.

(g) In November 1984, the Governing Body adopted the report of the Committee established to examine the representation made by the National Trade Union Co-ordination Council of Chile concerning the observance of certain conventions relating to hours of work, forced labour and employment policy (GB.228/8/3).

#### 7. GOVERNING BODY COMMITTEE ON FREEDOM OF ASSOCIATION

The Committee held three meetings in 1984 and submitted five reports to the Governing Body containing conclusions in 64 cases (see 223rd to 237th reports, ILO *Official Bulletin*, vol. LXVII, 1984, Series B, Nos. 1 to 3). An on-the-spot mission was carried out in September 1984 by a representative of the Director-General to Turkey in connection with complaints pending before the Committee and a representation made by the General Federation of Trade Unions in Norway alleging non-observance by Turkey of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

#### 8. SPECIAL STUDIES OF THE TRADE UNION SITUATION AND INDUSTRIAL RELATIONS SYSTEM IN SELECTED EUROPEAN COUNTRIES

These studies have been undertaken in response to resolutions adopted by ILO European Regional Conferences. In 1984 two studies, relating to Spain and Yugoslavia were completed (see *The Trade Union Situation and Labour Relations in Spain* and *The Trade Union Situation and Labour Relations in Yugoslavia*, ILO, 1985).

#### 9. ACTIVITIES CONCERNING APARTHEID AND PROMOTION OF EQUALITY IN SOUTHERN AFRICA

(a) A further *Special Report on the Application of the Declaration concerning the Policy of Apartheid in South Africa*, as updated by the International Labour Conference in 1981, was presented to the Conference at its 70th session (June 1984). It reviewed developments in South Africa and at the international level (including assistance by the ILO in southern Africa) and information from governments of other States and employers' and workers' organizations on measures taken by them against *apartheid*. The report was examined by the Conference Committee on *Apartheid* (for the Committee's conclusions, see ILO *Official Bulletin*, vol. LXVII, 1984, Series A, No. 2, pp. 107-109).

(b) A tripartite conference on *apartheid* was organized in May 1984 in Lusaka, Zambia, to give effect to recommendations adopted by the Committee on *Apartheid* at the 1983 session of the International Labour Conference. The conclusions reached by the tripartite conference were unanimously approved in June by the International Labour Conference.

#### 10. SITUATION OF WORKERS OF ARAB TERRITORIES OCCUPIED BY ISRAEL

As in previous years a mission was carried out in February/March 1984 by a representative of the Director-General to examine the situation of workers of the Arab occupied territories, including ways of developing assistance for them. It was preceded by preparatory missions to neighbouring Arab countries for consultations with government, employer and worker circles and with representatives of the Palestine Liberation Organization. The report on this mission was published as Appendix III to the report of the Director-General to the 70th session of the International Labour Conference.

#### 11. TRIPARTITE SEMINAR ON NON-DISCRIMINATORY EMPLOYMENT PRACTICES

A tripartite seminar was held in Saint Vincent in October 1984 for countries in the Caribbean to discuss a draft guide to non-discriminatory employment practices.

### C. United Nations Educational, Scientific and Cultural Organization (UNESCO)

#### 1. RESEARCH IN THE FIELD OF HUMAN RIGHTS

Within the framework of Major Programme XII (The Elimination of Prejudice, Intolerance, Racism and *Apartheid*) and under Subprogramme XII.2.4 (Action in the field of culture in support of the struggle against prejudice, intolerance and racism) two working groups composed of 11 scholars in different social science disciplines from the southern Africa subregion developed a framework for a study on the interactions between colonialism, racism and *apartheid* at a workshop organized at the University of Zimbabwe in October 1984. The findings will be of use to the United Nations Centre against *Apartheid*, the United Nations Council for Namibia, the United Nations Commission on Human Rights, anti-*apartheid* movements, anti-racist organizations, non-governmental organizations and the scientific community as a whole and will also serve to mobilize public opinion in the struggle against *apartheid*.

Under Major Programme XII and Subprogramme XII.1.2 (Concepts and models for the socio-political study of intolerance and racism), an informal consultation of experts in the social and human sciences to decide on the studies that need to be undertaken on the socio-economic, cultural and political causes of racism and *apartheid* was held in Beijing, China, in November 1984, attended by 18 participants and 17 observers. This consultation, the first meeting held in China under this programme, resulted in an exchange of experience between Chinese scholars,

ethnologists and anthropologists in the Institute of Nationality Studies in the Chinese Association of Social Sciences and others attending the meeting.

Under Subprogramme XII.3.2 (Study of the theoretical and ideological foundations of *apartheid*), the following studies were undertaken in 1984: an analysis of the social, economic and historical development of the *apartheid* state before and after 1948; a study by the Institute of southern African Studies, National University of Lesotho, on the influence of fascism and nazism on the systematization of *apartheid*; a study on *apartheid* as a means of regulating the labour supply and controlling urban society. The results of this research will be widely disseminated in 1986 for use by the scientific community, anti-*apartheid* groups, the general public, the United Nations system and the national liberation movements recognized by the Organization of African Unity.

Under Subprogramme XII.3.3 (Struggle against *apartheid* in education, science, culture, communication and information), two research studies were undertaken to gain further understanding of the effects of *apartheid* in UNESCO's fields of competence and to strengthen co-operation with specialists in the social sciences and research groups in this field of investigation. These studies provide information on key issues relating to the access of Africans to scientific and technical research and advanced training in South Africa, and examine the impact of *apartheid* on African traditions in South Africa and Namibia.

Within the framework of Major Programme XIII (Peace, International Understanding, Human Rights and the Rights of Peoples), comparative studies clarifying the concept of human rights in various cultural and religious traditions have been carried out in co-operation with the International Sociological Association (ISA), the Latin American Social Science Council (CLACSO) and a number of national research institutions and universities.

In co-operation with the International Social Science Council (ISSC), a series of studies on human rights and recent advances in science and technology were carried out benefiting from the co-operation of the International Council of Scientific Unions (ICSU) and of the International Council for Philosophy and Humanistic Studies (ICPHS).

In 1984, UNESCO published *Science and Scientific Researchers in Modern Society* (author Dr. John P. Dickinson), various aspects of which deal specifically with the way in which the activities of scientific researchers impinge on the human rights field.

In collaboration with specialized institutions, universities and non-governmental organizations, a series of studies was launched in 1984 on the measures taken in different countries with a view to ensuring the effective exercise of human rights for disadvantaged social groups. In addition to two general studies entrusted to the International Commission of Jurists and the Université Laval in Canada, eight case-studies were concerned with the unemployed and migrants in Italy and in Syria, handicapped persons in Canada and Yugoslavia, the elderly in the United States and Ghana and the poor in India and Argentina. An international meeting of experts convened for December 1985, should make it possible, on the basis of these studies, to propose solutions likely to improve action taken in favour of disadvantaged groups. The findings of this work will be communicated to the United Nations Sub-commission on Prevention of Discrimination and Protection of Minorities.

In order to elucidate the meaning of peoples' rights, their theoretical and practical implications in various fields of disciplines, a series of studies were undertaken. The interrelationship between human rights and peoples' rights was also a major concern in this research. These studies are: "L'histoire et l'analyse des droits des peuples, des droits de l'individu et leurs relations dans la pensée philosophique"; "Human rights, people's rights and sociological theory and research"; "The development of the concept of human rights and freedoms in the XIXth and XXth centuries"; "La problématique des droits des peuples: sa portée historique et pratique"; "Human rights, rights of peoples and problems of legal theory and research"; "Law—individual and people's rights—in racially plural societies undergoing social change".

## 2. TEACHING OF HUMAN RIGHTS

UNESCO continued to implement the Plan for the Development of Human Rights Teaching.

The training of young professors and researchers was strengthened by giving support to national, subregional, regional and international institutions specialized in human rights. Co-operation continued in this field with the Centre de recherche interdisciplinaire pour les droits de l'homme en Afrique centrale, the International Institute of Human Rights (Strasbourg), the University of Lagos, and the Asociacion Latinoamericana para los Derechos Humanos (Quito).

A chart of ratifications by Member States of international instruments relating to human rights has been updated and prepared for publication by late 1985.

Surveys on human rights documentation centres in Africa, Latin America, Asia, the Arab States and Europe were conducted in co-operation with national institutions or universities.

The publications *Human Rights Teaching* (No. 4), *Human Rights: Questions and Answers* (translated into Swedish, Arabic and Portuguese) and *International Dimensions of Human Rights* (published in English, Spanish and Japanese) have been widely disseminated.

Pursuant to Resolution 13.5 adopted by the General Conference at its 22nd session, which invited, *inter alia*, the Director-General to intensify his efforts to achieve the implementation of the Plan for the Development of Human Rights Teaching and to organize a meeting to examine the state of its implementation, a questionnaire was sent to National Commissions for UNESCO, non-governmental organizations and institutions specialized in human rights.

The UNESCO Prize for the Teaching of Human Rights was awarded at a ceremony in October 1984 to Professor Felix Ermacora (Austria). An honourable mention was awarded to Professor Kadir Asmal.

With regard to the secondary level of education for human rights, the publication *Teaching for International Understanding, Peace and Human Rights* was published by UNESCO in 1984 in English only and was edited by Norman J. Graves (United Kingdom), O. James Dunlop (United Kingdom) and Judith V. Torney-Purta (United States of America). It contains 11 chapters by educators from different countries throughout the world on various facets of international education.



#### D. World Health Organization (WHO)

The Constitution of WHO and numerous resolutions adopted by the World Health Assembly have reaffirmed that health is a basic right; that it is essential to the satisfaction of basic human needs and the quality of life; and that it is to be attained by all people.

The 1978 Declaration of Alma Ata and various doctrines that have been developed by Member States through the World Health Organization and other international development agencies, embody a number of fundamental principles for health development as a basic human right. They include, *inter alia*, the responsibility of governments for the health of their people; the right and duty of people individually and collectively to participate in the development of their health; more equitable distribution of health resources within and among countries, including their preferential allocation to those in greatest social need, so that the health system adequately covers the whole population.

WHO is promoting research on the health problems of child labour which includes exploitative work such as child prostitution. This research aims at studying the health hazards of child labour, working conditions and environments and the critical age for hazardous undertakings. It has, as one of its objectives, to determine and field-test strategies and approaches for providing integrated health care for working children. The Organization has developed a Training Manual and Facilitators Guidelines on Research Methodology to Study the Health Aspects of Child Labour.

WHO participated actively in the working group set up in pursuance of ECOSOC resolution 1984/48 to conduct a comprehensive study on the phenomenon of traditional practices affecting the health of women and children.

Within the framework of the General Assembly resolutions on the importance of the universal realization of the right of peoples to self-determination and independence, WHO continues to co-operate in the health field with the national liberation movements recognized by the Organization of African Unity and provides assistance to refugees in Africa. It also assists in the improvement of the health situation of the Palestinian people.

Within its programme of workers' health WHO continues to pay great attention to the health of migrant workers and their families. Studies of health problems of migrant workers have been included in the global medium-term programme for workers' health developed according to the Seventh General Programme of Work covering the period 1984-1989.

## ANNEX

**Text of revised Part Three of the general guidelines  
concerning the form and contents of reports by  
States parties under article 9, paragraph 1, of the  
International Convention on the Elimination of All Forms  
of Racial Discrimination**

*as adopted by the Committee on the Elimination of  
Racial Discrimination at its 673rd meeting  
(twenty-ninth session) on 22 March 1984*

PART THREE

INTERPRETATION AND AMENDMENTS

**XIX. Interpretation and amendments**

*Underlined headings*

*Rule 98*

The underlined headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

*Amendments*

*Rule 99*

These rules of procedure may be amended by a decision of the Committee.

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