

# **COMMISSION ON HUMAN RIGHTS**

## **REPORT ON THE FORTIETH SESSION**

**(6 February-16 March 1984)**

**ECONOMIC AND SOCIAL COUNCIL**

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**NOTE**

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

**E/1984/14  
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ABBREVIATIONS

ILO	International Labour Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

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

A. Draft resolutions

I. Measures to combat racism and racial discrimination 1/

The Economic and Social Council,

Mindful of resolution 1983/10 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/9 of 28 February 1984 related to measures to combat racism and racial discrimination,

1. Authorizes 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 in this field, if any, between the first and second world conferences to combat racism and racial discrimination, taking into account also the resolutions the General Assembly might adopt on the report of the Second World Conference to Combat Racism and Racial Discrimination 2/ and the first-stage implementation of the Programme of Action for the Second Decade; 3/

2. Recommends that they study should propose new or additional measures in this field which can be taken up for examination by the Sub-Commission;

3. Requests the Secretary-General to give all necessary assistance to Mr. Asbjørn Eide in his work;

4. Requests that the study be presented to the Sub-Commission at its thirty-eighth session.

II. Question of a convention on the rights of the child 4/

The Economic and Social Council,

Recalling General Assembly resolution 38/114 of 16 December 1983, by which the General Assembly requested the Commission on Human Rights to give the highest priority at its fortieth session to the question of completing the draft convention

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\*/ See also chapter II, containing resolutions and decisions adopted by the Commission, some of which make reference to the Economic and Social Council.

1/ See chap. II, sect. A, resolution 1984/9, and chap. XVII.

2/ United Nations publication, Sales No. E.83.XIV.4.

3/ General Assembly resolution 38/14, annex.

4/ See chap. II, sect. A, resolution 1984/24, and chap. XIII.

on the rights of the child, and Economic and Social Council resolution 1983/39 of 27 May 1983, by which the Council authorized a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission to facilitate and speed up the completion of the work on a draft convention on the rights of the child,

Considering that it was not found possible to complete the work on the draft convention during the fortieth session of the Commission,

Taking note of Commission on Human Rights resolution 1984/24 of 8 March 1984,

1. Authorizes 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 work on a draft convention on the rights of the child;

2. Requests the Secretary-General to transmit documents relating to the draft convention on the rights of the child to the Commission on Human Rights at its forty-first session and to extend all facilities to the open-ended working group during its meeting prior to the forty-first session of the Commission.

### III. Human rights violations and disabled persons 5/

#### The Economic and Social Council

Recalling its resolution 1983/19 of 26 May 1983,

Having regard to the Declaration on the Rights of Mentally Retarded Persons, the Declaration on the Rights of Disabled Persons and the Declaration on the Rights of Deaf-Blind Persons,

Welcoming the decision of the General Assembly, in its resolution 37/53 of 3 December 1982, to proclaim the period 1983-1992 United Nations Decade of Disabled Persons,

Deeply concerned that serious violations of human rights remain a significant cause of temporary and permanent disability,

1. Encourages the efforts of the Secretary-General to obtain the views of United Nations Bodies, specialized agencies, regional intergovernmental organizations, the International Committee of the Red Cross and other concerned non-governmental organizations on ways and means of preventing serious violations of human rights which may cause disabilities;

2. Requests Governments to pay particular attention to ways and means of strengthening procedures whereby disabled persons may seek redress for human rights violations in accordance with resolution 1982/1 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

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5/ See chap. II, sect. A, resolution 1984/31, and chap. XIX.



3. Invites Governments, in consultation with organizations of and for disabled persons, to inform the Secretary-General of their views and policies on these issues so that he can transmit them to the Sub-Commission, in accordance with its resolution 1982/1, for consideration at its thirty-seventh session;

4. Requests the Sub-Commission to appoint a special rapporteur to undertake a thorough study, in consultation with the Centre for Social Development and Humanitarian Affairs, of the causal connection between serious violations of human rights and fundamental freedoms and disability as well as of the progress made to alleviate problems, and to submit its views and recommendations, through the Commission on Human Rights and the Commission on Social Development, to the Economic and Social Council at its first regular session in 1986;

5. Decides exceptionally to inscribe on the agenda of its first regular session in 1986 a special item on disabled persons to coincide with the approach of the 1987 mid-term of the Decade of Disabled Persons (1983-1992), in order to allow for a full debate of the Special Rapporteur's report and the views and recommendations of the Sub-Commission, the Commission on Human Rights and the Commission on Social Development on these and related issues.

#### IV. Conscientious objection to military service 6/

##### The Economic and Social Council

##### 1. Decides:

(a) That the report prepared by Mr. Eide and Mr. Mubanga-Chipoya on conscientious objection to military service 7/ should be printed and given the widest distribution;

(b) To transmit the report for comments and observations to Governments and to relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations;

2. Requests the Secretary-General to report to the Commission at its forty-first session on those comments and observations as well as on other significant developments regarding the human rights of conscientious objectors;

3. Requests the Commission on Human Rights to study the report on conscientious objection to military service, including the recommendations contained in that report, as well as the report of the Secretary-General containing the comments and observations, under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

#### V. Exploitation of child labour 8/

##### The Economic and Social Council

Requests the Secretary-General to organize, in close co-operation with the International Labour Office, a seminar on ways and means by which 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.

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6/ See chap. II, sect. A, resolution 1984/33, and chap. XIX.

7/ E/CN.4/Sub.2/1983/30.

8/ See chap. II, sect. A, resolution 1984/35, and chap. XIX.

VI. Violations of human rights and fundamental freedoms - Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country 9/

The Economic and Social Council,

Recalling the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country, 10/ submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session, in 1963, by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session.

Also recalling Sub-Commission resolution 7 (XXXIV) of 9 September 1981, by which the Sub-Commission requested the Secretary-General to submit to it at its thirty-fifth session a concise note informing it of the consideration given by the Commission on Human Rights and the Economic and Social Council to the report on the aforementioned study,

Noting the report 11/ of the Secretary-General submitted pursuant to the above-mentioned resolution,

Noting also Sub-Commission resolutions 1982/23 of 8 September 1982 and 1983/5 of 31 August 1983 and Commission on Human Rights resolution 1984/37 of 12 March 1984,

1. Endorses the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Mubanga-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;
2. Requests the Rapporteur to present to the Sub-Commission at its thirty-seventh session for its consideration recommendations for promoting and encouraging respect for and observance of this right;
3. Requests the Secretary-General to provide all necessary assistance to Mr. Mubanga-Chipoya for the completion of this task.

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9/ See chap. II, sect. A, resolution 1984/37, and chap. XIX.

10/ United Nations publication, Sales No. 64.XIV.2.

11/ E/CN.4/Sub.2/1982/27.

VII. Report on the exploitation of labour through illicit and clandestine trafficking 12/

The Economic and Social Council

1. Decides:

(a) That the report prepared by Mrs. Warzazi on the exploitation of labour through illicit and clandestine trafficking 13/ should be printed and given the widest distribution;

(b) To transmit the report for comments and observations to Governments and to relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations;

2. Requests that the Secretary-General report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session on those comments and views as well as on other significant developments regarding the human rights of migrant workers.

VIII. The status of the individual and contemporary international law 14/

The Economic and Social Council,

Mindful of resolution 1983/17 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/41 of 12 March 1984,

Recognizing the importance and usefulness of the study entitled "The status of the individual and contemporary international law", in particular in the field of the protection of the human rights of the individual at regional and international levels,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her preliminary report and the excellent work she has so far accomplished in connection with the important study in progress entitled "The status of the individual and contemporary international law",

1. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission at its thirty-seventh session;

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12/ See chap. II, sect. A, resolution 1984/38, and chap. XIX.

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

14/ See chap. II, sect. A, resolution 1984/41, and chap. XIX.

2. Requests the Secretary-General to transmit, as soon as possible, a reminder with the relevant questionnaire to Governments, specialized agencies, regional and other intergovernmental organizations and non-governmental organizations which have not yet replied to the above-mentioned questionnaire to submit, if they wish to do so, their comments, views and information to the Special Rapporteur;

3. Further requests the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work.

IX. Advisory services in the field of human rights -  
Assistance to the Government of Bolivia 15/

The Economic and Social Council,

Bearing in mind Commission on Human Rights resolution 1984/43 of 13 March 1984,

Conscious of the role that the United Nations can play in promoting, protecting and strengthening human rights and fundamental freedoms throughout the world,

Bearing in mind the request by the Government of Bolivia for assistance in strengthening human rights and fundamental freedoms in that country,

1. Requests the Secretary-General, under the programme of advisory services in the field of human rights and in consultation with the Government of Bolivia, to examine ways and means and possible resources for rapid implementation of the projects suggested by the Special Envoy of the Commission on Human Rights in his report on assistance to Bolivia, considered by the Commission on Human Rights at its fortieth session; 16/

2. Invites 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;

3. Specially invites the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to provide the Government of Bolivia with the assistance required, in keeping with the means available to them and their spheres of competence;

4. Requests 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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15/ See chap. II, sect. A, resolution 1984/43, and chap. XXII.

16/ E/CN.4/1984/46.

X. Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 17/

The Economic and Social Council,

Mindful of resolution 1983/39 of 7 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Commission on Human Rights resolution 1984/47 of 13 March 1984 entitled "Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder",

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing her report; 18/

2. Requests the Sub-Commission to establish a sessional working group and to allocate to it appropriate time and facilities for a further examination, as a matter of high priority, of the draft body of principles, guidelines and guarantees annexed to the above-mentioned study 19/ and to submit the draft body of principles, guidelines and guarantees to the Commission on Human Rights at its forty-second session.

XI. Question of slavery and the slave trade in all their practices and manifestations 20/

The Economic and Social Council

1. Requests 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;

2. Requests the Secretary-General to provide the working group with all the assistance it needs to carry out the study;

3. Requests all interested non-governmental organizations to co-operate in the study;

4. Requests the working group to submit its report to the Commission at its forty-second session.

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17/ See chap. II, sect. A, resolution 1984/47, and chap. XV.

18/ E/CN.4/Sub.2/1983/17 and Add.1.

19/ E/CN.4/Sub.2/1983/17, annex II.

20/ See chap. II, sect. A, resolution 1984/48, and chap. XIX.

XII. Summary or arbitrary executions 21/

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the General Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, and 38/96 of 16 December 1983,

Taking note of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary and arbitrary executions,

Taking note also of the work done by the Committee on Crime Prevention and Control in the area of summary and arbitrary executions, including the elaboration of minimum legal guarantees and safeguards to prevent recourse to such extra-legal executions, to be considered by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985,

Deeply alarmed about the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

1. Strongly deplores, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;
2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
3. Takes note with appreciation of the report of Mr. S. Amos Wako, Special Rapporteur; 22/
4. Decides to continue the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;

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21/ See chap. II, sect. A, resolution 1984/50, and chap. XII.

22/ E/CN.4/1984/29.

5. Requests the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions and to pay special attention to cases in which a summary or arbitrary execution is imminent or threatened;

6. Requests the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him;

7. Considers that the Special Rapporteur in carrying out his mandate should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

8. Requests The Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may carry out his mandate effectively;

9. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur;

10. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

#### XIII. Situation in Equatorial Guinea 23/

##### The Economic and Social Council

Recalling its resolutions 1982/36 of 7 May 1982 and 1983/35 of 27 May 1983,

Bearing in mind Commission on Human Rights resolution 1984/51 of 14 March 1984,

Considering that there has been no major change in the situation of human rights in Equatorial Guinea since the events of 3 August 1979,

Noting that it has not been possible to implement all the recommendations contained in its resolution 1983/35,

1. Urges the Government of Equatorial Guinea to co-operate with the Secretary-General in order to ensure the full enjoyment of human rights and fundamental freedoms in that country;

2. Requests the Secretary-General to appoint an expert to visit Equatorial Guinea in order to study, in conjunction with the Government of that country, the best way of implementing the plan of action proposed by the United Nations;

3. Requests the Commission on Human Rights to keep this matter under consideration at its forty-first session.

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23/ See chap. II, sect. A, resolution 1984/51, and chap. XII.

XIV. Question of the violation of human rights and fundamental freedoms - Situation in Afghanistan 24/

The Economic and Social Council,

Mindful of resolution 1983/20 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1984/55 of 15 March 1984 related to the human rights situation in Afghanistan,

1. Requests the Chairman of the Commission on Human Rights to appoint an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Afghanistan, with a view to formulating proposals which could contribute to ensuring full protection of the human rights of all residents of the country, before, during and after the withdrawal of all foreign forces;

2. Authorizes the special rapporteur to seek relevant information from specialized agencies, intergovernmental organizations and non-governmental organizations;

3. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-first session.

XV. Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms 25/

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1983/31 of 8 March 1983 and resolution 1982/24 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission, inter alia, requested Mrs. Erica-Irene A. Daes to prepare draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Mindful of Sub-Commission resolution 1983/40 of 7 September 1983 and Commission on Human Rights resolution 1984/56 of 15 March 1984,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the work she has so far accomplished in connection with the important elaboration of a study on draft principles on the right responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

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24/ See chap. II, sect. A, resolution 1984/55, and chap. XII.

25/ See chap. II, sect. A, resolution 1984/56, and chap. XII.



1. Requests the Special Rapporteur, Mrs. Erica-Irene A. Daes, to continue her work on the above-mentioned study with a view to submitting, if possible, her final report to the Sub-Commission at its thirty-seventh session;

2. Requests the Secretary-General to transmit the relevant questionnaire which will be prepared by the Special Rapporteur based on the aforesaid resolutions and the comments made by the members of the Sub-Commission to Governments, specialized agencies, regional organizations, intergovernmental organizations and non-governmental organizations for their comments and replies;

3. Further requests the Secretary-General to give the Special Rapporteur all possible assistance she may require in her work.

XVI. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 26/

The Economic and Social Council,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Bearing in mind Commission on Human Rights resolution 1983/40 of 9 March 1983,

Welcoming the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur to undertake the comprehensive and thorough study requested in that resolution,

Noting Sub-Commission resolution 1983/31 of 6 September 1983,

Aware that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world,

1. Authorizes the Sub-Commission to entrust Mrs. Odio Benito 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;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work;

3. Requests the Special Rapporteur to submit her study to the Sub-Commission at its thirty-seventh session;

4. Requests 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".

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26/ See chap. II, sect. A, resolution 1984/57, and chap. XXIII.

B. Draft decisions

1. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 27/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/5 of 28 February 1984, takes note of the findings on the violation of trade union rights in South Africa contained in the progress report 28/ of the Ad Hoc Working Group of Experts on southern Africa, and endorses the Commission's request to the Ad Hoc Working Group of Experts to continue its study and to bring to the attention of the Commission at its forty-first session violations of human rights in South Africa and Namibia.

2. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa 29/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/6 of 28 February 1984, endorses the Commission's decision to welcome the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list of banks, transnational corporations and other organizations assisting the colonial and racist régime in South Africa, subject to annual review, and to submit the revised report to the Commission, through the Sub-Commission.

3. Popular participation in its various forms as an important factor in development and in the full realization of all human rights 30/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/15 of 6 March 1984, endorses the Commission's request to the Secretary-General, in preparing the final study on the right to popular participation in its various forms as an important factor in the full realization of all human rights, to take into account the views expressed at the fortieth session of the Commission. The Council further endorses the Commission's invitation to those Governments, United Nations organs and specialized agencies that have not yet done so to transmit their comments and views to the Secretary-General, as called for in Economic and Social Council resolution 1983/31.

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27/ See chap. II, sect. A, resolution 1984/5, and chap. VI.

28/ E/CN.4/1984/8.

29/ See chap. II, sect. A, resolution 1984/6, and chap. VII.

30/ See chap. II, sect. A, resolution 1984/15, and chap. VIII.

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 31/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/16 of 6 March 1984, endorses the Commission's decision to reconvene the Working Group of Governmental Experts on the Right to Development with the same mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development. The Council also endorses the Commission's request to the Working Group to hold two sessions of two weeks each in Geneva.

5. The new international economic order and the promotion of human rights 32/

The Economic and Social Council notes Commission on Human Rights resolution 1984/17 of 6 March 1984 and decides that the study on the new international economic order and the promotion of human rights 33/ be published and given the widest possible distribution in all the official languages of the United Nations.

6. Draft convention against torture and other cruel, inhuman or degrading treatment or punishment 34/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/21 of 6 March 1984, decides to transmit to the General Assembly the report 35/ of the working group established by the Commission to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, as well as the summary records of the Commission's debate on this item during its fortieth session. The Council further notes the Commission's request to the Secretary-General to submit the comments received from Governments on the draft convention, in conformity with Commission resolution 1984/21, to the General Assembly at its thirty-ninth session and the Commission's recommendation that the General Assembly consider, pursuant to its resolution 38/119 of 16 December 1983, 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.

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31/ See chap. II, sect. A, resolution 1984/16, and chap. VIII.

32/ See chap. II, sect. A, resolution 1984/17, and chap. VIII.

33/ E/CN.4/Sub.2/1983/24 and Add.1 and 2.

34/ See chap. II, sect. A, resolution 1984/21, and chap. X.

35/ E/CN.4/1984/72.

7. Question of enforced or involuntary disappearances 36/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/23 of 6 March 1984, approves the Commission's decision to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980. The Council further endorses the Commission's request to the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner and, if necessary, to make the appropriate arrangements to ensure the continuity of the Secretariat's work.

8. Situation of human rights in El Salvador 37/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/52 of 14 March 1984, endorses the Commission's decision to extend the mandate of the Special Representative for another year and to request him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-ninth session and to the Commission at its forty-first session. The Council further endorses the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

9. Situation of human rights in Guatemala 38/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/53 of 14 March 1984, endorses the Commission's decision to extend the mandate of the Special Rapporteur for another year and its request to the Special Rapporteur to report on the subsequent development of the situation of human rights in Guatemala, taking into account developments in regard to the recommendations in his reports as well as information from other reliable sources, and to submit an interim report to the General Assembly at its thirty-ninth session and a final report to the Commission at its forty-first session. The Council further endorses the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

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36/ See chap. II, sect. A, resolution 1984/23, and chap. X.

37/ See chap. II, sect. A, resolution 1984/52, and chap. XII.

38/ See chap. II, sect. A, resolution 1984/53, and chap. XII.

10. Human rights situation in the Islamic Republic of Iran 39/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/54 of 14 March 1984, endorses the Commission's decision to request its Chairman to appoint, after consultation within the Bureau, a special representative of the Commission, whose mandate will be to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country based on such information as he may deem relevant, including comments and materials provided by the Government, containing conclusions and appropriate suggestions, to be presented to the Commission at its forty-first session. The Council further endorses the Commission's request to the Secretary-General to give all necessary assistance to the special representative of the Commission.

11. Review of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 40/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/60 of 15 March 1984, notes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish at its thirty-seventh session a working group to study in depth the working methods and the programme of work of the Sub-Commission, including its relationship with the Commission and the Secretariat, and endorses the Commission's invitation for an exchange of views between a spokesman of that working group and the Commission or a working group of the Commission during the forty-first session of the Commission.

12. Question of human rights in Chile 41/

The Economic and Social Council, noting Commission on Human Rights resolution 1984/63 of 15 March 1984, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for another year, and the Commission's request to him to report on the situation of human rights in Chile to the General Assembly at its thirty-ninth session and to the Commission at its forty-first session. The Council requests the Secretary-General to make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the Commission's resolution.

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39/ See chap. II, sect. A, resolution 1984/54, and chap. XII.

40/ See chap. II, sect. A, resolution 1984/60, and chap. XI.

41/ See chap. II, sect. A, resolution 1984/63, and chap. V.

13. Measures to combat racism and racial discrimination 42/

The Economic and Social Council, noting Commission on Human Rights decision 1984/107 of 12 March 1984, decides that the report prepared by Mr. Abu Sayeed Chowdhury, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice", 43/ in accordance with Sub-Commission resolution 4 A (XXXIII) should be printed and given the widest possible distribution, including distribution in Arabic.

14. Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 44/

The Economic and Social Council, noting Commission on Human Rights decision 1984/108 of 13 March 1984, decides that the study entitled "Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder" 45/ should be published, without annex III, and given the widest possible distribution in all the official languages of the United Nations.

15. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 46/

The Economic and Social Council, noting Commission on Human Rights decision 1984/109 of 1 March 1984, decides to request the Secretary-General to continue his consultations with the Government of 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 requests the Secretary-General to report to the Commission at its forty-first session on the implementation of this decision.

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42/ See chap. II, sect. B, decision 1984/107, and chap. XIX.

43/ E/CN.4/Sub.2/L.766, introduction and chap. I, and E/CN.4/Sub.2/1982/7.

44/ See chap. II, sect. B, decision 1984/108, and chap. XV.

45/ E/CN.4/Sub.2/1983/17 (containing the study and annexes I and II).

46/ See chap. II, sect. B, decision 1984/109, and chap. XII.

16. Organization of the work of the Commission 47/

The Economic and Social Council, noting Commission on Human Rights decision 1984/113 of 16 March 1984, decides to authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-first session. The Council takes note of the Commission's decision to request its Chairman at the forty-first session to make every effort to organize the work of the session within the normal allotted time, the additional meetings authorized by the Council to be utilized only if such meetings prove to be absolutely necessary.

17. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 48/

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1984/114 of 6 March 1984, to set up a working group composed of five of its members to meet for one week prior to the forty-first session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session under Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.

18. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session 49/

The Economic and Social Council, noting Commission on Human Rights decision 1984/115 of 16 March 1984, endorses the Commission's invitation to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-first session of the Commission.

19. Report of the Commission on Human Rights 50/

The Economic and Social Council takes note of the report of the Commission on Human Rights on its fortieth session.

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47/ See chap. II, sect. B, decision 1984/113, and chap. III.

48/ See chap. II, sect. B, decision 1984/114, and chap. XII.

49/ See chap. II, sect. B, decision 1984/115, and chap. XIX.

50/ See chap. XXVI.

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS FORTIETH SESSION

A. Resolutions

1984/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

A 1/

The Commission on Human Rights,

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

Also guided by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and of other relevant conventions and regulations,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof",

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 37/88 A to G of 10 December 1982, 37/123 A to F of 16 and 20 December 1982, 38/58 A to E of 13 December 1983 and 38/79 A to H of 15 December 1983, and all other relevant General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization as well as the report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, 3/ the Geneva Declaration adopted by the International Conference on the Question of Palestine held at Geneva from 29 August to 7 September 1983, 4/ and the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

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1/ Adopted at the 19th meeting, on 20 February 1984, by 29 votes to 1, with 11 abstentions. See chap. IV.

2/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

3/ ST/HR/SER.A/14.

4/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), part one, chap. I, sect. A.



Recalling the International Committee of the Red Cross press release No. 1478 of 13 December 1983 on Israeli violations of the agreement for the exchange of prisoners between the Palestine Liberation Organization and Israel which involved the retaining of prisoners and detainees whose release was provided for in the agreement,

Recalling its resolutions 1982/1 A and B of 11 February 1982 and 1983/1 A and B and 1983/2 of 15 February 1983 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine", and previous resolutions of the Commission on Human Rights on this subject,

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the Palestinian and other occupied Arab territories;

2. Denounces the continued refusal of Israel to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the occupied territories;

3. Reiterates the deep alarm expressed by the Special Committee in its reports submitted to the General Assembly at its thirty-fourth, 5/ thirty-fifth, 6/ thirty-sixth, 7/ thirty-seventh 8/ and thirty-eighth 9/ sessions that Israel's policy in the occupied territories is based on the so-called "Homeland" doctrine which envisages a monoreligious (Jewish) State that includes territories occupied by Israel since June 1967, and the affirmation by the Special Committee that this policy not only denies the right to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights;

4. Confirms its declaration that Israel's continuous grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the Additional Protocols 10/ to the Geneva Conventions are war crimes and an affront to humanity;

5. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and to change the physical character, demographic composition, institutional structure or status of the occupied territories, including the Holy City, and considers all these measures and their consequences null and void;

6. Strongly condemns Israel's attempts to subject the West Bank and the Gaza Strip to Israeli laws;

7. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:

(a) The annexation of parts of the occupied territories, including Jerusalem;

(b) The continuing establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto;

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5/ A/34/631.

6/ A/35/425.

7/ A/36/632 and Add.1 and Add.1/Corr.1

8/ A/37/485.

9/ A/38/409.

10/ International Committee of the Red Cross, Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977).

(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;

(d) The arming of settlers in the occupied territories to strike at Muslim and Christian religious and holy places;

(e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(f) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other;

(g) The destruction and demolition of Arab houses;

(h) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population, the torture of persons under detention and the inhuman conditions in prisons;

(i) The pillaging of archaeological and cultural property;

(j) The interference with religious freedoms and practices as well as with family rights and customs;

(k) The systematic Israeli repression against cultural and educational institutions, especially universities, in the occupied Palestinian territories, closing them or restricting and impeding their academic activities by subjecting selection of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities and by the expulsion of numerous faculty members of several universities for refusing to sign statements containing political positions, in flagrant defiance and disregard of their right to academic freedom;

(l) The illegal exploitation of the natural wealth, water and other resources and the population of the occupied territories;

(m) The dismantling of municipal services of dismissing the elected mayors as well as the municipal councils and forbidding Arab aid funds;

8. Calls 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;

9. Calls upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the municipal chiefs to their municipalities so that they can resume the functions for which they were elected;

10. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and, pending their release, to accord them the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

11. Condemns Israel for its continued detention of Ziad Abu Ain, and calls on Israel to implement fully the agreement on the exchange of prisoners with the Palestine Liberation Organization concluded with the International Committee of the Red Cross in November 1983; and further calls on Israel to release Ziad Abu Ain and others whom it continues to detain and who were in Ansar Camp, which must be closed under the provisions of the above-mentioned agreement;

12. Reiterates its call 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;

13. Urges Israel to refrain from the policies and practices violating human rights in the occupied territories, and to report, through the Secretary-General, to the Commission at its forty-first session on the implementation of this resolution;

14. Requests the General Assembly, through the Economic and Social Council, to recommend to the Security Council the adoption against Israel of the measures referred to in Chapter VII of the Charter of the United Nations for its persistent violation of the human rights of the population of the Palestinian and other occupied Arab territories;

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

16. Further requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of those occupied territories;

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

B 11/

The Commission on Human Rights,

Recalling its resolutions 1982/1 B of 11 February 1982 and 1982/1 B of 15 February 1983 and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 A of 16 December 1981, 37/88 of 10 December 1982 and 38/79 B of 15 December 1983,

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11/ Adopted at the 19th meeting, on 20 February 1984, by 32 votes to 1, with 8 abstentions. See chap. IV.

Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

Recalling resolution III on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 adopted by the Twenty-fourth International Conference of the Red Cross held at Manila in November 1981,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

Recognizing that the persistent failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War creates a situation fraught with danger, and considering that it persists in violating human rights,

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

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

2. Expresses 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;

3. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

4. Calls 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; requests Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war; and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

5. Urges 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;

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

1984/2. Question of the violation of human rights in the occupied Arab territories, including Palestine 12/

The Commission on Human Rights,

Having examined the ever deteriorating situation in the occupied Arab territories, including Palestine and the occupied Syrian Golan Heights,

Recalling its resolution 1983/2 of 15 February 1983.

Taking note of the report of the Special Committee of Experts appointed to study the health conditions of the inhabitants of the occupied territories 13/ and the relevant resolution of the World Health Assembly, 14/

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 15/

Gravely alarmed by Israeli's increasingly arrogant behaviour in systematically ignoring and openly defying all relevant resolutions of the Security Council, the General Assembly, the Commission on Human Rights, the World Health Organization, and other organs and agencies of the United Nations concerning the Arab territories occupied by Israel and its persistent violations of human rights in those territories,

Reaffirming that the acquisition of territories by force is inadmissible under the Charter of the United Nations, the principles of international law and relevant United Nations resolutions,

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

Recalling Security Council resolution 497 (1981) of 17 December 1981 and General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 A of 16 December 1982 in connection with the Israeli occupation of the Syrian Golan Heights, and the imposition of its laws, jurisdiction and administration on the Syrian occupied territory,

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12/ Adopted at the 19th meeting, on 20 February 1984, by a roll-call vote of 30 to 1, with 11 abstentions. See chap. IV.

13/ World Health Organization, document A36/14, 28 April 1983.

14/ World Health Organization, document WHA36.27, 16 May 1983.

15/ A/38/409.

Reiterating its grave alarm at the inhuman treatment which the occupying Israeli authorities continue to impose on the Syrian population of the occupied Golan Heights, and the measures and actions designed to change the legal status, geographic nature and demographic composition of these occupied territories,

Recalling General Assembly resolutions 38/79 D and F of 15 December 1983 and 38/180 A and D of 19 December 1983 on the situation in the Middle East and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

1. Resolutely condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1 and 37/123 A;

2. Declares once more that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights, whose outcome has been the effective annexation of this territory, is null and void and has no legal validity and no effect, and that Israeli practices and inhuman treatment of the Syrian Arab population constitute a grave violation of the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 16/ and the relevant United Nations resolutions as well as a continuing threat to international peace and security;

3. Strongly condemns Israel for its attempts and measures to impose Israeli citizenship and identity cards on the Syrian citizens in the occupied Golan Heights by force;

4. Strongly deplores the negative vote and pro-Israeli position of a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter of the United Nations, the "appropriate measures" referred to in resolution 497 (1981), adopted unanimously by the Security Council;

5. Reaffirms its determination that all provisions of the The Hague Convention of 1907 17/ 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 demands that Israel recognize the provisions of these Conventions and apply them in the occupied Arab territories, and calls upon parties to these Conventions to respect their obligations thereunder in all circumstances;

6. Calls 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, emphasizes that Israel must allow the evacuees from

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16/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

17/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915), p. 100.

among the Golan population to return to their homes and to recover their former property and residences occupied by Israel since 1967, and firmly emphasizes the overriding necessity of the total and unconditional withdrawal by Israel from all Palestinian and Syrian territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

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

1984/3. Question of the violation of human rights and fundamental freedoms - The situation in the Arab territories occupied by Israel 18/

The Commission on Human Rights,

1. Condemns Israel for its continued occupation of the Palestinian territories, including Jerusalem, and of other Arab territories in violation of relevant United Nations resolutions and of the provisions of international law;

2. Condemns 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;

3. Reaffirms that measures such as those described in the above paragraph constitute grave violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 19/ and The Hague Convention of 1907, 20/ and that they are null and void with regard to international law;

4. Calls upon Israel to withdraw immediately from the occupied Palestinian territories, including Jerusalem, in order to restore to the Palestinian people their inalienable national rights, and from all the other occupied Arab territories

1984/4. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 21/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) of 6 March 1967, by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV) of 19 March 1969, 7 (XXVII) of 8 March 1971, 19 (XXIX) of 3 April 1973, 5 (XXXI) of 14 February 1975, 6 A to C (XXXIII) of 4 March 1977, 12 (XXXV) of 6 March 1979, 5 (XXXVII) of 23 February 1981 and 1983/10 of 18 February 1983,

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18/ Adopted at the 19th meeting, on 20 February 1984, by 30 votes to 1, with 11 abstentions. See chap. IV.

19/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

20/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915), p. 100.

21/ Adopted at the 31st meeting, on 28 February 1984, by 39 votes to none, with 4 abstentions. See chap. VI.

Recalling the Paris Declaration on Namibia and Programme of Action on Namibia 22/ adopted at the International Conference in Support of the Namibian People for Independence, held in Paris from 25 to 29 April 1983,

Recalling General Assembly resolution 38/36 A to E of 1 December 1983 on the question of Namibia,

Recalling the Political Declaration issued by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, 23/ held at New Delhi from 7 to 12 March 1983,

Recalling the resolution on Namibia 24/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Having examined the chapters on Namibia contained in the progress report 25/ submitted by the Ad Hoc Working Group of Experts on southern Africa,

Reaffirming its recognition of the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Deeply disturbed about the explosive situation in Namibia arising from South Africa's illegal occupation of the Territory, and the use of the Territory as a base for aggression against Angola,

Deeply disturbed also by the gross violations of human rights in the Territory,

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

2. Condemns South Africa for its increasing oppression of the Namibian people, the massive militarization of Namibia and its armed attacks launched against States in the region in order to destabilize them politically and sabotage and destroy their economies;

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22/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

23/ See A/38/132-S/15675, annex.

24/ A/38/312, annex, resolution AHG/Res.105 (XIX).

25/ E/CN.4/1984/8, part two.



3. Demands that South Africa immediately put an end to all acts of aggression against neighbouring countries and withdraw all its armed forces from Angola;

4. Requests the Ad Hoc Working Group of Experts to continue to institute inquiries in respect of any person who may have committed the crime of apartheid or a serious violation of human rights in Namibia and to submit its recommendations on the results of such inquiries to the attention of the Commission at its forty-first session;

5. Expresses its indignation at the torture and ill-treatment which South Africa metes out to Namibian detainees and captured freedom fighters;

6. Reiterates the request that South Africa allow the Ad Hoc Working Group of Experts to make an on-the-spot investigation of the living conditions in the prisons in Namibia and South Africa and the treatment of prisoners;

7. Requests 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.

1984/5. Violations of human rights in southern Africa:  
report of the Ad Hoc Working Group of Experts 26/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) of 6 March 1967, by which it set up the Ad Hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV) of 19 March 1969, 7 (XXVII) of 8 March 1971, 19 (XXIX) of 3 April 1973, 5 (XXXI) of 14 February 1975, 6 A to C (XXXIII) of 4 March 1977, 12 (XXXV) of 6 March 1979, 5 (XXXVII) of 23 February 1981, 1982/8 of 25 February 1982 and 1983/9 of 18 February 1983,

Recalling also Economic and Social Council decision 1983/156 of 27 May 1983,

Having examined the progress report of the Ad Hoc Working Group of Experts on southern Africa 27/ submitted in accordance with Commission resolutions 1983/9 and 1983/10 of 18 February 1983,

Noting that the Ad Hoc Working Group of Experts will submit a more comprehensive report, embodying its conclusions and recommendations, to the Commission at its forty-first session in accordance with the aforementioned resolutions,

1. Expresses its appreciation to the Ad Hoc Working Group of Experts for the commendable manner in which it has prepared the progress report;

2. Expresses its abhorrence of the system of apartheid and of the gross violations of human rights in South Africa and Namibia;

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26/ Adopted at the 31st meeting, on 28 February 1984, by 42 votes to none, with 1 abstention. See chap. VI.

27/ E/CN.4/1984/8.

3. Expresses its profound indignation at the scale and variety of human rights violations in South Africa and the so-called homelands, in particular:
  - (a) The alarming increase in the number of sentences passed and executions which have taken place;
  - (b) The torture of political activists during interrogation;
  - (c) The ill-treatment of captured freedom fighters and other detainees;
  - (d) The deaths of detainees in prisons under suspicious circumstances;
  - (e) The forced removals and the alarming increase in the number of prosecutions under the Bantu homelands policy laws;
4. Calls for the release of all political prisoners especially those who have been incarcerated for long terms, including life imprisonment;
5. Reaffirms that any constitutional arrangements, such as the so-called reforms to the South African Constitution, which are based on racial segregation and discrimination and which deny full citizenship rights to the majority black population as a whole constitute a denial of their fundamental rights, serve to perpetuate apartheid and are unacceptable;
6. Condemns South Africa for its military attacks and its economic and political pressures against neighbouring States and demands the immediate cessation of these acts of aggression;
7. Takes note of the Working Group's findings on the violation of trade union rights in South Africa contained in the progress report 28/ and decides to transmit these findings to the Economic and Social Council for consideration and appropriate action during its first regular session in 1984;
8. Requests the Ad Hoc Working Group to continue its study and bring to the attention of the Commission at its forty-first session violations of human rights in South Africa and Namibia;
9. Renews its request to South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in the prisons in South Africa and Namibia and the treatment of prisoners;
10. Requests 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;
11. Again requests the Secretary-General to renew his invitation to all States Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal, 29/ to enable the Ad Hoc Working Group to continue its study and to submit a report to the Commission at its forty-first session.

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28/ Ibid., chap. III, sect. C.

29/ E/CN.4/1426.

1984/6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa 30/

The Commission on Human Rights,

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

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

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid regime, and resolution 3362 (S-VII) of 16 September 1975,

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

Taking note of resolutions 1982/16 of 7 September 1982 and 1983/6 of 31 August 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having noted with satisfaction the updated report 31/ prepared by the Special Rapporteur, Mr. Ahmed Khalifa, which contains an updated list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regime in South Africa,

Noting with appreciation the opinions expressed by the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations, 32/

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30/ Adopted at the 31st meeting, on 28 February 1984, by a roll-call vote of 31 to 7, with 5 abstentions. See chap. VII.

31/ E/CN.4/Sub.2/1983/6 and Add.1 and 2.

32/ See E/CN.4/1984/48, para. 23.

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

Deeply concerned about the ever-increasing investment of foreign capital in the exploitation of uranium in Namibia and South Africa and alarmed at the continued collaboration of certain Western and other States with the racist minority regime of South Africa in the nuclear field, which promotes the illegal occupation of Namibia and gross violations of human rights in southern Africa, and increases the threat to peace and international security,

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

1. Expresses its appreciation to the Special Rapporteur for his report containing the updated list of banks, transnational corporations and other organizations assisting the racist regime in South Africa;

2. Reaffirms the inalienable right of the oppressed people of South Africa and Namibia to self-determination, independence and the enjoyment of the natural resources of their territories and to dispose of those resources for their greater well-being;

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

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

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

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

7. Strongly condemns South Africa for its persistent acts of subversion and aggression against Angola, including the occupation of a part of its territory, and calls upon South Africa to cease all acts of aggression against and withdraw all its troops from that country;

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

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

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

11. Calls upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to express their views on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

12. Urgently requests all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting any type of loans to the racist regime in South Africa;

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

14. Welcomes 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;

15. Decides to consider the revised report at its forty-first session within the framework of the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa."

1984/7. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 33/

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,

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33/ Adopted at the 31st meeting, on 28 February 1984, by 32 votes to 1, with 10 abstentions. See chap. XVI.

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 34/ 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,

1. Takes note 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; 35/
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;

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34/ E/CN.4/1984/48.

35/ E/CN.4/1286, annex.

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 36/ 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.

1984/8. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 37/

The Commission on Human Rights,

Reaffirming the obligations of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Taking note of the results obtained at the Second World Conference to Combat Racism and Racial Discrimination and, in particular, its Declaration and Programme of Action; 38/

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36/ E/CN.4/1426.

37/ Adopted at the 31st meeting, on 28 February 1984, without a vote. See chap. XVII.

38/ See Report of the Second World Conference to Combat Racism and Racial Discrimination, Geneva, 1-12 August 1983 (United Nations publication, Sales No. E.83.XIV.4 and corrigendum), chap. II.

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

Recalling General Assembly resolution 38/14 of 22 November 1983, by which the Assembly proclaimed the 10-year period beginning on 10 December 1983 as the Second Decade to Combat Racism and Racial Discrimination and approved the Programme of Action for the Decade,

1. Commends 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;

2. Takes note of the Declaration and welcomes the adoption of the Programme of Action by the Second World Conference and stresses the need for the continuation of effective and vigorous action aimed at ensuring the implementation of United Nations resolutions on apartheid, racism and racial discrimination;

3. Encourages the Secretary-General to pursue resolutely his efforts to implement the Programme of Action for the Second Decade, paying particular attention to ways and means of assisting States to implement all international instruments against racism and racial discrimination, notably the International Convention on the Elimination of All Forms of Racial Discrimination;

4. Endorses the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities contained in resolution 1983/10 of 5 September 1983 and invites Mr. Asbjørn Eide to include in his study a recommendation on ways and means of ensuring the implementation of all United Nations resolutions on apartheid, racism and racial discrimination;

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

1984/9. Measures to combat racism and racial discrimination 39/

The Commission on Human Rights,

Mindful of resolution 1983/10 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities related to measures to combat racism and racial discrimination,

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

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

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39/ Adopted at the 31st meeting, on 28 February 1984, without a vote.  
See chap. XVII.



The Commission on Human Rights,

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

Recalling its resolutions 3 (XXXVI) of 14 February 1980, 13 (XXXVII) of 6 March 1981, 1982/14 of 25 February 1982 and 1983/7 of 16 February 1983,

Further recalling resolution ES-6/2 of 14 January 1980, adopted by the General Assembly at its sixth emergency special session,

Also recalling General Assembly resolutions 35/37 of 20 November 1980, 36/34 of 18 November 1981, 37/37 of 29 November 1982 and 38/29 of 23 November 1983 on the situation in Afghanistan which, inter alia, reaffirmed the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraints of any kind whatsoever, and which called for the immediate withdrawal of foreign troops from Afghanistan,

Recalling further General Assembly resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982 as well as resolutions 26 (XXXIII), 11 (XXXIV) and 1982/21 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 12 September 1980, 9 September 1981 and 8 September 1982, respectively,

Recognizing the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries for a political solution of the situation in respect of Afghanistan,

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

Reaffirming further the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the continued foreign armed intervention in Afghanistan in contravention of the above principles and its serious implications for international peace and security,

Noting the increasing concern of the international community over the continued and serious sufferings of the Afghan people and over the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees and the continuing increase in their numbers,

Deeply conscious of the urgent need for a political solution of the grave situation in respect of Afghanistan,

1. Reaffirms its most profound concern that the people of Afghanistan continue to be denied their right to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

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40/ Adopted at the 34th meeting, on 29 February 1984, by a roll-call vote of 31 to 8, with 4 abstentions. See chap. IX.

2. Calls for the immediate withdrawal of the foreign troops from Afghanistan;
3. Further calls for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference;
4. Affirms the right of the Afghan refugees to return to their homes in safety and honour;
5. Urges 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;
6. Expresses its appreciation and support for the efforts and constructive steps taken by the Secretary-General, especially the diplomatic process initiated by him, in the search for a solution to the problem;
7. Requests the Secretary-General to continue these efforts with a view to promoting a political solution, in accordance with the provisions of the relevant General Assembly resolutions;
8. Urges all concerned to continue to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan;
9. Appeals to all States and national and international organizations to extend humanitarian relief assistance, with a view to alleviating the hardship of Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;
10. Decides to consider this matter at its forty-first session with high priority under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation."

1984/11. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 41/

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947, 194 (III) of 11 December 1948, 1514 (XV) of 14 December 1960, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 A and B of 2 December 1977, 32/42 of 7 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979, ES-7/2 of 29 July 1980, 35/169 A to E of 15 December 1980, 36/120 A to F of 10 December 1981, 36/226 A and B of 17 December 1981, ES-7/9 of 24 September 1982, 37/86 A to E of 10 and 20 December 1982 and 38/58 A to E of 13 December 1983,

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41/ Adopted at the 34th meeting, on 29 February 1984, by a roll-call vote of 28 to 7, with 8 abstentions. See chap. IX.

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

Reaffirming its resolutions 1982/3 of 11 February 1982 and 1983/3 of 15 February 1983,

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

Emphasizing once more that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern that Israel has prevented the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law and in disregard of the will of the international community,

Expressing its grave concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, as has been tragically illustrated by Israel's invasion and continued occupation of Lebanon,

Welcoming the Arab peace plan adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 9 September 1982,

Noting with satisfaction the outcome of the proceedings of the International Conference on the Question of Palestine held at Geneva from 29 August to 7 September 1983,

Gravely concerned at the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, as well as the agreements recently concluded in this respect, which would encourage and support Israeli policies of aggression and expansion,

1. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all these occupied territories;
2. Condemns Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside those territories, particularly against Palestinians in Lebanon, as a result of the Israeli invasion of Lebanon which claimed the lives of thousands of Lebanese and Palestinian civilians;
3. Strongly condemns anew Israel's responsibility for the large-scale massacre in the Sabra and Shatila refugee camps, which constituted an act of genocide, and expresses its grave concern that, until a just and equitable solution to the problem of Palestine has been implemented, the Palestinian people will be exposed to grave dangers such as the appalling massacre perpetrated in the Sabra and Shatila refugee camps;
4. Reaffirms 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;

5. Reaffirms the inalienable right of the Palestinians to return to their homes and property, from which they have been uprooted by force, and calls for their return and the exercise of their right to self-determination;
6. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations;
7. Reaffirms the basic principle that the future of the Palestinian people can only be decided with its full participation in all efforts, through its legitimate and sole representative, the Palestine Liberation Organization;
8. Reaffirms its rejection of all partial agreements and separate treaties in so far as they violate the inalienable rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem that ensure the establishment of a just peace in the area, in accordance with the principles of the Charter of the United Nations and with relevant United Nations resolutions;
9. Strongly rejects the plan of "autonomy" within the framework of the "Camp David accords" and declares that these accords have no validity in determining the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967;
10. Denounces the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, as well as the agreements recently concluded in this respect, which encourage Israel to persist in its policies and practices of aggression and expansion in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which undermine efforts aimed at establishing a comprehensive and just peace in the Middle East and endanger peace in the region;
11. Endorses the Geneva Declaration on Palestine adopted by the International Conference on the Question of Palestine, 42/ and welcomes the call for convening an international peace conference on the Middle East under the auspices of the United Nations, in which all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the Union of Soviet Socialist Republics and the United States of America, as well as other concerned States, participate on an equal footing and with equal rights;
12. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter and the relevant resolutions of the United Nations;
13. Requests 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.

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42/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), part one, chap. I, sect. A.

The Commission on Human Rights

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982 and 1983/5 of 15 February 1983 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982 and 1983/155 of 27 May 1983 which, inter alia, reaffirm the inherent right of the people of Kampuchea to fundamental freedoms and inalienable human rights, in particular the right to decide their own future and the right to self-determination,

Recalling further General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982 and 38/3 of 27 October 1983 which, inter alia, called for an end to armed intervention, the total withdrawal of foreign forces from Kampuchea, and urgent recourse to a peaceful settlement,

Emphasizing in particular General Assembly resolutions 36/5 and 38/3, in which the Assembly approved the report of the International Conference on Kampuchea, 44/ which embraced the four cardinal elements of negotiations for a comprehensive political settlement of the Kampuchean problem, and the report of the Ad Hoc Committee of the International Conference on Kampuchea, 45/ with the request that the Committee continue its work pending the reconvening of the Conference,

Further recalling General Assembly resolutions 37/6 and 38/3, reaffirming the conviction that to bring about durable peace in South-East Asia, there is an urgent need for a comprehensive political solution to the Kampuchean problem that will provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference,

Noting the increasing effectiveness of the coalition with Samdech Norodom Sihanouk as President of Democratic Kampuchea,

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

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

Having considered resolutions 13 (XXXIV) of 10 September 1981 and 1982/22 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission reiterated its recommendation

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43/ Adopted at the 34th meeting, on 29 February 1984, by a roll-call vote of 27 to 10, with 4 abstentions. See chap. IX.

44/ United Nations publication, Sales No. E.81.I.20.

45/ A/CONF.109/7.

that the Commission on Human Rights should keep the situation of human rights in Kampuchea under continuing review and should call for a pledge by all States not to interfere in the internal political process of Kampuchea in any form whatsoever after the withdrawal of the foreign forces now in that country.

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Kampuchea as expressed in its resolutions 11 (XXXVII), 1982/13 and 1983/5;

2. Deplores the continued violations of the fundamental principles of humanitarianism and the Charter of the United Nations, particularly the repeated military attacks by the occupying troops against civilians near the Thai-Kampuchean border, such as those perpetrated between the end of March and the end of April 1983, and the reported forced demographic changes and displacement of the Kampuchean population;

3. Reaffirms 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;

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

5. Strongly reaffirms its call to parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate and unconditional withdrawal of foreign forces from Kampuchea, as reiterated in the Declaration on Kampuchea 46/ adopted on 17 July 1981, in order:

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

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

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

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

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

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46/ Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

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

7. Notes with appreciation the report of the Ad Hoc Committee of the International Conference on Kampuchea and requests that the Committee continue its work, pending the reconvening of the Conference;

8. Recommends 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;

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

1984/13. Question of Western Sahara 47/

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming all the relevant resolutions of the United Nations on the question of Western Sahara, particularly General Assembly resolution 38/40 of 7 December 1983,

Taking account of resolution AHG/Res.103 (XVIII) on the question of Western Sahara adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, 48/ as well as all the relevant resolutions of the Organization of African Unity,

1. Takes note of resolution AHG/Res.104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983, 49/ as follows:

"The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its nineteenth ordinary session in Addis Ababa, Ethiopia, from 6 to 12 June 1983,

"Having examined the report of the Implementation Committee of Heads of State on Western Sahara,

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47/ Adopted at the 34th meeting, on 29 February 1984, without a vote.  
See chap. IX.

48/ See A/36/534, annex II.

49/ See A/38/312, annex.

"Recalling the solemn commitment made by His Majesty King Hassan II during the 18th Summit to accept the holding of a referendum in the Western Sahara to enable the people of that territory to exercise their right to self-determination,

"Recalling with appreciation His Majesty King Hassan's acceptance of the recommendation of the Sixth Session of the Ad Hoc Committee of Heads of State on Western Sahara contained in document AHG/103 (XVIII) B, annex I, as well as his pledge to co-operate with the Ad Hoc Committee in the search for a just, peaceful and lasting solution,

"Reaffirming its previous resolutions and decisions on the question of Western Sahara, and in particular AHG/Res. 103 (XVIII) of 27 June 1981,

"1. Takes note of the reports of the Implementation Committee of Heads of State on Western Sahara;

"2. Urges the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary condition for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the OAU and the United Nations, and calls on the Implementation Committee to ensure the observance of the cease-fire;

"3. Directs the Implementation Committee to meet as soon as possible, and in collaboration with the parties to the conflict, to continue to work out the modalities and all other details relevant to the implementation of the cease-fire and the conduct of the referendum in December 1983;

"4. Requests the United Nations in conjunction with the OAU to provide a Peace-Keeping Force to be stationed in Western Sahara to ensure peace and security during the organization and conduct of the Referendum;

"5. Mandates the Implementation Committee with the participation of the United Nations to take all necessary measures to ensure the proper implementation of this resolution;

"6. Requests the Implementation Committee to report to the 20th Assembly of Heads of State and Government on the result of the Referendum with a view to enabling the 20th Summit to reach a final decision on all aspects of the question of the Western Sahara;

"7. Decides to remain seized of the question of Western Sahara;

"8. Requests 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 invites the OAU Secretary-General to make available the full records of the said proceedings to the Committee;

"9. Welcomes the constructive attitude of the Sahrawi leaders in making it possible for the 19th Summit to meet by withdrawing from it voluntarily and temporarily.";



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

1984/14. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 50/

The Commission on Human Rights,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments relating to human rights,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 51/ apply to all the freedom fighters in South Africa and Namibia fighting for their independence and self-determination,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, and 35/118 of 11 December 1980, containing the Plan of Action for the Full Implementation of the Declaration,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 35/35 A and B of 14 November 1980, 36/68 of 1 December 1981, 36/76 of 4 December 1981, 37/35 of 23 November 1982, 38/17 of 22 November 1983 and 38/54 of 7 December 1983,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976, 3 (XXXIV) of 14 February 1978, 2 (XXXV) of 21 February 1979, 5 (XXXVI) of 15 February 1980, 14 (XXXVII) of 6 March 1981, 1982/16 of 25 February 1982 and 1983/4 of 15 February 1983,

Recalling Security Council resolutions 405 (1977) of 14 April 1977 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling also General Assembly resolutions 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973 and 3314 (XXIX) of 14 December 1974, which refer to the use and recruitment of mercenaries against national liberation movements and sovereign States,

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50/ Adopted at the 34th meeting, on 29 February 1984, by a roll-call vote of 31 to 5, with 7 abstentions. See chap. IX.

51/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

Recalling further the relevant provisions of the Paris Declaration and the Programme of Action on Namibia 52/ adopted by the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris from 25 to 29 April 1983,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 53/

Condemning the continued colonialist and racist oppression of millions of Africans, particularly in Namibia, by the racist Government of South Africa through its persistent, illegal occupation of the international Territory and its intransigent attitude towards all efforts being made to bring about an internationally acceptable solution to the situation obtaining in the Territory.

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

Condemning the racist regime of South Africa for developing a nuclear capability for military and aggressive purposes,

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

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

Affirming also that the system of apartheid imposed on the South African people constitutes a gross and massive violation of the rights of that people,

Reiterating its affirmation on the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the enjoyment of human rights,

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

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52/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

53/ General Assembly resolution 2625 (XXV).

2. Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 and Security Council resolution 435 (1978) of 29 September 1978, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of its struggle by all means at its disposal, including armed struggle, against the illegal occupation of its Territory by South Africa;

3. Reaffirms 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;

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

5. Endorses the Paris Declaration and the Programme of Action on Namibia adopted by the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris from 25 to 29 April 1983, and calls for its immediate implementation;

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

7. Also strongly condemns the apartheid regime of South Africa for its brutal repression and indiscriminate torture and killing of workers, schoolchildren and other opponents of apartheid, and the imposition of death sentences on freedom fighters;

8. Condemns the recent so-called constitutional reforms and the continued policy of "bantustanization", which is contrary to the principle of self-determination and inconsistent with genuine independence and national unity;

9. Strongly condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa and calls upon the States concerned to cease all such collaboration forthwith;

10. Condemns the continuing activities of foreign economic and other interests which are impeding the implementation of the Declaration contained in General Assembly resolution 1514 (XV) with respect to colonial territories, particularly Namibia;

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

12. Declares that the illegal occupation of Namibia by South Africa continues to constitute an act of aggression against the Namibian people and a threat to international peace and security as well as an affront to the United Nations, which has direct responsibility for the Territory until independence;

13. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid regime of South Africa against African States, in particular, Angola, Botswana, Lesotho, Mozambique and Zimbabwe;

14. Demands 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;

15. Condemns the policies of those Western and other countries whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority regime of South Africa encourage that regime to persist in its suppression of the aspirations of peoples to self-determination and independence;

16. Reaffirms once again that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon Governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it, to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

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

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

1984/15. Popular participation in its various forms as an important factor in development and in the full realization of all human rights 54/

The Commission on Human Rights,

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

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54/ Adopted at the 42nd meeting, on 6 March 1984, by a roll-call vote of 41 to 1. See chap. VIII.

Recalling further its resolution 1983/14 of 22 February 1983 and Economic and Social Council resolution 1983/31 of 27 May 1983, in which the Council requested the Secretary-General to undertake a comprehensive analytical study on the right to popular participation in its various forms as an important factor in the full realization of all human rights,

1. Takes note with appreciation of the preliminary report by the Secretary-General; 55/
2. Requests the Secretary-General, in preparing the final study in accordance with the proposed provisional outline, 56/ to take into account the views expressed in the debate on this item at the fortieth session of the Commission on Human Rights;
3. Invites those Governments, United Nations organs and specialized agencies that have not yet done so to transmit their comments and views to the Secretary-General, as called for in Economic and Social Council resolution 1983/31;
4. Decides to continue the consideration of this question at its forty-first session under a subitem of the agenda entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights."

1984/16. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 57/

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Considering also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, according to which the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

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55/ E/CN.4/1984/12 and Add.1.

56/ See E/CN.4/1984/12, paras. 53-63.

57/ Adopted at the 42nd meeting, on 6 March 1984, by a roll-call vote of 39 to none, with 4 abstentions. See chap. VIII.

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and General Assembly resolutions 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 and 35/56 of 5 December 1980, containing the International Development Strategy for the Third United Nations Development Decade,

Recalling also the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on Social Progress and Development, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security and the Declaration on the Deepening and Consolidation of International Détente,

Bearing in mind that the International Development Strategy for the Third United Nations Development Decade stated that "the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom",

Noting with interest that the Heads of State or Government of Non-Aligned Countries at their Seventh Conference, held in New Delhi, India, from 7 to 12 March 1983, confirmed the importance of the right to development as a human right and the fact that equality of opportunity for development is as much a prerogative of nations as of the individuals composing them,

Particularly concerned by the ongoing international economic crisis which has, inter alia, seriously undermined the development prospects of the developing countries,

Recalling its resolutions 2 (XXXI) of 10 February 1975, 4 (XXXIII) of 21 February 1977, 4 (XXXV) and 5 (XXXV) of 2 March 1979, 6 (XXXVI) and 7 (XXXVI) of 21 February 1980, 36 (XXXVII) of 11 March 1981, 1982/17 of 9 March 1982, and 1983/15 of 22 February 1983,

Recalling that in its resolution 36 (XXXVII) it stated, inter alia, that equality of opportunity for development was as much a prerogative of nations as of individuals within nations,

Taking account of General Assembly resolution 36/133 of 14 December 1981, in which the Assembly declared that the right to development was an inalienable human right,

Taking into account also General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979 and all other relevant resolutions of the General Assembly,

Recalling also that the General Assembly, in resolution 32/130, stated inter alia that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Emphasizing that the promotion of respect for the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Recognizing that, through disarmament, resources could be released to contribute in a meaningful way to the development of all States, particularly the developing countries,

Emphasizing the importance for all countries of evolving appropriate socio-economic systems that are best suited to their own political, economic, social and cultural situations, free from external influences and constraints that distort and prevent achievement of the right to development,

Further underlining the importance of individual and collective self-reliance on the part of the developing countries as a means of accelerating their development and contributing to achievement of the right to development,

Recognizing that international peace and security are essential elements for the full realization of the right to development,

Having considered the report of the Working Group of Governmental Experts on the Right to Development, 58/

1. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;
2. Expresses its deep concern at the present situation in the attainment of the aims and objectives for the establishment of a new international economic order and the adverse effects on the full achievement of human rights and in particular of the right to development;
3. Affirms that the achievement of economic independence is of vital importance for every State, including developing countries, and that in an increasingly interdependent world the economic fortunes and political stability of both developing and developed countries are more and more intertwined;
4. Reaffirms that all nations have an inalienable right to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources subject to the principles referred to in article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;

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58/ E/CN.4/1984/13 and Corr.1 and 2.

5. Once again reiterates the need to ensure the realization of work, education, health and proper nourishment through the adoption of national and international measures, as a necessity for the full enjoyment of human rights;
6. Reaffirms that foreign occupation, colonialism, apartheid, racism and racial discrimination and the denial of the right to self-determination of peoples and of universally recognized human rights are serious impediments to economic and social progress;
7. Commends the report of the Working Group of Governmental Experts on the Right to Development, which met at Geneva on two occasions between 13 June and 11 November 1983;
8. Takes note with satisfaction of the progress made so far by the Working Group as reflected in its report and its recommendations;
9. Decides to reconvene the same Working Group with the same mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development;
10. Requests the Working Group to hold two sessions of two weeks each in Geneva;
11. Also requests the Working Group to submit to the Commission at its forty-first session a report and concrete proposals for a draft declaration on the right to development;
12. Requests the Secretary-General to provide all necessary assistance to the Working Group;
13. Decides to consider this question as a matter of high priority at its forty-first session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group;
14. Decides also to review, at its forty-first session, the need for the Working Group to continue its activities.

1984/17. The new international economic order and the promotion of human rights 59/

The Commission on Human Rights

Recommends that the Economic and Social Council should arrange for the study on the new international economic order and the promotion of human rights 60/ to be published and given the widest possible distribution in all the official languages of the United Nations.

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59/ Adopted at the 42nd meeting, on 6 March 1984, by a roll-call vote of 39 to 1, with 3 abstentions. See chap. VIII.

60/ E/CN.4/Sub.2/1983/24 and Add.1/Rev.1 and Add.2.



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, 62/

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, 63/

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

2. 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; 64/

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;

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61/ Adopted at the 42nd meeting, on 6 March 1984, without a vote. See chap.XVIII.

62/ E/CN.4/1984/39.

63/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 4Q (A/38/40).

64/ E/1983/41.

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 Covenants 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 an agenda item entitled "Status of the International Covenants on Human Rights".

1984/19. Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty 65/

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 reaffirms 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 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;

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65/ Adopted at the 42nd meeting, on 6 March 1984, without a vote. See chap. XVIII.

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.

1984/20. Question of the human rights of all persons subjected to any form of detention or imprisonment 66/

The Commission on Human Rights,

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

Bearing in mind the provisions of the Geneva Conventions of 12 August 1949 67/ and of The Hague Convention of 1907, 68/

Recalling General Assembly resolutions 2674 (XXV) and 2675 (XXV) of 9 December 1970 as well as all relevant resolutions on the promotion of the respect of human rights in armed conflicts,

Deeply alarmed by the situation of Palestinian, Lebanese and other detainees held by Israel as a result of its invasion of Lebanon and continued occupation of Lebanese territories,

1. Strongly reaffirms that the fundamental human rights established by international law and formulated in international instruments remain fully applicable in cases of armed conflict;

2. Urges Israel to recognize, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 69/ the status of prisoners of war for all combatants captured in the course of that war, and to treat them accordingly;

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66/ Adopted at the 42nd meeting, on 6 March 1984, by a roll-call vote of 41 to 1, with 1 abstention. See chap. X.

67/ United Nations, Treaty Series, vol. 75, Nos. 970-973

68/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915), p.100.

69/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.

3. Urges Israel to release immediately all civilians arbitrarily detained since the beginning of that war, as well as those that Israel rearrested and detained again in Ansar Camp, thereby violating the agreement on the exchange of prisoners concluded with the International Committee of the Red Cross in November 1983;

4. Urges Israel to co-operate with the International Committee of the Red Cross and allow it to visit all detainees, in all the detention centres under its control;

5. Urges Israel to ensure protection, in conformity with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 70/ and The Hague Convention of 1907, for Palestinian civilians, including the released detainees, in the areas under its occupation;

6. Calls upon all parties to the conflict to furnish the International Committee of the Red Cross with all available information concerning persons who are missing or who disappeared following the invasion of Lebanon by Israel;

7. Decides to place this matter on the provisional agenda of its forty-first session under the item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

1984/21. Draft convention against torture and other cruel, inhuman or degrading treatment or punishment 71/

The Commission on Human Rights,

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

Recalling General Assembly resolution 32/62 of 8 December 1977, in which the Assembly requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,

Bearing in mind its resolution 1983/48 of 9 March 1983, in which it decided to accord the highest priority to the consideration of this question at its fortieth session,

Recalling also that the General Assembly, in its resolution 38/119 of 16 December 1983, requested the Commission on Human Rights to complete, at its fortieth session, as a matter of highest priority, the drafting of such a convention, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session,

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70/ Ibid., No. 973, p. 287.

71/ Adopted at the 42nd meeting, on 6 March 1984, without a vote. See chap. X.

Having examined the report of the working group 72/ established prior to its present session, as authorized by the Economic and Social Council in its resolution 1983/38 of 27 May 1983, to complete the work on the draft convention,

1. Expresses its appreciation for the work achieved by the working group in preparing the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;
2. Decides to transmit to the General Assembly, through the Economic and Social Council, the report of the working group as well as the summary records of the Commission's debate on this item during its present session;
3. Requests 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;
4. Requests the Secretary-General to submit the comments received from Governments to the General Assembly at its thirty-ninth session;
5. Recommends 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.

1984/22. United Nations Voluntary Fund for Victims of Torture 73/

The Commission on Human Rights,

Bearing in mind its resolutions 35 (XXXVII) of 11 March 1981, 1982/43 of 11 March 1982 and 1983/19 of 22 February 1983 concerning the United Nations Voluntary Fund for Victims of Torture,

Recalling General Assembly resolution 36/151 of 16 December 1981, by which the Assembly decided to establish the United Nations Voluntary Fund for Victims of Torture,

Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

Further noting with deep concern that acts of torture take place in various countries,

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72/ E/CN.4/1984/72.

73/ Adopted at the 42nd meeting, on 6 March 1984, without a vote.  
See chap. X.

Convinced that the struggle to eliminate torture includes providing assistance in a humanitarian spirit to the victims and their family members,

Noting the report 74/ and the note 75/ by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture,

1. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund;
3. Expresses its appreciation to the Board of Trustees for the work carried out;
4. Renews its request to the Secretary-General to transmit to all Governments the Commission's appeal for further contributions to the Fund;
5. Requests the Secretary-General to do all possible to assist the Board of Trustees, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Voluntary Fund and its humanitarian work better known;
6. Further requests the Secretary-General to keep the Commission informed every year of the operations of the Fund.

1984/23. Question of enforced or involuntary disappearances 76/

The Commission on Human Rights,

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

Convinced that the action taken to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons should be continued,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish, for a period of one year, a working group consisting of five of its members to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances of persons, and its resolution 1983/20 of 22 February 1983,

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74/ A/38/221.

75/ E/CN.4/1984/19.

76/ Adopted at the 42nd meeting, on 6 March 1984, without a vote.  
See chap. X.

Recalling General Assembly resolution 38/94 of 16 December 1983, in which the Assembly welcomed the decision taken by the Commission on Human Rights to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 1983/20 of 22 February 1983,

Profoundly concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

Expressing its emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

Conscious of the need for the Working Group to develop further its methodology in the light of the discussions held during the present session,

Taking note of the report of the Working Group, 77/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the work it has done;

2. Decides to extend for one year the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI);

3. Requests the Working Group to submit to the Commission, at its forty-first session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, inter alia, to protect persons providing information or to limit the dissemination of information provided by Governments;

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

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

6. Renews its request to the Secretary-General to appeal to all Governments concerned, in view of the strictly humanitarian concerns of the Working Group, to extend to it, in a spirit of full confidence, their co-operation, which is indispensable for solving the cases of disappearance;

7. Encourages 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;

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77/ E/CN.4/1984/21 and Add.1 and 2.



8. Further requests the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner and, if necessary, to make the appropriate arrangements to ensure the continuity of the Secretariat's work;

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

1984/24. Question of a convention on the rights of the child 78/

The Commission on Human Rights,

Bearing in mind the draft convention on the rights of the child submitted by Poland to the Commission on Human Rights on 7 February 1978, 79/ the amended version of the draft submitted to the Commission on 5 October 1979 80/ and the document submitted by Poland to the General Assembly at its thirty-sixth session, on 7 October 1981, 81/

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979, 35/131 of 11 December 1980, 36/57 of 25 November 1981, 37/190 of 18 December 1982 and 38/114 of 16 December 1983, by which the Assembly requested the Commission on Human Rights to give the highest priority to the question of completing the draft convention on the rights of the child,

Recalling also its resolutions 20 (XXXIV) of 8 March 1978, 19 (XXXV) of 14 March 1979, 36 (XXXVI) of 12 March 1980, 26 (XXXVII) of 10 March 1981, 1982/39 of 11 March 1982 and 1983/52 of 10 March 1983, and Economic and Social Council decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981 and resolutions 1978/18 of 5 May 1978, 1978/40 of 1 August 1978, 1982/37 of 7 May 1982 and 1983/39 of 27 May 1983, by which it authorized a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission to facilitate the completion of the work on the draft convention on the rights of the child,

Mindful of the General Assembly's request that the highest priority be given to the question of completing the draft convention at the Commission's fortieth session and that every effort be made to submit it, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, as the Commission's tangible contribution to the commemoration of the twenty-fifth anniversary of the Declaration of the Rights of the Child, 82/

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78/ Adopted at the 46th meeting, on 8 March 1984, without a vote. See chap. XIII.

79/ Commission resolution 20 (XXXIV), annex.

80/ E/CN.4/1349.

81/ A/C.3/36/6.

82/ General Assembly resolution 1386 (XIV).

Aware that children's rights are basic human rights and call for continuous improvement of the situation of children all over the world as well as their development and education in conditions of peace and security,

Welcoming with appreciation the report entitled The State of the World's Children, 1984 by the Executive Director of the United Nations Children's Fund 83/ and his idea of a revolution for children, with a view to promoting and protecting children's rights, life and health,

Noting the further progress made by the open-ended working group during its one-week meeting prior to the fortieth session of the Commission,

Noting also the growing interest in, and the need to work out, a comprehensive international convention on the rights of the child displayed by numerous Governments and international organizations,

1. Decides to continue at its forty-first session, as a matter of the highest priority, its work on the elaboration of the draft convention on the rights of the child, with a view to completing the draft at that session for transmission, through the Economic and Social Council, to the General Assembly;

2. Requests the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the forty-first session of the Commission on Human Rights to facilitate and speed up completion of the work on a draft convention on the rights of the child;

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

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

1984/25. Question of Grenada 84/

The Commission on Human Rights,

Inspired by the purposes of the United Nations, including that of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Bearing in mind the principles of the United Nations, and in particular the principle contained in Article 2, paragraph 4, of the Charter of the United Nations, which provides that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Bearing in mind the provisions of the Universal Declaration of Human Rights and the other relevant international instruments relating to human rights,

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83/ Published for UNICEF by Oxford University Press (London, 1983).

84/ Adopted at the 50th meeting, on 12 March 1984, without a vote.  
See chap. IX.

Recalling that the General Assembly considered the question of Grenada at its thirty-eighth session and decided to reaffirm the sovereign and inalienable right of the people of Grenada to self-determination,

1. Reaffirms the right of the people of Grenada to the full exercise of their human rights and fundamental freedoms;

2. Calls upon all States to show the strictest respect for the sovereignty, independence and territorial integrity of Grenada;

3. Reaffirms the inalienable right of the people of Grenada to decide their own future and the obligations of all States not to interfere or intervene in the internal affairs of Grenada;

4. Reaffirms the right of the people of Grenada to hold free elections in order to choose its Government democratically without external interference or pressure.

1984/26. Question of the human rights of all persons subjected to any form of detention or imprisonment 85/

The Commission on Human Rights,

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

Bearing in mind the International Covenant on Civil and Political Rights, which reaffirms in article 19 the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or public order, or of public health or morals,

Bearing in mind that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of resolution 1983/32 adopted on 6 September 1983 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Concerned at the extensive detention in many parts of the world of persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

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85/ Adopted at the 50th meeting, on 12 March 1984, without a vote.  
See chap. X.

1. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and, where anyone has been detained solely for exercising the right to freedom of expression as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

2. Calls upon States that have not yet done so to take steps to allow the full realization of the right to freedom of opinion and expression in their territory;

3. Decides to review this matter at its forty-first session with a view to promoting respect for the right to freedom of opinion and expression.

1984/27. Human rights and scientific and technological development 86/

The Commission on Human Rights,

Convinced of the paramount need for an importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Recalling the relevant provisions of the Proclamation of Teheran 87/ and the relevant resolutions of the General Assembly and the Commission on Human Rights concerning human rights and scientific and technological developments,

Recalling also the Vienna Programme of Action on Science and Technology for Development 88/ adopted by the United Nations Conference on Science and Technology for Development,

Noting that various useful studies have been undertaken by United Nations bodies in accordance with General Assembly resolution 2450 (XXIII) of 19 December 1968 and subsequent resolutions with respect to human rights issues arising from developments in science and technology,

Welcoming the final report on relevant guidelines in the field of computerized personal files 89/ presented to the Commission by Mr. Louis Joinet,

Recognizing that the effects of scientific and technological development on human rights and fundamental freedoms have both beneficial and harmful aspects and therefore must be examined in their totality,

Taking into account the report of the Secretary-General 90/ prepared in accordance with Commission resolution 1983/41 of 9 March 1983,

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86/ Adopted at the 50th meeting, on 12 March 1984, without a vote. See chap. XV.

87/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), chap. II.

88/ Report of the United Nations Conference on Science and Technology for Development, Vienna, 20-31 August 1979 (United Nations publication, Sales No. E.79.I.21 and corrigenda), chap. VII.

89/ E/CN.4/Sub.2/1983/18.

90/ E/CN.4/1984/33 and Add.1 and 2.

1. Invites 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;

2. Requests the Secretary-General to submit an updated report to the Commission at its forty-second session, taking into account further comments provided by States, relevant international organizations and other sources;

3. Further requests the Sub-Commission to consider areas in which studies could be undertaken on the most effective ways and means of using the results of scientific and technological development for the promotion and realization of human rights and fundamental freedoms, taking into account existing studies as well as the views presented in accordance with Commission resolution 1983/41.

1984/28. Human rights and scientific and technological developments 91/

The Commission on Human Rights,

Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person, to maintain international peace and security, to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and fundamental freedoms,

Recalling the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Charter of Economic Rights and Duties of States 92/ and the Declaration and Programme of Action on the Establishment of a New International Economic Order, 93/

Bearing in mind that nuclear war has been condemned by the General Assembly as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life,

Noting that the General Assembly has called for the conclusion of an international convention on the prohibition of the use of nuclear weapons with the participation of all the nuclear-weapon States,

Noting General Assembly resolutions 37/189 A and B of 18 December 1982 and 38/113 of 16 December 1983 and its own resolutions 1982/7 of 19 February 1982 and 1983/43 of 9 March 1983, as well as the documents referred to therein,

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91/ Adopted at the 50th meeting, on 12 March 1984, by a roll-call vote of 28 to 8, with 7 abstentions. See chap. XV.

92/ General Assembly resolution 3281 (XXIX).

93/ General Assembly resolutions 3201 (S-VI) and 3202 (S-VI).

Profoundly concerned that international peace and security continue to be threatened by the arms race, in all its aspects, particularly the nuclear arms race, as well as by violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples,

Aware that all the horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization on earth,

Noting the pressing need for urgent measures towards general and complete disarmament, particularly nuclear disarmament, for the sake of life on earth,

Bearing in mind that, in accordance with the International Covenant on Civil and Political Rights, any propaganda for war shall be prohibited by law,

Convinced that for no people in the world today is there a more important question than that of the preservation of peace and of ensuring the cardinal right of every human being, namely, the right to life,

1. Reaffirms that all peoples and all individuals have an inherent right to life, and that the safeguarding of this cardinal right is an essential condition for the enjoyment of the entire range of economic, social and cultural as well as civil and political rights;

2. Stresses once again the urgent need for the international community to make every effort to strengthen peace, remove the growing threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples, thus contributing to assuring the right to life;

3. Stresses further the foremost importance of the implementation of practical measures of disarmament for releasing substantial additional resources, which should be utilized for social and economic development, particularly for the benefit of the developing countries;

4. Appeals 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;

5. Again calls 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 and propaganda for political and military doctrines and concepts intended to provide "legitimacy" for the first use of nuclear weapons and in general to justify the "admissibility" of unleashing nuclear war;

6. Decides to consider this matter at its forty-second session under the agenda item entitled "Human rights and scientific and technological developments".

1984/29. Human rights and scientific and technological developments 94/

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of society,

Taking into account General Assembly resolutions 35/130 A and B of 11 December 1980, 36/56 A of 25 November 1981 and 37/189 B of 18 December 1982, and its own resolutions 38 (XXXVII) of 12 March 1981, 1982/4 of 19 February 1982 and 1983/42 of 9 March 1983,

Reaffirming the major significance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975,

Convinced that implementation of that Declaration by all States will contribute to the strengthening of international peace and the security of peoples and to their economic and social development as well as to international co-operation in the field of human rights,

Expressing concern that the results of scientific and technological progress could be used to the detriment of international peace and security and social progress, human rights and fundamental freedoms, and the dignity of the human person,

Recognizing that the establishment of the new international economic order calls for a vital contribution to be made by science and technology to economic and social progress,

Bearing in mind that the mutually advantageous exchange and transfer of scientific and technological knowledge is one of the basic ways to accelerate the economic development of all countries, especially the developing countries,

1. Stresses 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;

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94/ Adopted at the 50th meeting, on 12 March 1984, by 33 votes to none, with 10 abstentions. See chap. XV.

2. Calls upon all States to make the necessary efforts to use the achievements of scientific and technological progress for peaceful economic, social and cultural development and to improve the well-being of peoples;

3. Requests once again the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development;

4. Decides to consider that study as a matter of priority at its forty-second session under the agenda item entitled "Human rights and scientific and technological developments".

1984/30. Human rights and scientific and technological developments 95/

The Commission on Human Rights,

Recalling General Assembly resolution 37/189 A and B of 18 December 1982 on human rights and scientific and technological developments as well as General Assembly resolutions 38/111, 38/112 and 38/113 of 16 December 1983,

Recalling also its resolutions 1983/41, 1983/42 and 1983/43 of 9 March 1983,

Recognizing that scientific and technological processes are important factors in the development of human society,

Stressing the need to keep the promotion and protection of human rights under constant review in the light of the rapidity of scientific and technological developments,

Noting that the report of the Secretary-General, 96/ considered at the 1379th meeting of the Commission on 5 March 1976, conveyed the recommendations of a group of eminent international experts, which met from 15 to 19 September 1975, to discuss "the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity",

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95/ Adopted at the 50th meeting, on 12 March 1984, without a vote. See chap. XV.

96/ E/CN.4/1199 and Add.1.



Taking into account the recommendations of the international experts set forth in the aforementioned report,

1. Decides to consider the implications of the topics indicated in the recommendations of the international experts at its forty-second session, under the agenda item "Human rights and scientific and technological developments";

2. Requests the Secretary-General to invite Members of the United Nations, United Nations bodies and specialized agencies to submit their views and comments on the recommendations of the international experts.

1984/31. Human rights violations and disabled persons 97/

The Commission on Human Rights,

Mindful of General Assembly resolution 37/52 of 3 December 1982, by which, inter alia, the Assembly adopted the World Programme of Action concerning Disabled Persons, 98/ in which United Nations bodies responsible for human rights are requested to take into account violations of the human rights of disabled persons,

Recalling resolutions 1982/1 of 7 September 1982 and 1983/15 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

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

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97/ Adopted at the 51st meeting, on 12 March 1984, without a vote.  
See chap. XIX.

98/ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII.

The Commission on Human Rights,

Mindful that the purposes of the United Nations embodied in the Charter include the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its resolutions 1982/19 of 10 March 1982 and 1983/23 of 4 March 1983 regarding the human rights and fundamental freedoms of indigenous populations,

Conscious that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of human rights and fundamental freedoms by indigenous populations,

Having received information on the activities of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting that the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 100/ enumerates certain basic rights of indigenous populations and acknowledges the role of the Working Group,

1. Welcomes the constructive efforts being made in the Working Group on Indigenous Populations to discharge its mandate under Economic and Social Council resolution 1982/34 of 7 May 1982 with respect to the evolution of international standards and the review of developments pertaining to the promotion and protection of the human rights of indigenous populations, and notes particularly, with appreciation, the valuable co-operation with the Working Group of a considerable number of Governments, specialized agencies, organizations of indigenous populations and other non-governmental organizations;

2. Recognizes the importance of ensuring the adequate dissemination of information about the activities of the Working Group to indigenous populations, in order to encourage the widest possible participation in its work;

3. Takes note with interest of the Working Group's discussion of the possible establishment of a voluntary fund to facilitate participation by representatives of indigenous populations in the Group's work, and looks forward to its considered proposals in this regard.

4. Commends 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.

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99/ Adopted at the 51st meeting, on 12 March 1984, without a vote.  
See chap. XIX.

100/ General Assembly resolution 38/14, annex.

1984/33. Conscientious objection to military service 101/

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/165 of 20 December 1978,

Recalling its resolution 38 (XXXVI) of 12 March 1980 and in particular its resolution 40 (XXXVII) of 12 March 1981, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of conscientious objection to military service,

Having received the report by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service, 102/

Recognizing the great importance of the subject and the need to promote and protect the human rights of conscientious objectors,

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

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

1984/34. Situation in Central America 103/

The Commission on Human Rights,

Bearing in mind resolution 1983/8 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1983 and General Assembly resolution 38/10 of 11 November 1983, in which the efforts of the Contadora Group, formed by Colombia, Mexico, Panama and Venezuela, are recognized and an urgent appeal is made to all interested States in and outside the region to co-operate fully with the Group through a frank and constructive dialogue which helps to resolve differences,

Reaffirming the inalienable right of all peoples to decide on their own form of government and sovereignly to determine their own economic, political and social system completely freely, without any foreign intervention, coercion or limitation,

Deeply concerned at the persistence of tensions and conflicts in Central America and the increase in outside interference, as well as the acts of aggression against the countries of the region, which constitute a growing threat of extension of the conflict that would seriously endanger international peace and security,

Bearing in mind the progress achieved in 13 months of meetings and consultations that the Ministers for Foreign Affairs of the Contadora Group have held with the Foreign Ministers of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua with a view to identifying differences and proposing appropriate procedures for considering them,

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101/ Adopted at the 51st meeting, on 12 March 1984, without a vote.  
See chap. XIX.

102/ E/CN.4/Sub.2/1983/30.

103/ Adopted at the 51st meeting, on 12 March 1984, without a vote.  
See chap. XIX.

Noting that, on 27 and 28 February 1984, the Technical Group submitted to the Ministers of the Contadora Group a detailed report on the progress made by the specialized commissions, formed by representatives of the nine countries, in the areas of security, political affairs and economic and social questions,

Noting with interest the efforts being made by various countries in the area with regard to elections and emphasizing the importance of democratic processes as an instrument for promoting internal reconciliation within countries and regional detente,

1. Reaffirms the right of all the countries of the region to live in peace and to decide their own future, free from all outside interference or intervention;

2. Repudiates the acts of aggression against the sovereignty, independence and territorial integrity of the States of the region which are causing loss of human life and irreparable damage to their economies;

3. Notes with satisfaction the efforts being made by the countries of the region to establish or, as appropriate, to improve democratic, representative and pluralistic systems fully guaranteeing popular participation;

4. Expresses its firmest support, as recommended in resolution 1983/8 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and General Assembly resolution 38/10, for the efforts of the Contadora Group in providing its good offices to the Central American countries with the aim of fostering an atmosphere of detente and arriving at agreements for peace, harmony and co-operation in the area, which deserve the resolute co-operation of interested countries in and outside the region.

1984/35. Exploitation of child labour 104/

The Commission on Human Rights,

Recalling its resolution 1982/21 of 10 March 1982, in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present to the Economic and Social Council, through the Commission on Human Rights, a concrete programme of action to combat violations of human rights through the exploitation of child labour,

Noting the recommendation made by the Special Rapporteur, Mr. A. Bouhdiba, that a seminar should be held on the question of child labour,

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

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

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104/ Adopted at the 51st meeting, on 12 March 1984, without a vote.  
See chap. XIX.

1984/36. Measures to combat racism and racial discrimination 105/

The Commission on Human Rights,

Aware of the important role of education in combating racism and racial discrimination, as expressed in the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Bearing in mind the important role of the United Nations Educational, Scientific and Cultural Organization and its special mandate in the field of education with a view to the elimination of racism and racial discrimination,

Emphasizing the need for the education of children from their earliest years in the respect of the equality of all human beings and in the important principle that all human beings are members of one human family,

Recalling the Declaration and Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination, in particular, paragraph 16 (a) of the Programme of Action 106/ which, inter alia, drew the attention of States to the importance of school curricula in promoting understanding among the various groups of society,

1. Commends the United Nations Educational, Scientific and Cultural Organization for its work in the field of education to combat racism and racial discrimination;

2. Expresses its desire that this valuable work should increasingly have an impact on the general public;

3. Appeals to States to encourage educational institutions at all levels, in particular at the primary level, to incorporate in school curricula the concept of the oneness of the human race, including the biological unity of the human race, the social, economic, cultural and political interdependence of all peoples, the universal institution of the family as the basic unit of society, and the basic needs, desires, emotions and aspirations shared by all human beings, including the universal need for self-identity, the need to belong to and participate in the life of a larger community, the need of all groups, including national and ethnic both large and small, to develop a sense of cultural identity, and man's universal need and search for spiritual purpose;

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105/ Adopted at the 51st meeting, on 12 March 1984, without a vote. See chap. XIX.

106/ See Report of the Second World Conference to Combat Racism and Racial Discrimination, Geneva (1-12 August 1983) (United Nations publication, Sales No. E.83.XIV.4 and corrigendum), chap. II, sect. B.

4. Invites all organizations concerned, in particular the United Nations Educational, Scientific and Cultural Organization, to continue to use all means at their disposal to emphasize the importance of education in combating all forms of prejudice and, in particular, to encourage the adoption of the above curriculum in schools and other educational institutions.

1984/37. Violations of human rights and fundamental freedoms - Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country 107/

The Commission on Human Rights,

Having examined the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth and thirty-sixth sessions, 108/

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

[For the text, see chapter I, section A, draft resolution VI]

1984/38. Report on the exploitation of labour through illicit and clandestine trafficking 109/

The Commission on Human Rights

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

[For the text, see chapter I, section A, draft resolution VII.]

1984/39. Exploitation of child labour 110/

The Commission on Human Rights,

Having regard to the Universal Declaration of Human Rights, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 111/ the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual

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107/ Adopted at the 51st meeting, on 12 March 1984, by a vote of 34 to none, with 8 abstentions. See chapter XIX.

108/ E/CN.4/1983/4 and Corr. 1 and E/CN.4/1984/3 and Corr. 1 and 2.

109/ Adopted at the 51st meeting, on 12 March 1984, by a vote of 42 to 1. See chap. XIX.

110/ Adopted at the 51st meeting, on 12 March 1984, without a vote. See chapter XIX.

111/ General Assembly resolution 3318 (XXIX).

Respect and Understanding between Peoples, 112/ the International Covenant on Civil and Political Rights and the Geneva Conventions of 1949 113/ and the Protocols of 1977 114/ additional thereto,

1. Calls upon the Government of the Islamic Republic of Iran to conform to the provisions of the said Declarations, Covenant and Convention and to cease immediately the use of children in the Armed Forces of the Islamic Republic of Iran, especially in time of war;

2. Further invites the appropriate international organizations to offer all possible aid for the welfare of the children at present prisoners of war in Iraq, especially as regards their education and their physical and mental health or, alternatively, to assist those children who so desire to settle in another Islamic country until such time as their return to the Islamic Republic of Iran becomes feasible.

1984/40. Slavery and slavery-like practices 115/

The Commission on Human Rights,

Recalling the goals of the Slavery Convention of 1926, 116/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, 117/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, 118/

Having examined the relevant passages of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-sixth session,

Convinced that the various phenomena of slavery manifest some of the gravest violations of human rights, that the existence of vestiges of slavery-like practices today is a disgrace to professed international standards, and that respect of human rights cannot be expected to develop if the international community countenances the continuation of any slavery-like practices,

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112/ General Assembly resolution 2037 (XX).

113/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

114/ International Committee of the Red Cross, Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977).

115/ Adopted at the 51st meeting, on 12 March 1984, by a roll-call vote of 35 to none, with 8 abstentions. See chapter XIX.

116/ League of Nations, Treaty Series, vol. LX, No. 1414, p. 253.

117/ United Nations, Treaty Series, vol. 266, No. 3822, p. 40.

118/ Ibid., vol. 96, No. 1342, p. 271.

Noting that several issues, such as debt bondage and the indefensible abuse and exploitation of women and children have not until very recently received sufficient attention,

1. Recognizes that apartheid is a slavery-like practice and endorses the call for mandatory economic sanctions against South Africa, and appeals to States members of the Security Council to support proposals to this effect;

2. Appeals to those States which have not signed or ratified the relevant Conventions to do so as soon as possible, or to explain in writing why they feel unable to do so;

3. Requests 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;

4. Requests 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;

5. Requests, in particular, the Secretary-General to submit to the Sub-Commission at its thirty-seventh session a report indicating how the work of the United Nations Development Programme in certain countries could be adapted so as to make a specific contribution to the struggle against slavery;

6. Requests, in the light of the provisions of article 4 of the Universal Declaration of Human Rights, the competent United Nations bodies and specialized agencies concerned to offer States such co-ordinated legal, technical, administrative, educational, financial and other practical assistance as is desirable to eliminate conditions conducive to slavery and slavery-like situations;

7. Invites the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to participate actively in the work of the Working Group;

8. Requests the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to include in their technical assistance programmes activities designed to eliminate slavery-type problems;

9. Invites the Sub-Commission to involve the persons whose names appear in the list of slavery experts more closely in the work carried out by the Working Group on Slavery.



1984/41. The status of the individual and contemporary international law 119/

The Commission on Human Rights,

Recalling its resolution 18 (XXXVII) of 10 March 1981 and Economic and Social Council decision 1981/142 of 8 May 1981 relating to the approval of the preparation of the study entitled "The status of the individual and contemporary international law",

Mindful of resolution 1983/17 of 7 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her preliminary report and the excellent work she has so far accomplished;

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

[For the text, see chapter I, section A, draft resolution VIII.]

1984/42. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences 120/

The Commission on Human Rights,

Recalling that the United Nations emerged from the struggle of peoples against nazism, fascism, aggression and foreign occupation,

Bearing in mind the millions of victims, suffering and destruction caused by aggression, foreign occupation, nazism and fascism,

Recalling the victory over nazism and fascism in the Second World War,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,

Reaffirming the purposes and principles laid down in the Charter of the United Nations, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

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119/ Adopted at the 51st meeting, on 12 March 1984, without a vote. See chap. XIX.

120/ Adopted at the 51st meeting, on 12 March 1984, without a vote. See chap. XXI.

Considering that the fortieth anniversary of the victory over nazism and fascism in the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against all totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial intolerance, hatred, terror, and the systematic denial of human rights and fundamental freedoms,

Emphasizing that all such ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace, constitute obstacles to friendly relations between States and the realization of human rights and fundamental freedoms,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Recalling General Assembly resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982 and 38/99 of 16 December 1983,

Recalling also its resolutions 3 (XXXVII) of 23 February 1981 and 1983/28 of 7 March 1983,

Further recalling resolution 19, entitled "Participation of UNESCO in the celebration of the fortieth anniversary of the end of the Second World War", adopted on 25 November 1983 by the General Conference of UNESCO at its twenty-second session,

Recalling also the Declaration on Social Progress and Development, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Underlining the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,

Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic and other exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International

Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments,

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Noting again with deep concern that the proponents of these ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Expressing its concern that the Fascist and Nazi ideologies and practices are inherited inter alia by repressive racist regimes practising gross and flagrant violations of human rights,

Expressing also its concern that totalitarian ideologies and practices are applied by other repressive regimes, based on the systematic denial of human rights and fundamental freedoms,

1. Again condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;
2. Expresses its determination to resist all totalitarian ideologies and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;
3. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;

4. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;
5. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International 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;
6. Appeals to all States that have not yet done so to ratify, accede to or give serious consideration to acceding to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid;
7. Calls upon all States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;
8. Notes that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;
9. Welcomes General Assembly decision 38/455 of 20 December 1983 to establish a Preparatory Committee entrusted with the task of recommending to the Assembly at its thirty-ninth session proposals for suitable activities in connection with the observance in 1985 of the fortieth anniversary of the United Nations;
10. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays due attention to the dissemination of information on the forthcoming fortieth anniversary of the conclusion of the Second World War, exposing the ideologies and practices described in operative paragraphs 1 and 2 above;
11. Calls upon all States to commemorate solemnly and on a wide scale the fortieth anniversary of the victory of the freedom-loving peoples in the Second World War and to give expression to the respect felt by today's generations for the veterans who were the architects of that victory;
12. Invites all States, on the occasion of the fortieth anniversary of the conclusion of the Second World War, to renew their efforts to counter the spread of the totalitarian ideologies and practices described in paragraphs 1 and 2 above and thereby to help to maintain international peace and avoid future conflict;

13. Takes note with appreciation of the decision of UNESCO to take part in the celebration of the fortieth anniversary of the conclusion of the Second World War and calls upon other appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to follow this example;

14. Recommends to the Economic and Social Council that it request 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;

15. Further recommends to the Economic and Social Council that it request the General Assembly to hold, on the occasion of the special commemorative meeting referred to in paragraph 14 above, a discussion designed to consider ways and means of taking effective measures in order to avoid the spread in the contemporary world of all forms of totalitarian ideologies or practices which, whatever their name may be, promote any kind of racial, ethnic or other exclusiveness or intolerance, or which result in the denial of human rights and fundamental freedoms.

1984/43. Advisory services in the field of human rights - Assistance to the Government of Bolivia 121/

The Commission on Human Rights,

Recalling its resolution 1983/33 of 8 March 1983, in paragraph 6 of which it requested the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as might be requested by the Constitutional Government of Bolivia,

Recalling also that in resolution 1983/33 it was stated that the United Nations should be prepared to consider providing assistance to any nation emerging from a period of human rights violations, if that nation so requested, in order to contribute to respect for human rights and fundamental freedoms,

Having carefully considered the Special Envoy's memorandum of 3 March 1983, 122/ in which he expresses the view, inter alia in paragraphs (5) and (6), that the most effective co-operation would consist of assistance in channelling and promoting the resolution of the basic economic and social situations which condition the genuine existence of human rights, and that for this purpose it would be necessary for a team from the Centre for Human Rights, subsequently broadened and supplemented to an adequate extent, to plan and organize all-round assistance from the United Nations system so as to co-operate in the economic and social rehabilitation of Bolivia,

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121/ Adopted at the 52nd meeting, on 13 March 1984, without a vote. See chap. XXII.

122/ See E/CN.4/1984/46, para. 7.

Bearing in mind that, in response to a request by the President of Bolivia during his visit to the United Nations, the Secretary-General appointed a Special Representative to devise an adequate way of providing assistance to that country, from within the United Nations system, to resolve the serious economic and social problems affecting it,

Also bearing in mind that, in a first report, the Special Representative of the Secretary-General suggests direct and priority support by the United Nations for the case of Bolivia, using the resources available within the various organizations to the United Nations system, 123/

Having considered the report of the Special Envoy, Mr. Héctor Gros Espiell, and taken note of his conclusions and recommendations regarding the strengthening of human rights in Bolivia, 124/

1. Commends the initiative taken by the Secretary-General in studying an adequate way of providing, within the United Nations system, assistance to the Government of Bolivia to resolve the serious economic and social problems affecting that country;

2. Expresses its gratitude to the Special Envoy, Mr. Héctor Gros Espiell, for the effective manner in which he has fulfilled his mandate;

3. Endorses the conclusions and recommendations formulated by the Special Envoy in order to strengthen the implementation of human rights and fundamental freedoms in Bolivia;

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

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

1984/44. Advisory services in the field of human rights 125/

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955 and Economic and Social Council resolution 1978/14 of 5 May 1978, as well as its own resolutions 17 (XXIII) of 22 March 1967 and 11 (XXXIV) of 24 February 1978 on advisory services in the field of human rights,

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123/ Ibid., para. 28.

124/ Ibid., paras. 32-34.

125/ Adopted at the 52nd meeting, on 13 March 1984, without a vote. See chap. XXII.

Having considered the report of the Secretary-General on the programme of advisory services in the field of human rights, 126/

Mindful of the experience obtained in recent years in the provision of assistance in the field of human rights to Governments requesting such assistance under the programme of advisory services in the field of human rights,

Believing that continued efforts should be made by the United Nations, within the framework of the programme of advisory services in the field of human rights, to provide expert assistance to Governments, at their request, with a view to helping them to comply with international standards on human rights,

1. Expresses 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;
2. Requests 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;
3. Invites the Secretary-General to report to the Commission at its forty-first session on the progress made in the provision of such expert assistance to Governments in the field of human rights, and to outline suggestions for a long-term programme of action in this field.

1984/45. Advisory services in the field of human rights - Assistance to Uganda 127/

The Commission on Human Rights,

Recalling General Assembly resolutions 35/103 of 5 December 1980 and 36/218 of 17 December 1981 on assistance for the reconstruction, rehabilitation and development of Uganda,

Recalling also its resolutions 30 (XXXVII) of 11 March 1981, 1982/37 of 11 March 1982 and 1983/47 of 9 March 1983 as well as Economic and Social Council decisions 1981/146 of 8 May 1981 and 1982/139 of 7 May 1982,

Considering the need to take into due account the importance of assistance designed to help the Government of Uganda to continue guaranteeing the enjoyment of human rights and fundamental freedoms,

Mindful of the needs in the areas of human rights indicated by the Government of Uganda in respect of which assistance could be provided,

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126/ E/CN.4/1984/44.

127/ Adopted at the 52nd meeting, on 13 March 1984, without a vote.  
See chap. XXII.

Noting with satisfaction the efforts of the Government and people of Uganda to restore in that country a democratic system respectful of human rights and fundamental freedoms,

Welcoming the endeavours of the Government and people of Uganda aimed at the reconstruction, rehabilitation and development of their country,

Taking note of the report of the Secretary-General, 128/ in which it is indicated that he has continued his contacts with the Government of Uganda with a view to ascertaining the most appropriate methods of providing assistance in the field of human rights as called for by Commission resolution 1982/37 and Economic and Social Council decision 1982/139,

1. Requests the Secretary-General to continue his contacts with the Government of Uganda within the framework of the programme of advisory services, and, while providing all possible assistance to the Government of Uganda, also to identify and bring to the attention of that Government external sources of assistance which it could possibly draw upon;

2. Invites all States, specialized agencies and United Nations bodies, as well as humanitarian and non-governmental organizations, to lend their support and assistance to the Government of Uganda in its efforts to guarantee the enjoyment of human rights and fundamental freedoms;

3. Commends those States, United Nations bodies, specialized agencies, humanitarian and non-governmental organizations that have provided and continue to provide assistance to Uganda in human rights and related fields.

1984/46. Question of the human rights of all persons subjected to any form of detention or imprisonment 129/

The Commission on Human Rights,

Bearing in mind resolution 1983/28 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Seriously concerned at the permanent application of the state of siege in Paraguay for more than 20 years,

Invites the Government of Paraguay to consider ending the state of siege, in order to encourage the promotion of, and respect for, human rights in the country.

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128/ E/CN.4/1984/45.

129/ Adopted at the 52nd meeting, on 13 March 1984, by a roll-call vote of 36 to 1, with 5 abstentions. See chap. X.



1984/47. Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 130/

The Commission on Human Rights,

Recalling General Assembly resolution 37/188 of 18 December 1982,

Recalling also its resolution 1983/44 of 9 March 1983,

Mindful of resolution 1983/39 of 7 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting the final report 131/ of the Special Rapporteur and her introductory statement, 132/

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

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

1984/48. Question of slavery and the slave trade in all their practices and manifestations 133/

The Commission on Human Rights,

Having examined the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-sixth session, 134/

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

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

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130/ Adopted at the 52nd meeting, on 13 March 1984, without a vote. See chap. XV.

131/ E/CN.4/Sub.2/1983/17 and Add.1.

132/ E/CN.4/1984/43.

133/ Adopted at the 52nd meeting, on 13 March 1984, without a vote. See chap. XIX.

134/ E/CN.4/1984/3 and Corr. 1 and 2.

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and at the human suffering of millions of refugees and displaced persons,

Conscious that human rights violations are among the principal factors in the complex and multiple causes of mass exoduses of population,

Aware that in determining the causes of mass exoduses, special consideration should be given to mass and flagrant violations of human rights, including those arising from apartheid, all forms of racial discrimination, colonialism, aggression, as well as foreign occupation and intervention,

Deeply preoccupied by the increasingly heavy burden being imposed particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden and mass exoduses and displacements of population,

Recalling General Assembly resolution 32/130 of 16 December 1977 and Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977 on the full realization of economic, social and cultural rights,

Recalling its resolutions 30 (XXXVI) of 11 March 1980, 29 (XXXVII) of 11 March 1981, 1982/32 of 11 March 1982 and 1983/35 of 8 March 1983, and General Assembly resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982 and 38/103 of 16 December 1983,

Recognizing that the Special Rapporteur's study 136/ can make an important contribution to the development of international thinking on the present problem of mass exoduses and their causes, and thus help in the prevention of further mass movements of population and the mitigation of their consequences,

Mindful of the value, in view of the importance of the subject, of the largest possible number of Governments expressing their opinions on the study,

Taking note of the report of the Secretary-General on human rights and mass exoduses, 137/

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135/ Adopted at the 57th meeting, on 14 March 1984, without a vote. See chap. XII.

136/ E/CN.4/1503.

137/ A/38/538.

Noting that only a certain number of Governments have so far expressed their views on the matter,

1. Invites Governments to intensify their co-operation and assistance in world-wide efforts to address the problem of mass exoduses in all its aspects;
2. Welcomes the intention of the Secretary-General to utilize to the greatest extent possible the relevant United Nations machinery in order to analyse promptly information on situations which might cause mass exoduses;
3. Notes with interest that the Secretary-General has on many occasions designated special representatives on humanitarian issues on an ad hoc basis and his readiness to continue and expand this practice;
4. Appeals once again to Governments which have not yet done so to make their views known and thus contribute to the discussion of ways and means for the international community to remove the root causes of and to solve the problems resulting from mass exoduses;
5. Welcomes 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 requests 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;
6. Recalls that the General Assembly in resolution 36/148 of 16 December 1981 mandated the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to undertake a comprehensive review of the problem of massive flows of refugees and, in accordance with paragraph 7 of that resolution, invited the Group of Governmental Experts to consider the recommendations of the Special Rapporteur which fall within its mandate;
7. Decides to keep under review at its forty-first session the problem of human rights and mass exoduses.

1984/50. Summary or arbitrary executions 138/

The Commission on Human Rights,

Recalling its resolution 1983/36 of 8 March 1983 on the question of summary or arbitrary executions,

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138/ Adopted at the 57th meeting, on 14 March 1984, without a vote.  
See chap. XII.

Recalling also Economic and Social Council resolution 1983/24 of 26 May 1983 and General Assembly resolution 38/96 of 16 December 1983 on the problem of summary or arbitrary executions;

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

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

1984/51. Situation in Equatorial Guinea 139/

The Commission on Human Rights,

Recalling its resolutions 15 (XXXV) of 13 March 1979, 33 (XXXVI) of 11 March 1980, 31 (XXXVII) of 11 March 1981, 1982/34 of 11 March 1982 and 1983/32 of 8 March 1983 concerning the situation of human rights in Equatorial Guinea,

Recalling that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the plan of action proposed by the Secretary-General on the basis of recommendations submitted by Mr. Fernando Volio Jiménez, the expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI).

Further recalling that the Economic and Social Council, in its resolution 1982/36, requested the Secretary-General, with expert assistance if necessary, to discuss with the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action and invited the Government of Equatorial Guinea to co-operate with the Secretary-General in that respect,

1. Takes note of the report of the Secretary-General 140/ submitted in pursuance of Economic and Social Council resolution 1983/35 of 27 May 1983;

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

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

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139/ Adopted at the 57th meeting, on 14 March 1984, without a vote. See chap. XII.

140/ E/CN.4/1984/27.

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take appropriate measures to ensure respect for human rights and fundamental freedoms,

Recalling that, in resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982 and 38/101 of 16 December 1983, the General Assembly has repeatedly expressed its deep concern at the situation of human rights in El Salvador, especially in view of the death of thousands of persons and the climate of violence and insecurity prevailing in that country, as well as the impunity of para-military forces and other armed groups,

Recalling also its own resolutions 32 (XXXVII) of 11 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982, and 1983/29 of 8 March 1983, whereby it extended the mandate of the Special Representative for another year, requesting him to report, inter alia, to the General Assembly at its thirty-eighth session,

Bearing in mind that in its resolution 38/101 the General Assembly observed that the elections held in El Salvador in March 1982 had not led to the cessation of violence or to improvement in the situation of human rights and fundamental freedoms in that country,

Taking note with concern of the interruption in the dialogue between the Salvadorian Government and the other representative political forces, a dialogue which is the only way to achieve a negotiated comprehensive political solution that will put an end to the armed conflict and promote genuine national reconciliation and the consequent creation of a climate of peace which guarantees full enjoyment of human rights,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador; 142/
2. Expresses its deep concern at the fact that, as indicated in the report of the Special Representative, the gravest violations of human rights are persisting in El Salvador and that as a result the sufferings of the Salvadorian

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141/ Adopted at the 58th meeting, on 14 March 1984, by a roll-call vote of 24 to 5, with 13 abstentions. See chap. XII.

142/ E/CN.4/1984/25 and Corr.1

people are continuing, and regrets that the appeals for the cessation of acts of violence formulated by the General Assembly, the Commission on Human Rights and the international community in general have not been heeded, and that the promulgation of an amnesty law and also the creation of a human rights commission have not been reflected in results that alter the situation of human rights as a whole;

3. Again draws the attention of the Salvadorian parties involved to the fact that the rules of international law, as contained in article 3 common to the Geneva Convention of 12 August 1949 143/ and Additional Protocol II of 1977, 144/ are applicable to armed conflicts not of an international character, such as that in El Salvador, which stems from economic, social and political factors of a structural nature, and requests the opposing parties to apply a minimum standard of protection of human rights and of humane treatment to the civilian population;

4. Points out that the right to life is paramount and strongly recommends that the parties adopt appropriate measures forthwith to put an end to attacks on human life;

5. Reiterates 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;

6. Expresses its deep concern at the reports that prove that government forces regularly resort to bombarding urban areas which are not military objectives in El Salvador, and its concern for the fate of several hundred thousand displaced persons who are currently located in camps in that country in which they lack the basic requirements for life and security;

7. Likewise expresses its concern at the continuing widespread loss of life among the civilian population, for the most part attributable to the armed forces and the security agencies, and at the continuation, despite a recent decrease, of disappearances and murders for which the so-called "death squads" claim responsibility, and therefore requests the Salvadorian Government to punish those responsible for these serious violations of the right to life;

8. Expresses its concern at the consequences of the damage done to the economy of El Salvador as a result of the attacks on the economic infrastructure attributable for the most part, according to the report of the Special Representative, to the opposition forces;

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143/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

144/ International Committee of the Red Cross, Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977), p. 89.

9. Once again urges 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, so as to allow the restoration of peace and security and the establishment of a democratic system based on full respect for human rights and fundamental freedoms;

10. Once again reaffirms the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror;

11. Deplores the interruption in the dialogue between the Salvadorian Government and the other political forces, the latter having recently reiterated their readiness to resume these talks without delay, and urges the parties to create appropriate conditions for the joint search for a negotiated comprehensive political solution so as to put an end to the armed conflict and introduce a lasting peace that will guarantee full enjoyment both of civil and political rights and of economic, social and cultural rights for all Salvadorians;

12. Reiterates its strong appeal to the Government of El Salvador to fulfil its obligation towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces and other armed organizations operating under its authority;

13. Recommends that the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are at the root of the internal conflict in that country should be put into effect so as to allow the effective exercise of economic and social rights as well as civil and political rights;

14. Urges the competent authorities of El Salvador to establish the necessary conditions to enable the judiciary to uphold the rule of law by adopting the necessary measures with a view to prosecuting and punishing speedily and effectively those responsible for the grave violations of human rights being committed in that country;

15. Decides to extend the mandate of the Special Representative for another year and requests him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-ninth session and to the Commission on Human Rights at its forty-first session;

16. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

17. Calls upon the Government of El Salvador and all other parties to extend their full co-operation to the Special Representative of the Commission;

18. Requests the Special Representative to pay special attention in his report to the question of humanitarian law in armed conflicts and to violations of such law;

19. Decides to consider the question of human rights in El Salvador at its forty-first session as a matter of high priority.

1984/53. Situation of human rights in Guatemala 145/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1983/37 of 8 March 1983, providing for the appointment of a Special Rapporteur of the Commission,

Noting General Assembly resolution 38/100 of 16 December 1983, in which deep concern was expressed at the continuing massive violations of human rights in Guatemala,

Mindful of resolution 1983/12 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission recognizes, inter alia, that in Guatemala there exists an armed conflict of a non-international character, which stems from economic, social and political factors of a structural nature,

Welcoming the co-operation of the Government of Guatemala with the Special Rapporteur in the fulfilment of his mandate,

Having carefully examined the reports of the Special Rapporteur 146/ and other reliable information, which reveal that atrocities have been committed in Guatemala that defy any notion of fundamental human rights,

Welcoming the lifting of the state of siege and the abolition of the Special Tribunals and encouraging the Government of Guatemala to take further initiatives aimed at reforms with a view to improving the situation of human rights and fundamental freedoms,

Alarmed at the continuation of political violence in certain areas, notably Guatemala City, and the new wave of killings and kidnappings since August 1983,

1. Thanks the Special Rapporteur for his report, which reveals the suffering of the people of Guatemala due to violations of human rights, and takes note of his recommendations to the Commission, which supplement his earlier recommendations in the interim report to the General Assembly;

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145/ Adopted at the 58th meeting, on 14 March 1984, by a roll-call vote of 28 to 3, with 11 abstentions. See chap. XII.

146/ A/38/485 and E/CN.4/1984/30.



2. Expresses 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;

3. Urges the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect human rights and fundamental freedoms;

4. Requests the Government of Guatemala to enable all persons convicted under the system of the Special Tribunals to be retried and, if necessary, to enact new legislation providing for a new trial in accordance with normal procedures;

5. Urges the competent authorities of Guatemala to establish the necessary conditions to enable the judiciary to uphold the rule of law, prosecuting and punishing speedily and effectively those responsible for violations of human rights which are being committed in that country;

6. Calls upon the Government of Guatemala to allow an impartial and authoritative body to be established and to function for the purpose of investigating thoroughly allegations concerning cases of violations of human rights;

7. Calls upon the Government of Guatemala to refrain both from forcefully displacing people belonging to rural and indigenous populations and from the practice of coercive participation in civilian patrols, leading to human rights violations;

8. Reiterates its appeal to all parties concerned in Guatemala to ensure the application of relevant norms of international humanitarian law applicable in armed conflicts of a non-international character to protect the civilian population and to seek an end to all acts of violence;

9. Requests the Government of Guatemala to investigate and clarify the fate of persons who have disappeared and are still unaccounted for, including those arrested on charges within the jurisdiction of the Special Tribunals;

10. Reiterates its appeal 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, and to visiting detainees or prisoners, and to allow them to bring assistance to the civilian population in areas of conflict;

11. Calls upon Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;

12. Urges the Government of Guatemala faithfully to adhere to the time-table for the return to democracy, noting that constitutional elections were convoked in January 1984 in preparation for the election of a Constituent Assembly in July 1984 and the institution of a new constitutional Government not later than July 1985, and to guarantee the free participation of all political forces in a climate free from intimidation and terror;

13. Decides to extend the mandate of the Special Rapporteur for another year;

14. Requests the Special Rapporteur to report on the subsequent development of the situation of human rights in Guatemala, taking into account developments in regard to the recommendations in his reports as well as information from other reliable sources, and to submit an interim report to the General Assembly at its thirty-ninth session and a final report to the Commission at its forty-first session;

15. Invites the Government of Guatemala and other parties concerned to extend their full co-operation to the Special Rapporteur of the Commission;

16. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

17. Decides to continue its consideration of human rights and fundamental freedoms in Guatemala at its forty-first session.

1984/54. Human rights situation in the Islamic Republic of Iran 147/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolutions 1982/27 of 11 March 1982 and 1983/34 of 8 March 1983, in which, inter alia, the Commission expressed concern about the human rights situation in the Islamic Republic of Iran,

Taking into account the information on the human rights situation in the Islamic Republic of Iran contained in the report of the Secretary-General, 148/

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147/ Adopted at the 58th meeting, on 14 March 1984, by a roll-call vote of 21 to 6, with 15 abstentions. See chap. XIII.

148/ E/CN.4/1984/28.

Regretting the refusal of the Government of the Islamic Republic of Iran to receive the mission arranged by the Secretary-General in agreement with the Government,

Encouraging the Government of the Islamic Republic of Iran to co-operate with the Commission on Human Rights in the future,

Mindful of resolution 1983/14 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses 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;
2. Urges once more the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant;
3. Expresses its appreciation to the Secretary-General for the efforts deployed by him in the framework of his ongoing direct contacts 149/ with the Government of the Islamic Republic of Iran;
4. Requests the Chairman to appoint, after consultation within the Bureau, a special representative of the Commission whose mandate will be to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country based on such information as he may deem relevant, including comments and materials provided by the Government, containing conclusions and appropriate suggestions, to be presented to the Commission at its forty-first session;
5. Requests the Government of the Islamic Republic of Iran to extend its co-operation to the Special Representative of the Commission;
6. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;
7. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran at its forty-first session.

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149/ See E/CN.4/1984/32.

1984/55. Question of the violation of human rights and fundamental freedoms - situation in Afghanistan 150/

The Commission on Human Rights,

Recalling its resolution 1983/7 of 16 February 1983, in which it expressed the view that the withdrawal of foreign forces in Afghanistan was essential for restoring the enjoyment of human rights in Afghanistan,

Expressing its concern and anxiety at the continuing presence of foreign forces in Afghanistan and the reports of extensive human rights violations,

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

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

1984/56. Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms 151/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXVI) of 29 February 1980, 28 (XXXVII) of 11 March 1981 and 1982/30 of 11 March 1982 relating to the elaboration of draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also resolution 1982/24 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

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

1984/57. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 152/

The Commission on Human Rights,

1. Recommends the undermentioned draft resolution for adoption by the Economic and Social Council;

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150/ Adopted at the 59th meeting, on 15 March 1984, by a roll-call vote of 27 to 8, with 6 abstentions. See chap. XII.

151/ Adopted at the 59th meeting, on 15 March 1984, without a vote. See chap. XII.

152/ Adopted at the 59th meeting, on 15 March 1984, without a vote. See chap. XXIII.

2. Expresses its belief that the seminar which the Secretary-General is to hold within the framework of the advisory services programme in the period 1984-1985 will contribute towards the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

3. Requests the Secretary-General to report to the Commission at its forty-first session on measures taken to implement the present resolution and that of the Economic and Social Council.

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

1984/58. Development of public information activities  
in the field of human rights 153/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXV) of 14 March 1979, 24 (XXXVI) of 11 March 1980, 24 (XXXVII) of 10 March 1981, 1982/42 of 11 March 1982 and 1983/50 of 10 March 1983, as well as Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights,

Noting General Assembly resolutions 36/58 of 25 November 1981, 37/191 of 18 December 1982 and 38/116 of 16 December 1983 on the status of the International Covenants on Human Rights,

Taking into account the relevant General Assembly resolutions concerning further promotion of human rights as well as those concerning questions relating to information,

Reaffirming that activities to improve public knowledge in the field of human rights are an essential part of the endeavour to fulfil the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations,

Recognizing that the United Nations system has a special responsibility under the Charter to be a centre for harmonizing actions towards these ends, and that the Commission on Human Rights has a co-ordinating role within the system in matters relating to human rights,

Believing that it is desirable to enhance the promotional activities of the United Nations system in the field of human rights in all regions,

Reaffirming also its belief that progress in the promotion and protection of human rights is assisted by programmes of teaching, education and information in the field of human rights,

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153/ Adopted at the 61st meeting, on 15 March 1984, without a vote.  
See chap. XI.

1. Requests all Governments to take appropriate action to facilitate publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights and the expert bodies working in the field;
2. Takes note of the report of the Secretary-General on development of public information activities in the field of human rights; 154/
3. Notes with interest the suggestions contained in the report for future activities to be undertaken in the field, and requests the Secretary-General to proceed as soon as possible within existing resources with the reprinting of the Universal Declaration of Human Rights in the format of a personalized human rights document, implementation of greater use of audio-visual techniques designed for both children and adults, and the preparation of a list of basic reference works on human rights for use by United Nations information centres as well as other interested bodies;
4. Invites Governments, United Nations agencies and non-governmental organizations to submit comments on the other proposals contained in the report;
5. Requests 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;
6. Further requests the Secretary-General to continue to keep the Commission informed on the promotional activities of the United Nations in the field of human rights in the various regions of the world and on the elaboration and implementation of the programmes referred to in his previous reports and in the relevant resolutions of the Commission, including the programme for the dissemination of international instruments on human rights and the activities of the United Nations information centres, and to this end to submit to the Commission at its forty-first session a comprehensive report;
7. Decides to continue its consideration of this question at its forty-first session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

1984/59. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 155/

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions,

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154/ E/CN.4/1984/23.

155/ Adopted at the 61st meeting, on 15 March 1984, without a vote.  
See chap. XI.

Bearing in mind the co-ordination function assigned to the Commission by the Economic and Social Council in its resolution 1979/36 of 10 May 1979,

Recalling also its resolution 1983/51 of 10 March 1983, in which it decided to continue at its fortieth session its ongoing work on the over-all 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,

Noting the contribution that this ongoing work may make to the efforts within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Attaching importance to improving the functioning of the existing organs within the United Nations system dealing with the promotion and protection of human rights,

Confirming the desirability that major decisions concerning the concepts, organization and operation of the United Nations system for the promotion of human rights should be adopted on the basis of the widest possible agreement which takes account of different views expressed by Member States, in order thereby to enhance their effectiveness,

Conscious of the need to review periodically the programme and activities of the Commission on Human Rights and other bodies dealing with human rights within the United Nations system with a view to improving the effective enjoyment of human rights and fundamental freedoms,

1. Notes with appreciation the review undertaken by the open-ended working group established under Commission on Human Rights resolution 1983/51 of its work since 1978; 156/
2. Decides to consider at its forty-first session, in the light of discussions at the thirty-ninth session of the General Assembly, the establishment of an open-ended working group to continue the over-all 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.

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156/ E/CN.4/1984/73.

1984/60. Review of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 157/

The Commission on Human Rights,

Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session, 158/

Recalling its resolution 1983/22 of 4 March 1983,

Noting the preliminary discussion which took place in the Sub-Commission under the agenda item "Review of the work of the Sub-Commission" on a number of aspects of its role and activities,

Noting also Sub-Commission resolution 1983/21 of 5 September 1983,

1. Takes note of the decision of the Sub-Commission to establish at its thirty-seventh session a working group to study in depth the working methods and the programme of work of the Sub-Commission, including its relationship with the Commission and the Secretariat;
2. Invites an exchange of views between a spokesman of that working group and the Commission or a working group of the Commission during the forty-first session of the Commission, which would be reported on to the Sub-Commission at its thirty-eighth session for the consideration of its methods and programme of work, in the light of the Sub-Commission's recommendations and on the basis of the response of the Commission.

1984/61. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 159/

The Commission on Human Rights,

Convinced of the urgent need to adopt a comprehensive convention on the protection of the rights of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982 and 38/86 of 16 December 1983, in all of which the Assembly has taken note of the reports of the Working Group and has expressed its satisfaction with the steady and substantial progress being made by the Working Group,

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157/ Adopted at the 61st meeting, on 15 March 1984, by 34 votes to 1, with 4 abstentions. See chap. XI.

158/ E/CN.4/1984/3 and Corr. 1 and 2.

159/ Adopted at the 62nd meeting, on 15 March 1984, without a vote. See chap. XIV.



Pleased to note that the General Assembly has decided, in order to maintain the pace and enable the Working Group to fully discharge its mandate as soon as possible, that the Group should again hold an intersessional meeting of two weeks' duration in New York, immediately after the first regular session of 1984 of the Economic and Social Council, and that the Group should continue its work during the thirty-ninth session of the General Assembly,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981, 1982/35 of 11 March 1982 and 1983/45 of 9 March 1983,

1. Welcomes once more the progress being made by the open-ended Working Group in the discharge of its mandate;
2. Invites all Member States to continue co-operating with the Working Group in the performance of its task;
3. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible;
4. Requests the Secretary-General to inform the Commission at its forty-first session of the further progress attained in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

1984/62. Rights of persons belonging to national, ethnic, religious and linguistic minorities 160/

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981, 1982/38 of 11 March 1982 and 1983/53 of 10 March 1983,

Having taken note with appreciation of the report 161/ of the working group set up by the Commission to consider the drafting of a declaration on the rights of persons belong to national, ethnic, religious and linguistic minorities,

1. Decides to consider at its forty-first session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

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160/ Adopted at the 62nd meeting, on 15 March 1984, without a vote.  
See chap. XX.

161/ E/CN.4/1984/74.

2. Requests 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;

3. Decides to establish at its forty-first session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents.

1984/63. Question of human rights in Chile 162/

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments,

Recalling its resolution 11 (XXXV) of 6 March 1979, in which it decided to appoint a Special Rapporteur on the situation of human rights in Chile, and its resolution 1983/38 of 8 March 1983, in which it decided to extend the mandate of the Special Rapporteur for one more year, as well as General Assembly resolutions 33/173 of 20 December 1978 on disappeared persons and 38/102 of 16 December 1983, in which the Assembly decided, inter alia, to invite the Commission on Human Rights to extend the mandate of the Special Rapporteur,

Once again expressing its grave concern at the general persistence of the serious situation of human rights in Chile, which, as established by the Special Rapporteur, has not only not improved, but has worsened, while the repeated appeals of the General Assembly and the Commission on Human Rights for the re-establishment of human rights and fundamental freedoms have been ignored by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

Taking note of the developments which, according to the Special Rapporteur, frustrated the "apertura política" announced by the Chilean authorities in August 1983, and thus disappointed certain hopes raised by this announcement,

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162/ Adopted at the 62nd meeting, on 15 March 1984, by a roll-call vote of 31 to 5, with 6 abstentions. See chap. V.

1. Commends the Special Rapporteur for his report 163/ on the situation of human rights in Chile, prepared in accordance with its resolution 1983/38,

2. Expresses its profound distress at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the reports of the Special Rapporteur, and, in particular, at the violent suppression of popular protests in the face of the refusal to restore the democratic order and human rights and fundamental freedoms on the part of the authorities, which have in fact committed further serious and flagrant violations of human rights, with mass arrests and numerous deaths;

3. Alarmed by the fact that the repressive activities of the police and security agencies and, in particular, the National Information Agency (CNI) have gone unpunished, as pointed out in the reports of the Special Rapporteur;

4. Reiterates once again its dismay at the disruption in Chile of the traditional democratic legal order and its institutions, particularly through the maintenance of emergency legislation, the institutionalization of states of emergency, the extension of military jurisdiction and the existence of a constitution which does not reflect the will of the people freely expressed and whose provisions not only fail to guarantee human rights and fundamental freedoms, but suppress, suspend or limit their enjoyment and exercise;

5. Once again views with concern the ineffectiveness of the remedies of habeas corpus or amparo and of protection, owing to the fact that the judiciary does not exercise its powers of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions;

6. Once again calls on the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments and, in particular, to put an end to the regime 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;

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163/ A/38/385 and Add. 1 and E/CN.4/1984/7.

7. Once more urges the Chilean authorities to investigate and clarify the fate of persons who were arrested for political reasons and who later disappeared, to inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;

8. Once again draws the attention of the Chilean authorities to the need to put an end to intimidation and persecution, as well as to arbitrary or illegal arrests and imprisonment in secret places, and to respect the right of persons to life and physical integrity by halting the practice of torture and other forms of cruel, inhuman or degrading treatment which have, in some cases, resulted in unexplained deaths;

9. Once again urges the Chilean authorities to respect the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, and to cease the practices of "relegation" (assignment to forced residence) and forced exile;

10. Renews its appeal to the Chilean authorities to restore the full enjoyment and exercise of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

11. Once more urges 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 status of indigenous populations;

12. Once again exhorts 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;

13. Decides 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;

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

15. Decides to consider at its forty-first session, as a matter of high priority, the question of human rights in Chile.

B. Decisions

1984/101. Organization of work 164/

(a) The Commission decided to set up informal open-ended working groups for the consideration of agenda items 10 (a), 11, 13 and 20. The Commission also decided that the subject-matter of the work of the working group of 10 members established for the purpose of rationalizing the agenda of the Commission, referred to in its decision 1983/108, would be covered by the working group on item 11.

(b) The Commission decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (iii) In connection with item 10 (b): Viscount Colville of Culross, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (iv) In connection with item 12: Viscount Colville of Culross, Special Rapporteur on the situation of human rights in Guatemala; Mr. J. A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 12 (b) and nominees of the Commission in connection with this sub-item;
- (v) In connection with item 19: Mrs. H. Warzazi, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session;
- (vi) In connection with item 22: Mr. H. Gros Espiell in relation to the report under Commission resolution 1983/33 on advisory services and human rights assistance to Bolivia.

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164/ Adopted at the 2nd meeting, on 7 February 1984, without a vote. See chap. III.

1984/102. Appeal to the President  
of Malawi 165/

The Commission decided to transmit the following telegram to the President of Malawi, Dr. Kamuzu Banda:

"The Commission on Human Rights has learned that the Malawi National Traditional Court of Appeal has turned down the appeal of Orton Chirwa and his wife Vera against the death sentence passed on them. Being seized by a purely humanitarian concern deriving from its recognition of the singular importance of the right to life, the Commission appeals most respectfully and strongly that clemency be granted to Mr. Chirwa and his wife".

1984/103. Report of the Commission 166/

The Commission decided not to include in its report summaries of substantive debate and to ensure that the report contained accurate and precise references to the summary records.

1984/104. Situations known as states of siege or  
emergency 167/

The Commission, taking due note of resolution 1983/30 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and looking forward to the report on situations known as states of siege or emergency, to be submitted to the Commission at its forty-first session, decided to examine this report as a matter of high priority with a view to deciding what further action should be taken on the question of states of siege or emergency.

1984/105. Resignation of Viscount Colville of Culross  
from the Working Group on Enforced or  
Involuntary Disappearances 168/

Noting that Viscount Colville of Culross was resigning from the chairmanship of the Working Group on Enforced or Involuntary Disappearances, which he had held since the Group's inception in 1980, the Commission expressed its appreciation to Viscount Colville of Culross for the manner in which he had carried out his tasks and for the skill and dedication which he had brought to the work of the Group.

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165/ Adopted at the 11th meeting, on 14 February 1984, without a vote. See chap. III.

166/ Adopted at the 19th meeting, on 20 February 1984, without a vote. See chap. III.

167/ Adopted at the 42nd meeting, on 6 March 1984, without a vote. See chap. X.

168/ Adopted at the 42nd meeting, on 6 March 1984, without a vote. See chap. X.

1984/106. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session 169/

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 the draft decision contained in document E/CN.4/1984/L.73 until its forty-first session.

1984/107. Measures to combat racism and racial discrimination 170/

The Commission decided to recommend to the Economic and Social Council that the report prepared by Mr. Abu Sayeed Chowdhury, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice", 171/ in accordance with Sub-Commission resolution 4 A (XXXIII) should be printed and given the widest possible distribution, including distribution in Arabic.

[For the text of the draft decision, see chap. I, sect. B, draft decision 13.]

1984/108. Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 172/

The Commission decided to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text of the draft decision, see chap. I, sect. B, draft decision 14.]

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169/ Adopted at the 51st meeting, on 12 March 1984, by a roll-call vote of 30 to 7, with 6 abstentions. See chap. XIX.

170/ Adopted at the 51st meeting, on 12 March 1984, without a vote. See chap. XIX.

171/ E/CN.4/Sub.2/L.766, introduction and chap. I, and E/CN.4/Sub.2/1982/7.

172/ Adopted at the 52nd meeting, on 13 March 1984, by 36 votes to none, with 6 abstentions. See chap. XV.

1984/109. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 173/

The Commission took note of the report of the Secretary-General submitted pursuant to paragraph 6 of the confidential decision relating to Haiti adopted by the Commission at the 40th (closed) meeting of its thirty-ninth session, on 28 February 1983, and decided to recommend to the Economic and Social Council, under paragraph 8 of Council resolution 1503 (XLVIII), the adoption of the following draft decision:

[For the text of the draft decision, see chap. I, sect. B, draft decision 15.]

1984/110. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 174/

The Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, to take no decision on draft resolution E/CN.4/1984/L.66/Rev.1 until its forty-first session.

1984/111. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 175/

The Commission, taking note of the information voluntarily submitted by the Government of Sri Lanka 176/ and appealing to the parties to continue to take all necessary measures to strengthen and maintain peace and restore harmony among the people of Sri Lanka, welcomed all measures for rehabilitation and reconciliation, including the All Party Conference, expressed the hope that they would succeed in achieving a lasting solution, and decided that further consideration of this matter was not necessary.

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173/ Adopted at the 36th (closed) meeting, on 1 March 1984, without a vote, and made public under paragraph 8 of Economic and Social Council resolution 1503 (XLVIII). See chap. XII.

174/ Adopted at the 57th meeting, on 14 March 1984, by a roll-call vote of 17 to 14, with 12 abstentions. See chap. XII.

175/ Adopted at the 57th meeting, on 14 March 1984, without a vote. See chap. XII.

176/ E/CN.4/1984/10.



- 1984/112. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 177/

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.

- 1984/113. Organization of the work of the Commission 178/

The Commission, taking into account its heavy schedule of work and that of its sessional working groups as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh, thirty-eighth, thirty-ninth and fortieth session, decided (a) to recommend to the Economic and Social Council that it authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-first session, and (b) to request the Chairman of the Commission at its forty-first session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

- 1984/114. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 179/

The Commission decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its forty-first session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

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177/ Adopted at the 62nd meeting, on 15 March 1984, without a vote. See chap. XI.

178/ Adopted at the 63rd meeting, on 16 March 1984, without a vote. See chap. III.

179/ Adopted at the 41st (closed) meeting, on 6 March 1984. At the same meeting, it was agreed that this decision should be made public. See chap. XII.

1984/115. Organization of the work of the Commission 180/

The Commission decided to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-first session of the Commission.

1984/116. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 181/

The Commission, recalling its resolution 1983/31 of 8 March 1983, in which it decided to undertake, at its forty-first session, work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, decided to establish an open-ended working group to draft such a declaration which would be allocated appropriate time for meeting during the forty-first session of the Commission on Human Rights.

1984/117. Question of human rights in Cyprus 182/

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.

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180/ Adopted at the 63rd meeting, on 16 March 1984, without a vote.  
See chap. III.

181/ Adopted at the 63rd meeting, on 16 March 1984, without a vote.  
See chap. XII.

182/ Adopted at the 57th meeting, on 14 March 1984, without a vote.  
See chap. XII.

### III. ORGANIZATION OF THE FORTIETH SESSION

#### A. Opening and duration of the session

1. The Commission on Human Rights held its fortieth session at the United Nations Office at Geneva from 6 February to 16 March 1984.
2. The session was opened (1st meeting) by Mr. Olara A. Otunnu (Uganda), Chairman of the Commission at its thirty-ninth session, who made a statement. The Assistant Secretary-General for Human Rights also addressed the Commission.

#### B. Attendance

3. The session was attended by representatives of 43 States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

#### C. Election of officers

4. At its 1st and 2nd meetings, on 6 and 7 February 1984, the Commission elected the following officers by acclamation:

Chairman:	Mr. Peter H. Kooijmans (Netherlands)
Vice-Chairmen: <sup>1/</sup>	Mr. Roberto Bianchi (Argentina)
	Mr. Todor Dichev (Bulgaria)
	Mr. Ghaleb Z. Barakat (Jordan)
Rapporteur:	Mr. Murade Isaac Murargy (Mozambique).

#### D. Agenda

5. The Commission had before it the provisional agenda for the fortieth session (E/CN.4/1984/1) drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its thirty-ninth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).
6. At its 2nd meeting, on 7 February 1984, the Commission adopted the provisional agenda (E/CN.4/1984/1). The agenda, as adopted, is given in annex II below.

#### E. Organization of work

7. At its 2nd meeting, on 7 February 1984, the Commission considered the organization of its work. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered jointly: items 6, 7, 16 and 17; items 8 and 18; item 10 and sub-item 10 (b). It was also agreed that delegations could address themselves to item 9 when considering item 4. The Commission further agreed to consider the items on its agenda in the following order: 4, 9; 6, 7, 16, 17; 8, 18; 10, 10 (b); 9; 21; 15; 22; 19; 10 (a); 12; 5; 23; 11; 14; 13; 20; 24; 25; 26.

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<sup>1/</sup> The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

8. At the same meeting, the Commission decided to establish informal open-ended working groups for the consideration of items 10 (a), 11, 13 and 20. With regard to the re-establishment of the working group of 10 members for the purpose of rationalizing the agenda of the Commission referred to in its decision 1983/108, the Commission agreed that the subject-matter of the work of that group would be covered by the working group on item 11.

9. At the same meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Chile;

(b) In connection with item 6: Mr. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(c) In connection with item 10 (b): Viscount Colville of Culross, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Viscount Colville of Culross, Special Rapporteur on the situation of human rights in Guatemala; Mr. J. A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 12 (b) and nominees of the Commission in connection with this sub-item;

(e) In connection with item 19: Mrs. H. Warzazi, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session;

(f) In connection with item 22: Mr. H. Gros Espiell in relation to the report under Commission resolution 1983/33 on advisory services and human rights assistance to Bolivia.

10. At the same meeting, the Commission decided to accept the recommendation of its officers, in connection with Sub-Commission resolution 1983/39 on human rights and scientific and technological developments, Sub-Commission decision 1983/10 on conscientious objection to military service and Sub-Commission decision 1983/11 on the new international economic order and the promotion of human rights, to request the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present their respective studies to the Commission. The Commission further decided that the presentation of these studies should be done in writing.

11. For the text of the decision, see chapter II, section B, decision 1984/101.

12. At the same meeting, the Commission accepted the recommendation of its officers to follow the practice regarding the limitation of statements adopted during its thirty-ninth session, as described in the annotations to item 3 of its agenda (E/CN.4/1984/1/Add.1). It further agreed that Member States not

members of the Commission which, according to these guidelines, were limited to two interventions, would be permitted to combine those two interventions if they so wished. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation to two replies, 10 minutes for the first and 5 minutes for the second, would again be observed.

13. At its 19th meeting, on 20 February 1984, the Commission decided not to include in its report summaries of substantive debate and to ensure that the report contained accurate and precise references to the summary records.

14. For the text of the decision, see chapter II, section B, decision 1984/103.

15. At its 63rd meeting, on 16 March 1984, the Commission considered an oral proposal by the representative of Canada, as amended by the representatives of the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, by which the Commission would decide to recommend to the Economic and Social Council that it authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-first session, and to request the Chairman of the Commission at its forty-first session to make every effort to organize the work of the session within the normal allotted time, the additional meetings to be utilized only if absolutely necessary.

16. The Commission was informed of the financial implications of the draft decision.

17. The draft decision was adopted without a vote.

18. For the text of the decision, see chapter II, section B, decision 1984/113.

19. At the same meeting, the Commission considered a proposal by the Chairman that the Commission decide to invite the Sub-Commission to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-first session of the Commission.

20. The Commission was informed of the financial implications of the draft decision.

21. The draft decision was adopted without a vote.

22. For the text of the decision, see chapter II, section B, decision 1984/115.

#### F. Meetings, resolutions and documentation

23. The Commission held 63 meetings.

24. The resolutions and decisions adopted by the Commission at its fortieth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

25. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

26. Annex IV contains a list of documents issued for the fortieth session of the Commission.

G. Other matters

27. At the 11th meeting, on 14 February 1984, the Commission adopted by consensus a draft decision submitted by the representative of Canada to transmit the following telegram to the President of Malawi, Dr. Kamuzu Banda:

"The Commission on Human Rights has learned that the Malawi National Traditional Court of Appeal has turned down the appeal of Orton Chirwa and his wife Vera against the death sentence passed on them. Being seized by a purely humanitarian concern deriving from its recognition of the singular importance of the right to life, the Commission appeals most respectfully and strongly that clemency be granted to Mr. Chirwa and his wife".

28. For the text of the decision, see chapter II, section B, decision 1984/102.

29. At the 29th meeting, on 27 February 1984, the Minister for Foreign Affairs of Argentina, Mr. Dante Caputo, addressed the Commission.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE  
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

30. The Commission considered agenda item 4 concurrently with item 9 (see chap. IX) at its 2nd to 7th meetings, held from 7 to 10 February, and at its 19th meeting, held on 20 February 1984. 1/

31. The Commission had before it the following documents:

Report of the Secretary-General on the measures taken to give Commission resolution 1983/1 A the widest possible publicity (E/CN.4/1984/51);

Note by the Secretary-General listing all United Nations reports issued since the thirty-ninth session of the Commission that deal with the situation of the population of the occupied territories, including Palestine (E/CN.4/1984/6);

Letter dated 15 April 1983 from the Permanent Representative of Bahrain to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/2);

Note verbale dated 25 January 1984 from the Permanent Mission of Jordan to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/9);

Draft resolution VII recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

32. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (6th), Bangladesh (5th), Bulgaria (4th), Canada (5th), China (5th), Cuba (5th), Cyprus (6th), France (6th), German Democratic Republic (3rd), India (3rd), Ireland (5th), Italy (6th), Jordan (4th), Libyan Arab Jamahiriya (3rd), Netherlands (4th), Nicaragua (5th), Pakistan (3rd), Senegal (6th), Spain (3rd), Syrian Arab Republic (2nd), Ukrainian Soviet Socialist Republic (4th), Union of Soviet Socialist Republics (6th), United Kingdom of Great Britain and Northern Ireland (5th), United States of America (6th), Yugoslavia (5th).

33. The Commission also heard statements by the observers for: Afghanistan (5th), Algeria (7th), Byelorussian Soviet Socialist Republic (7th), Czechoslovakia (7th), Democratic Yemen (7th), Egypt (5th), Hungary (3rd), Iran (Islamic Republic of) (6th), Iraq (7th), Israel (4th), Morocco (4th), Poland (7th), Somalia (7th), Sudan (7th), Tunisia (3rd), Turkey (7th), Viet Nam (7th).

34. A statement was made by the representative of the League of Arab States (4th).

35. A statement was made by the representative of the Palestine Liberation Organization (2nd).

36. Statements were also made by the following non-governmental organizations: International Organization for the Elimination of All Forms of Racial Discrimination (3rd), Women's International Democratic Federation (6th), World Union for Progressive Judaism (7th).

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1/ For the summary records, see E/CN.4/1984/SR.2 to SR.7 and SR.19, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

37. Statements in right of reply or equivalent to right of reply were made by the representatives of the German Democratic Republic (7th), Jordan (5th), Senegal (4th) and the Syrian Arab Republic (4th, 6th and 7th); by the observers for Afghanistan (7th), Algeria (7th), Democratic Kampuchea (7th), Iran (Islamic Republic of) (7th), Iraq (7th), Israel (3rd, 4th, 6th and 7th meetings), Somalia (8th) and Sri Lanka (6th), and by the representative of the Palestine Liberation Organization (3rd, 4th, 6th and 7th).

38. At the 19th meeting, on 20 February 1984, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

39. The representative of Bangladesh introduced two draft resolutions, A and B (E/CN.4/1984/L.6), sponsored by Bangladesh, Bulgaria, Cuba, Cyprus, Czechoslovakia, \*/ the Gambia, the German Democratic Republic, India, Jordan, Madagascar, \*/ Mozambique, Nicaragua, Pakistan, Poland, \*/ Qatar, \*/ Senegal, Sri Lanka, \*/ the Syrian Arab Republic, Tunisia, \*/ the Ukrainian Soviet Socialist Republic, Viet Nam \*/ and Yugoslavia. Afghanistan, \*/ Algeria, \*/ China, the Congo \*/ the Libyan Arab Jamahiriya, Malaysia, \*/ Mongolia, \*/ Mauritania and Zimbabwe subsequently joined the sponsors.

40. The representative of Cuba introduced draft resolution E/CN.4/1984/L.7, sponsored by Bangladesh, Bulgaria, Cuba, Cyprus, Czechoslovakia, \*/ the Gambia, the German Democratic Republic, India, Jordan, Madagascar, \*/ Mozambique, Nicaragua, Poland, \*/ Qatar, \*/ Senegal, Sri Lanka, \*/ the Syrian Arab Republic, Tunisia. \*/ the Ukrainian Soviet Socialist Republic, Viet Nam, \*/ and Yugoslavia. Afghanistan, \*/ Algeria, \*/ the Congo, \*/ the Libyan Arab Jamahiriya, Mongolia, \*/ and Mauritania subsequently joined the sponsors.

41. A statement relating to the draft resolutions was made by the representative of India, on behalf of the member States of the non-aligned group.

42. Statements in explanation of vote before the vote were made by the representatives of Colombia, Spain and the United States of America.

43. At the request of the representative of Colombia, a separate vote was taken on operative paragraph 14 of draft resolution A (E/CN.4/1984/L.6), and at the request of the representative of the United States of America the vote was taken by roll-call. Paragraph 14 was adopted by 23 votes to 13, with 6 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, Cameroon, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Colombia, Philippines, Rwanda, Spain.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.



44. At the request of the representative of the United States of America, draft resolution A (E/CN.4/1984/L.6) was put to the vote. The draft resolution was adopted by 29 votes to 1, with 11 abstentions.

45. For the text of the resolution, see chapter II, section A, resolution 1984/1 A.

46. At the request of the representative of the United States of America, draft resolution B (E/CN.4/1984/L.6) was put to the vote. The draft resolution was adopted by 32 votes to 1, with 8 abstentions.

47. For the text of the resolution, see chapter II, section A, resolution 1984/1 B.

48. At the request of the representative of the United Kingdom, a separate vote was taken on operative paragraph 4 of draft resolution E/CN.4/1984/L.7, and at the request of the representative of the United States of America the vote was taken by roll-call. Paragraph 4 was adopted by 22 votes to 13, with 6 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, Cameroon, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamhuriya, Mauritania, Mozambique, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Colombia, Mexico, Pakistan, Rwanda, Spain.

The representative of the Philippines stated that his delegation was not participating in the vote.

49. At the request of the representative of Colombia, a vote by roll-call was then taken on draft resolution E/CN.4/1984/L.7 as a whole. The draft resolution was adopted by 30 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamhuriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, Uruguay.

50. For the text of the resolution, see chapter II, section A, resolution 1984/2.

51. At the request of the representative of the United States of America, a vote was taken on draft resolution VII contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A). The draft resolution was adopted by 30 votes to 1, with 11 abstentions.

52. Statements in explanation of vote after the vote were made by the representatives of Brazil, Canada, Finland, Ireland, Japan, the Netherlands, Spain and the United Kingdom.

53. At the 34th meeting, on 29 February 1984, the representative of Togo stated that, had he been present during the voting, he would have voted in favour of draft resolutions E/CN.4/1984/L.6 A and B and E/CN.4/1984/L.7.

54. For the text of the resolution, see chapter II, section A, resolution 1984/3.

55. In conformity with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, in the absence of a request by any member of the Commission, no action was taken on draft resolution E/CN.4/1984/L.8, submitted by the Islamic Republic of Iran.

V. QUESTION OF HUMAN RIGHTS IN CHILE

56. The Commission considered agenda item 5 at its 55th and 56th meetings, held on 13 and 14 March 1984, and at its 62nd meeting, on 15 March 1984. 1/

57. The Commission had before it the following documents:

Report of the Special Rapporteur on the situation of human rights in Chile to the General Assembly (A/38/385 and Add.1);

Additional report of the Special Rapporteur (E/CN.4/1984/7) supplementing his report to the General Assembly;

Letter dated 16 February 1984 from the Special Rapporteur on the situation of human rights in Chile addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/20);

Note verbale dated 21 February 1984 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/24);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1984/NGO/8);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/12);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/36);

Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/43);

Written statement submitted by Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/47);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/48).

58. In the general debate on this item, 2/ the Commission heard statements by the following members: Bulgaria (55th), Cuba (55th), France (55th), German Democratic Republic (55th), Ireland (55th), Libyan Arab Jamahiriya (55th),

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1/ For the summary records, see E/CN.4/1984/SR.55, SR.56 and SR.62, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

Mexico (55th), Mozambique (55th), Nicaragua (55th), Spain (55th), Ukrainian Soviet Socialist Republic (55th), Union of Soviet Socialist Republics (55th).

59. The Commission also heard statements by the observers for: Algeria (55th), Byelorussian Soviet Socialist Republic (55th), Hungary (56th), Poland (56th), Viet Nam (55th).

60. Statements were also made by the following non-governmental organizations: International Association of Democratic Lawyers (56th), International Commission of Jurists (55th), International Confederation of Free Trade Unions (56th), International Indian Treaty Council (56th), International League for the Rights and Liberation of Peoples (55th), International Movement for Fraternal Union among Races and Peoples (56th), Pax Romana (55th), Women's International League for Peace and Freedom (55th).

61. At the 62nd meeting, on 15 March 1984, the representative of Mexico introduced draft resolution E/CN.4/1984/L.94, sponsored by Algeria, \*/ Cuba, France, Italy, Mexico, Mozambique, Netherlands, Spain and Yugoslavia.

62. The representative of Mexico orally revised the draft resolution as follows:

(a) A fifth preambular paragraph was added, reading as follows:

"Taking note of the developments which, according to the Special Rapporteur, frustrated the 'apertura politica' announced by the Chilean authorities in August 1983, and thus disappointed certain hopes raised by this announcement";

(b) The following words were added at the end of operative paragraph 13: "and to the Commission on Human Rights at its forty-first session".

63. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.101) 3/ of draft resolution E/CN.4/1984/L.94.

64. A statement relating to the draft resolution was made by the representative of Canada.

65. A statement in explanation of vote before the vote was made by the representative of Uruguay.

66. The representative of Argentina requested a separate vote on the last preambular paragraph together with operative paragraphs 2, 3, 4, 6, 12 and 13 of the draft resolution, as orally revised. The representative of Nicaragua requested that the vote be taken by roll-call. The above-mentioned paragraphs were adopted by 30 votes to 6, with 6 abstentions. The voting was as follows:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

In favour: Bulgaria, Cameroon, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, India, Ireland, Italy, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Jordan, Pakistan, Philippines, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, China, Colombia, Germany, Federal Republic of, Japan.

67. At the request of the representative of Uruguay, a roll-call vote was taken on draft resolution E/CN.4/1984/L.94 as a whole, as orally revised. The draft resolution was adopted by 31 votes to 5, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Pakistan, Philippines, United States of America, Uruguay.

Abstaining: Bangladesh, Cameroon, China, Colombia, Japan, Jordan.

68 Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland.

69. For the text of the resolution, see chapter II, section A, resolution 1984/63.

VI. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

70. The Commission considered agenda item 6 together with items 7, 16 and 17 (see chaps. VII, XVI and XVII) at its 8th to 15th meetings, held from 10 to 16 February 1984, and at its 31st meeting, on 28 February 1984. 1/

71. The Commission had before it the following documents:

Progress report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8);

Two written statements submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/21 and E/CN.4/1984/NGO/22);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1984/NGO/32);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/37).

72. At the 9th meeting, on 13 February 1984, Mr. A.A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the progress report of the Group.

73. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (14th), Bangladesh (12th), Brazil (12th), Bulgaria (8th), Cameroon (13th), Canada (11th), China (9th), Colombia (10th), Costa Rica (14th), Cuba (14th), Cyprus (14th), Finland (8th), France (13th), German Democratic Republic (9th), Germany, Federal Republic of (12th), India (12th), Ireland (13th), Italy (12th), Japan (10th), Jordan (10th), Kenya (11th), Libyan Arab Jamahiriya (13th), Mexico (8th), Netherlands (8th), Nicaragua (12th), Pakistan (11th), Philippines (14th), Senegal (13th), Spain (13th), Syrian Arab Republic (8th and 12th), Togo (14th), Ukrainian Soviet Socialist Republic (10th), Union of Soviet Socialist Republics (11th), United Kingdom of Great Britain and Northern Ireland (8th), United Republic of Tanzania (11th), United States of America (14th), Yugoslavia (12th), Zimbabwe (14th).

74. The Commission also heard statements by the observers for: Afghanistan (13th), Algeria (11th), Austria (13th), Byelorussian Soviet Socialist Republic (12th), Congo (9th), Czechoslovakia (12th), Egypt (11th), Ethiopia (14th), Hungary (10th), Morocco (11th), Peru (12th), Poland (13th), Somalia (14th), Viet Nam (11th).

75. Statements were made by representatives of the Special Committee against Apartheid (13th), the League of Arab States (13th), and the Organization of African Unity (8th).

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1/ For the summary records, see E/CN.4/1984/SR.8 to SR.15 and SR.31, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

76. Statements were made by the representatives of the African National Congress (8th), the Palestine Liberation Organization (12th), the Pan Africanist Congress of Azania (11th) and the South West Africa People's Organization (9th).

77. Statements were also made by the following non-governmental organizations: Arab Lawyers Union (12th), Baha'i International Community (13th), International Commission of Jurists (8th), International Confederation of Free Trade Unions (9th), International Organization for the Elimination of All Forms of Racial Discrimination (8th), Pax Romana (13th), Women's International Democratic Federation (9th).

78. Statements in right of reply or equivalent to right of reply were made by the representatives of the Libyan Arab Jamahiriya (15th), the Union of Soviet Socialist Republics (15th), and the United States of America (12th and 15th), by the observer for Israel (14th) and by the representatives of the League of Arab States (15th) and the Pan Africanist Congress of Azania (15th).

79. At its 31st meeting, on 28 February 1984, the Commission took up consideration of the draft resolutions submitted under agenda item 6.

80. The representative of Zimbabwe introduced draft resolution E/CN.4/1984/L.17, sponsored by Algeria, \*/ Cameroon, the Congo, \*/ Egypt, \*/ Ethiopia, \*/ Kenya, the Libyan Arab Jamahiriya, Madagascar, \*/ Mozambique, Nicaragua, Nigeria, \*/ Pakistan, Rwanda, Senegal, Togo, Uganda, \*/ the United Republic of Tanzania and Zimbabwe. Afghanistan, \*/ China, Cuba, the Gambia, India, Mauritania, Qatar, \*/ Tunisia \*/ and Viet Nam \*/ subsequently joined by the sponsors.

81. A statement in explanation of vote before the vote was made by the representative of Canada.

82. The representative of the United States of America requested a vote on draft resolution E/CN.4/1984/L.17, which was adopted by 39 votes to none, with 4 abstentions.

83. Statements in explanation of vote after the vote were made by the representatives of Brazil, the Federal Republic of Germany, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

84. For the text of the resolution, see chapter II, section A, resolution 1984/4.

85. The representative of Zimbabwe also introduced draft resolution E/CN.4/1984/L.20, sponsored by Algeria, \*/ Cameroon, the Congo, \*/ Egypt, \*/ Ethiopia, \*/ Kenya, the Libyan Arab Jamahiriya, Madagascar, \*/ Mozambique, Nicaragua, Nigeria, \*/ Pakistan, Rwanda, Senegal, Togo, Uganda, \*/ the United Republic of Tanzania and Zimbabwe. China, Cuba, the Gambia, Mauritania, Qatar, \*/ Tunisia \*/ and Viet Nam \*/ subsequently joined the sponsors.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

86. In introducing draft resolution E/CN.4/1984/L.20, the representative of Zimbabwe, speaking on behalf of the sponsors, orally revised the beginning of operative paragraph 5 to read: "Reaffirms that any constitutional arrangements, such as the so-called reforms to the South African Constitution ...".
87. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.35) <sup>3/</sup> of draft resolution E/CN.4/1984/L.20.
88. At the request of the representative of the United States of America, a separate vote was taken on all the preambular paragraphs, on operative paragraphs 1, 2, 3 (a), (b), (d) and (e), 4, 7, 8, 9, 10 and 11 as well as on the draft resolution as a whole.
89. The Commission decided on draft resolution E/CN.4/1984/L.20 as follows:
- (a) All the preambular paragraphs and operative paragraphs 1, 2, 3 (a), (b), (d) and (e), 4, 7, 8, 9, 10 and 11 were adopted by 43 votes to none;
  - (b) The draft resolution as a whole was adopted by 42 votes to none, with 1 abstention.
90. Statements in explanation of vote after the vote were made by the representative of Canada, the Federal Republic of Germany, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.
91. For the text of the resolution, see chapter II, section A, resolution 1984/5.

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<sup>3/</sup> An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.



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

92. The Commission considered agenda item 7 together with items 6, 16 and 17 (see chaps. VI, XVI and XVII) at its 8th to 15th meetings, held from 10 to 16 February 1984, and at its 31st meeting, on 28 February 1984. 1/

93. The Commission had before it the following documents:

Updated report prepared by Mr. A. Khalifa, Special Rapporteur, (E/CN.4/Sub.2/1983/6 and Add.1 and 2) with a note by the Secretariat (E/CN.4/1984/11);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/13).

94. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (14th), Bangladesh (12th), Bulgaria (8th), Cameroon (13th), Canada (11th), China (9th), Colombia (10th), Costa Rica (14th), Cuba (14th), Cyprus (14th), Finland (8th), France (13th), Gambia (10th), German Democratic Republic (9th), Germany, Federal Republic of (12th), India (12th), Ireland (13th), Italy (12th), Japan (10th), Jordan (10th), Kenya (11th), Libyan Arab Jamahiriya (13th), Mozambique (10th), Netherlands (8th), Nicaragua (12th), Pakistan (11th), Philippines (14th), Rwanda (12th), Senegal (13th), Spain (13th), Syrian Arab Republic (8th and 12th), Togo (14th), Ukrainian Soviet Socialist Republic (10th and 12th), Union of Soviet Socialist Republics (11th and 14th), United Republic of Tanzania (11th), United States of America (14th), Yugoslavia (12th), Zimbabwe (14th).

95. The Commission also heard statements by the observers for: Afghanistan (13th), Algeria (11th), Austria (13th), Byelorussian Soviet Socialist Republic (12th and 14th), Congo (9th), Czechoslovakia (12th), Egypt (11th), Ethiopia (14th), Hungary (10th), Morocco (11th), Peru (12th), Poland (13th), Somalia (14th), Viet Nam (11th).

96. Statements were made by the representatives of the Special Committee against Apartheid (13th), the League of Arab States (13th) and the Organization of African Unity (8th).

97. Statements were made by the representatives of the African National Congress (8th), the Palestine Liberation Organization (12th), the Pan Africanist Congress of Azania (11th) and the South West Africa People's Organization (9th).

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1/ For the summary records, see E/CN.4/1984/SR.8 to SR.15 and SR.31, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

98. Statements were also made by the following non-governmental organizations: Arab Lawyers Union (12th), Baha'i International Community (13th), International Commission of Jurists (8th), International Confederation of Free Trade Unions (9th), International Organization for the Elimination of All Forms of Racial Discrimination (8th), Pax Romana (13th), Women's International Democratic Federation (9th).

99. Statements in right of reply or equivalent to right to reply were made by the representatives of the Libyan Arab Jamahiriya (15th), the Union of Soviet Socialist Republics (15th) and the United States of America (8th, 12th and 15th), by the observer for Israel (14th), by the representative of the League of Arab States (15th) and by the representative of the Pan Africanist Congress of Azania (15th).

100. At the 31st meeting, on 28 February 1984, the representative of the Libyan Arab Jamahiriya introduced draft resolution E/CN.4/1984/L.18, sponsored by Algeria, \*/ Kenya, the Libyan Arab Jamahiriya, Madagascar, \*/ Mozambique, Nigeria, \*/ Rwanda, Somalia, \*/ the Syrian Arab Republic, Uganda, \*/ the United Republic of Tanzania and Zimbabwe. Afghanistan, \*/ Bangladesh, the Congo, \*/ Cuba, India, Mauritania, Qatar, \*/ Tunisia, \*/ the Ukrainian Soviet Socialist Republic and Viet Nam \*/ subsequently joined the sponsors.

101. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.49) 3/ of draft resolution E/CN.4/1984/L.18.

102. At the same meeting, the representative of the Libyan Arab Jamahiriya requested a roll-call vote on the draft resolution. The draft resolution was adopted by 31 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

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\*/ In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

Against: Canada, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Finland, Ireland, Japan, Spain.

103. Statements in explanation of vote after the vote were made by the representatives of Mexico, the Netherlands and Uruguay.

104. For the text of the resolution, see chapter II, section A, resolution 1984/6.

VIII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) THE RIGHT OF POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE REALIZATION OF HUMAN RIGHTS

105. The Commission considered agenda item 8 together with item 18 (see chapter XVIII) at its 15th to 19th meetings, held on 16, 17 and 20 February 1984, and at its 41st and 42nd meetings, on 6 March 1984. 1/

106. The Commission had before it the following documents:

Preliminary report by the Secretary-General on the right to popular participation in its various forms as an important factor in the full realization of all human rights (E/CN.4/1984/12 and Add.1);

Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1984/13 and Corr.1 and 2);

Report of the Special Rapporteur on the new international economic order and the promotion of human rights (E/CN.4/Sub.2/1983/24 and Add.1/Rev.1 and Add.2) with a note by the Secretariat (E/CN.4/1984/14);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1984/NGO/4);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/19).

107. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (18th), Bangladesh (18th), Brazil (17th), Bulgaria (18th), Canada (16th and 17th), China (16th), Colombia (16th), Cuba (18th), Finland (16th), France (17th), Gambia (18th), German Democratic Republic (17th), Germany, Federal Republic of (17th), India (16th), Ireland (15th), Italy (17th), Japan (18th), Jordan (17th), Libyan Arab Jamahiriya (18th), Netherlands (16th), Nicaragua (17th), Rwanda (18th), Senegal (15th), Spain (15th), Syrian Arab Republic (17th), Togo (18th), Ukrainian Soviet Socialist Republic (16th), Union of Soviet Socialist Republics (17th), United Kingdom of Great Britain and Northern Ireland (16th), Yugoslavia (15th).

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1/ For the summary records, see E/CN.4/1984/SR.15 to SR.19, SR.41 and SR.42, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

108. The Commission heard statements by the observers for: Algeria (15th), Belgium (15th), Byelorussian Soviet Socialist Republic (18th), Egypt (15th), Israel (16th), Panama (19th), Peru (17th), Poland (18th).

109. A statement was made by the representative of the International Labour Organisation (18th).

110. Statements were also made by the following non-governmental organizations: Baha'i International Community (17th), International Commission of Jurists (16th), International Federation of Human Rights (19th), International Federation of Women in Legal Careers (17th), International Movement for Fraternal Union among Races and Peoples (18th), Pax Romana (18th), World Peace Council (16th).

111. Statements in right of reply or equivalent to right of reply were made by the representatives of Cuba (19th), the Syrian Arab Republic (19th), the Union of Soviet Socialist Republics (19th) and the United States of America (19th), and by the observer for Israel (19th).

112. At the 41st meeting, on 6 March 1984, the representative of Yugoslavia introduced draft resolution E/CN.4/1984/L.26, sponsored by Algeria,\*/ Bangladesh, China, Colombia, Costa Rica, Cuba, Cyprus, Ethiopia,\*/ India, the Libyan Arab Jamahiriya, Mexico, Nicaragua, the Philippines, Poland,\*/ the Syrian Arab Republic, Yugoslavia and Zimbabwe. The Congo \*/ and Peru \*/ subsequently joined the sponsors.

113. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.50) 3/ of draft resolution E/CN.4/1984/L.26; in this connection, further clarification was provided by the Assistant Secretary-General for Human Rights at the 42nd meeting.

114. Statements relating to the draft resolution were made by the representatives of Canada (42nd), the Ukrainian Soviet Socialist Republic (42nd), the United States of America (41st and 42nd) and Yugoslavia (42nd).

115. At the 41st meeting, on 6 March 1984, the representative of the United States of America proposed an amendment to the draft resolution which would add an operative paragraph 5 reading as follows:

"Decides that the final study requested by Economic and Social Council resolution 1983/31 is to be prepared within existing resource levels as provided in the programme budget for the biennium 1984-1985 (General Assembly resolution 38/236 A, section 23)."

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

116. At the 42nd meeting, on 6 March 1984, a vote was taken on the United States amendment. There were 11 votes in favour, 11 against and 20 abstentions; the amendment was therefore not adopted.

117. At the same meeting, the representative of the United States of America requested a vote on the draft resolution. The vote was taken by roll-call at the request of the representative of the Gambia.

118. Draft resolution E/CN.4/1984/L.26 was adopted by 41 votes to 1. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: None.

The representative of Pakistan stated that his delegation was not participating in the vote.

119. A statement in explanation of vote after the vote was made by the representative of the Union of Soviet Socialist Republics.

120. For the text of the resolution, see chapter II, section A, resolution 1984/15.

121. At the 41st meeting, on 6 March 1984, the representative of Senegal introduced draft resolution E/CN.4/1984/L.34, sponsored by Algeria, \*/ Argentina, Bangladesh, Belgium, \*/ Brazil, Bulgaria, China, the Congo, \*/ Costa Rica, Cuba, Egypt, \*/ France, the Gambia, India, Iraq, \*/ Kenya, the Libyan Arab Jamahiriya, Mauritania, Mexico, Morocco, \*/ Mozambique, the Netherlands, Nicaragua, Nigeria, \*/ Panama, \*/ Peru, \*/ the Philippines, Poland, \*/ Rwanda, Senegal, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam, \*/ Yugoslavia, Zaire \*/ and Zimbabwe. Cameroon, Colombia, Greece \*/ and Uganda \*/ subsequently joined the sponsors.

122. In introducing the draft resolution, the representative of Senegal orally revised the tenth preambular paragraph, replacing the word "Recalling" by the words "Taking account of".

123. The Commission considered the draft resolution at its 42nd meeting, on 6 March 1984.

124. Statements relating to the draft resolution were made by the representatives of Canada and the Ukrainian Soviet Socialist Republic.

125. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.63) 3/ of draft resolution E/CN.4/1984/L.34.

126. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution. Draft resolution E/CN.4/1984/L.34, as orally revised, was adopted by 39 votes to none, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: None.

Abstaining: Canada, Finland, Ireland, United States of America.

127. Statements in explanation of vote after the vote were made by the representatives of Finland, the Federal Republic of Germany, Ireland and the Union of Soviet Socialist Republics.

128. For the text of the resolution, see chapter II, section A, resolution 1984/16.

129. At the 42nd meeting, on 6 March 1984, the Commission considered draft resolution XV recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

130. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.46) 3/ of draft resolution XV proposed by the Sub-Commission.

131. At the request of the representative of the United States of America, a vote was taken on the draft resolution; at the request of the representative of Cuba, the vote was taken by roll-call. Draft resolution XV proposed by the Sub-Commission was adopted by 39 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, India, Ireland, Italy, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Germany, Federal Republic of, Japan, United Kingdom of Great Britain and Northern Ireland.

132. A statement in explanation of vote after the vote was made by the representative of the Union of Soviet Socialist Republics.

133. For the text of the resolution, see chapter II, section A, resolution 1984/17.



IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS  
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN  
DOMINATION OR FOREIGN OCCUPATION

134. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 2nd to 7th meetings, held from 7 to 10 February 1984. Item 9 was further considered by the Commission at its 21st to 26th meetings, held from 21 to 23 February 1984, and at its 34th, 49th and 50th meetings, held on 29 February, 9 March and 12 March 1984. 1/

135. The Commission had before it the following documents:

Note by the Secretary-General containing a list of the reports, studies and publications prepared by the Division for Palestinian Rights (E/CN.4/1984/15);

Report of the Secretary-General transmitting summaries of the replies received from Governments on legislation against mercenaries, submitted pursuant to Commission resolution 1983/4 (E/CN.4/1984/16);

Letter dated 31 January 1984 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/52);

Letter dated 1 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/41);

Letter dated 3 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/55);

Letter dated 7 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/53);

Letter dated 9 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/62);

Letter dated 16 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/61);

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1/ For the summary records, see E/CN.4/1984/SR.2 to SR.7, SR.21 to SR.26, SR.34, SR.49 and SR.50, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

Letter dated 23 February 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/66);

Letter dated 27 February 1984 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/65);

Three written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/14, E/CN.4/1984/NGO/15, E/CN.4/1984/NGO/18);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/20);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/23);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/26);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/33).

136. In the general debate on this item, 2/ statements were made by the following members of the Commission: Bangladesh (24th), Bulgaria (21st), Canada (5th and 21st), China (24th), Colombia (25th), Cuba (23rd), France (24th), German Democratic Republic (24th), Germany, Federal Republic of (21st), Italy (6th and 24th), Japan (24th), Libyan Arab Jamahiriya (3rd), Mozambique (24th), Nicaragua (21st), Pakistan (21st), Philippines (24th), Spain (3rd), Syrian Arab Republic (24th), Togo (24th), Ukrainian Soviet Socialist Republic (21st), Union of Soviet Socialist Republics (22nd), United Kingdom of Great Britain and Northern Ireland (5th and 21st), United States of America (21st), Zimbabwe (24th).

137. The Commission also heard statements by the observers for: Afghanistan (22nd), Algeria (22nd), Byelorussian Soviet Socialist Republic (25th), Czechoslovakia (23rd), Democratic Kampuchea (25th), Indonesia (25th), Iran, Islamic Republic of (7th), Israel (5th), Morocco (23rd), Poland (25th), Sudan (7th), Turkey (25th), Uganda (25th), Viet Nam (25th).

138. The Commission heard statements by the representatives of the following national liberation movements: Palestine Liberation Organization (22nd), Pan Africanist Congress of Azania (6th).

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2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

139. Statements were also made by the following non-governmental organizations: Four Directions Council (25th), International Commission of Jurists (23rd), International Indian Treaty Council (22nd), International League for the Rights and Liberation of Peoples (22nd), Pax Christi (23rd), Pax Romana (23rd), Women's International League for Peace and Freedom (22nd), World Muslim Congress (21st), World Peace Council (22nd).

140. Statements in right of reply or equivalent to right of reply were made by the representatives of Canada (22nd and 26th), China (26th), Cuba (23rd), Cyprus (26th), India (21st), Mozambique (26th), Nicaragua (23rd), Pakistan (22nd and 25th), the Syrian Arab Republic (23rd), the Union of Soviet Socialist Republics (23rd), the United States of America (22nd) and Zimbabwe (26th); by the observers for Afghanistan (21st, 23rd, 25th and 26th), Democratic Kampuchea (7th, 23rd and 26th), El Salvador (23rd), Honduras (22nd), Iran, Islamic Republic of (7th), Iraq (7th), Israel (22nd), Morocco (25th and 26th), Portugal (26th) and Viet Nam (26th); and by the representative of the Palestine Liberation Organization (23rd).

141. At the 34th meeting, on 29 February 1984, the Commission took up consideration of the draft resolutions submitted under this item.

142. The representative of Colombia, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, moved for an adjournment of the debate on draft resolutions E/CN.4/1984/L.21/Rev.1 (which had replaced draft resolution E/CN.4/1984/L.21 and the amendment thereto in document E/CN.4/1984/L.31) and E/CN.4/1984/L.27 until a later date. The motion was supported by the representatives of India and Mexico and accepted by the Commission.

143. Draft resolution E/CN.4/1984/L.9, which had been introduced by the representative of Pakistan at the 21st meeting, on 21 February 1984, was sponsored by Bahrain, \*/ Bangladesh, Costa Rica, Egypt, \*/ the Gambia, Jordan, Malaysia, \*/ Morocco, \*/ Nepal, \*/ Oman, \*/ Pakistan, the Philippines, Qatar, \*/ Saudi Arabia, \*/ Senegal, Singapore, \*/ Somalia, \*/ the Sudan, \*/ Thailand, \*/ Tunisia, \*/ Turkey, \*/ the United Arab Emirates \*/ and Uruguay. Colombia, Guatemala \*/ and Honduras \*/ subsequently joined the sponsors.

144. The representative of Yugoslavia introduced draft resolution E/CN.4/1984/L.13, sponsored by Algeria, \*/ Bangladesh, Bulgaria, Cuba, Czechoslovakia, \*/ the German Democratic Republic, Iraq, \*/ Jordan, Madagascar, \*/ Mauritania, Morocco, \*/ Mozambique, Nicaragua, Qatar, \*/ Somalia, \*/ the Syrian Arab Republic, Tunisia, \*/ the Ukrainian Soviet Socialist Republic, Viet Nam \*/ and Yugoslavia. Afghanistan, \*/ the Congo \*/ and Malaysia \*/ subsequently joined the sponsors.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

145. The representative of the Philippines introduced draft resolution E/CN.4/1984/L.15, sponsored by Bangladesh, Belgium, \*/ Canada, Costa Rica, the Gambia, Germany, Federal Republic of, Italy, Japan, Luxembourg, \*/ Malaysia, \*/ Mauritania, Nepal, \*/ the Netherlands, Qatar, \*/ New Zealand, \*/ Pakistan, the Philippines, Somalia, \*/ Singapore, \*/ Thailand, \*/ Turkey, \*/ the United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire. \*/

146. The Commission also had before it draft resolution E/CN.4/1984/L.22 proposed by the Chairman.

147. The representative of the United Republic of Tanzania introduced draft resolution E/CN.4/1984/L.28, sponsored by Algeria, \*/ Bangladesh, Bulgaria, the Congo, \*/ Cuba, Egypt, \*/ Ethiopia, \*/ Gabon, \*/ the Gambia, Kenya, the Libyan Arab Jamahiriya, Madagascar, \*/ Mozambique, Nigeria, \*/ Qatar, \*/ Rwanda, Senegal, Somalia, \*/ the Sudan, \*/ the United Republic of Tanzania and Zimbabwe. Afghanistan, \*/ Cameroon, the German Democratic Republic, Mauritania, Pakistan, Uganda \*/ and Viet Nam \*/ subsequently joined the sponsors.

148. Comments relating to the draft resolutions were made by the representatives of India and Pakistan and the observers for Afghanistan, Democratic Kampuchea, the Islamic Republic of Iran and Viet Nam, as well as by the representative of the Palestine Liberation Organization.

149. Statements in explanation of vote before the vote were made by the representatives of Bulgaria, Canada, the German Democratic Republic, the Libyan Arab Jamahiriya, Uruguay and the Union of Soviet Socialist Republics.

150. At the request of the representative of Pakistan, a roll-call vote was taken on draft resolution E/CN.4/1984/L.9. The draft resolution was adopted by 31 votes to 8, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Cameroon, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zimbabwe.

Against: Bulgaria, Cuba, German Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Cyprus, Finland, India, Nicaragua.

151. For the text of the resolution, see chapter II, section A, resolution 1984/10.

152. The representative of the United States of America requested separate roll-call votes on the last preambular paragraph together with operative paragraph 10, on operative paragraph 3, and on operative paragraph 9 of draft resolution E/CN.4/1984/L.13. The representative of Brazil requested a separate vote on the last preambular paragraph.

153. The last preambular paragraph was adopted by 20 votes to 11, with 12 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Cuba, Cyprus, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Cameroon, Colombia, Finland, Gambia, Mexico, Philippines, Rwanda, Senegal, Togo, Uruguay.

154. Operative paragraph 10 was adopted by 18 votes to 13, with 12 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Cuba, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Cameroon, Colombia, Cyprus, Finland, Gambia, Kenya, Mexico, Philippines, Rwanda, Senegal, Togo.

155. Operative paragraph 3 was adopted by 25 votes to 9, with 9 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, Cameroon, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Colombia, Finland, Ireland, Japan, Mexico, Philippines, Spain.

156. Operative paragraph 9 was adopted by 20 votes to 11, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Italy, Japan, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Cameroon, China, Colombia, Ireland, Kenya, Mexico, Rwanda, Spain, Togo, United Republic of Tanzania, Uruguay.

157. The representative of Colombia requested a roll-call vote on the draft resolution as a whole. The draft resolution was adopted by 28 votes to 7, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Finland, France, Ireland, Japan, Mexico, Philippines, Spain, Uruguay.

158. For the text of the resolution, see chapter II, section A, resolution 1984/11.

159. The representative of the Philippines requested a roll-call vote on draft resolution E/CN.4/1984/L.15. The draft resolution was adopted by 27 votes to 10, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Cameroon, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Kenya, Mauritania, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Against: Bulgaria, Cuba, German Democratic Republic, India, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Mexico, United Republic of Tanzania, Zimbabwe.

The representative of Cyprus stated that his delegation was not participating in the vote.

160. For the text of the resolution, see chapter II, section A, resolution 1984/12.

161. Draft resolution E/CN.4/1984/L.22, proposed by the Chairman, was adopted without a vote.

162. For the text of the resolution, see chapter II, section A, resolution 1984/13.

163. The representative of the United States of America requested a vote on draft resolution E/CN.4/1984/L.28, which was taken by roll-call at the request of the representative of the United Republic of Tanzania. The draft resolution was adopted by 31 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: Canada, France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Finland, Ireland, Italy, Japan, Netherlands, Spain.

164. For the text of the resolution, see chapter II, section A, resolution 1984/14.

165. Statements in explanation of vote after the vote concerning the resolutions adopted (see paragraphs 150-164 above) were made by the representatives of Brazil, Finland, Italy, the Netherlands, Rwanda, Spain, and the United States of America.

166. The observer for Morocco made a statement relating to resolution 1984/13.

167. At the 49th meeting, on 9 March 1984, the Chairman announced that the draft resolutions contained in documents E/CN.4/1984/L.21/Rev. 1 and E/CN.4/1984/L.27 had been withdrawn by their sponsors and that the Commission had before it the draft resolution contained in document E/CN.4/1984/L.81 proposed by the Chairman.

168. At its 50th meeting, on 12 March 1984, the Commission adopted draft resolution E/CN.4/1984/L.81 without a vote.

169. Statements in explanation of vote after the vote were made by the representatives of China, Cuba, the German Democratic Republic, India (on behalf of the non-aligned countries), Nicaragua, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America.

170. For the text of the resolution, see chapter II, section A, resolution 1984/25.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

171. The Commission considered agenda item 10 and sub-item 10 (b) at its 18th to 20th, 42nd, 50th and 52nd meetings, held on 17 and 20 February and 6, 12 and 13 March 1984. Sub-item 10 (a) was considered at the 32nd to 34th meetings, held on 28 and 29 February 1984, and at the 42nd meeting, held on 6 March 1984. 1/

172. In relation to item 10, the Commission had before it the following documents:

Report and note by the Secretary-General transmitting the comments of Governments, United Nations organs, specialized agencies and non-governmental organizations on the study of the implications for human rights of recent developments concerning situations known as states of siege or emergency (E/CN.4/Sub.2/1983/15 and Add.1 and E/CN.4/1984/17).

173. In the general debate on item 10, 2/ statements were made by the following members of the Commission: Canada (20th), Ireland (20th), Spain (20th).

174. Statements were also made by the following non-governmental organizations: Amnesty International (20th), International League for the Rights and Liberation of Peoples (19th), Pax Christi (20th).

175. At the 42nd meeting, on 6 March 1984, the representative of Canada introduced draft decision E/CN.4/1984/L.12.

176. At the same meeting, draft decision E/CN.4/1984/L.12 was adopted without a vote.

177. For the text of the decision, see chapter II, section B, decision 1984/104.

178. At the same meeting, the representative of Mauritania introduced draft resolution E/CN.4/1984/L.14, sponsored by Algeria, \*/ Bangladesh, Bulgaria, Cuba, Cyprus, Czechoslovakia, \*/ Egypt, \*/ the German Democratic Republic, India, Iraq, \*/ Jordan, the Libyan Arab Jamahiriya, Madagascar, \*/ Mauritania, Morocco, \*/ Qatar, \*/ Somalia, \*/ Sri Lanka, \*/ Tunisia, \*/ the Ukrainian Soviet Socialist Republic, Viet Nam \*/ and Yugoslavia. Pakistan and Senegal subsequently joined the sponsors.

179. Statements relating to the draft resolution were made by the representative of India and the observer for Israel. The representative of the Palestine Liberation Organization also made a statement.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary records, see E/CN.4/1984/SR.18 to SR.20, SR.32 to SR.34, SR.42, SR.50 and SR.52, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.



180. Statements in explanation of vote before the vote were made by the representatives of Canada, the Netherlands and the United States of America.

181. At the request of the representative of Brazil, a separate vote was taken on the last part of operative paragraph 3 of draft resolution E/CN.4/1984/L.14, which read: "... as well as those that Israel rearrested and detained again in Ansar Camp, thereby violating the agreement on the exchange of prisoners concluded with the International Committee of the Red Cross in November 1983". The Commission adopted the last part of operative paragraph 3 by 35 votes to 1, with 7 abstentions.

182. At the request of the representative of the United States of America, a vote was taken on draft resolution E/CN.4/1984/L.14 as a whole. The vote was taken by roll-call at the request of the representative of the Libyan Arab Jamahiriya. The Commission adopted the draft resolution by 41 votes to 1, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, Canada, China, Colombia, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Costa Rica.

183. After the vote the representative of the Union of Soviet Socialist Republics made a statement in explanation of vote.

184. For the text of the resolution, see chapter II, section A, resolution 1984/20.

185. At the 42nd meeting, on 6 March 1984, the Commission began consideration of draft resolution XIV recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

186. The representative of Bulgaria proposed that consideration of draft resolution XIV be deferred until the amendments he had submitted thereto were circulated. His proposal was accepted by the Commission.

187. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1984/L.32, sponsored by Belgium, \*/ Canada, Colombia, Costa Rica and Spain.

188. At the same meeting, the representative of the Union of Soviet Socialist Republics introduced amendments (E/CN.4/1984/L.55) to draft resolution E/CN.4/1984/L.32.

189. At the same meeting, statements concerning draft resolution E/CN.4/1984/L.32 and the amendments contained in document E/CN.4/1984/L.55 were made by the representatives of the German Democratic Republic and the United Republic of Tanzania.

190. The representative of Canada proposed the following amendments to the amendments contained in document E/CN.4/1984/L.55:

(a) Paragraph 1 of document E/CN.4/1984/L.55: after the words "certain restrictions" the following words would be added: "but these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order, or of public health or morals";

(b) Paragraph 2 of document E/CN.4/1984/L.55: after the words "Bearing in mind that" the following words would be added: "the International Covenant on Civil and Political Rights states that";

(c) Paragraph 3 of document E/CN.4/1984/L.55: the following words would be deleted: "and 'without recourse to violence' with 'lawfully'";

(d) Paragraph 5 of document E/CN.4/1984/L.55: the words "these rights shall" would be replaced by the words "freedom of expression may".

191. Upon a motion by the representative of India, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission decided to defer consideration of draft resolution E/CN.4/1984/L.32 and the amendments thereto (E/CN.4/1984/L.55).

192. At the 50th meeting, on 12 March 1984, the Commission considered draft resolution E/CN.4/1984/L.32/Rev.1, which replaced draft resolution E/CN.4/1984/L.32 and the amendments proposed thereto contained in document E/CN.4/1984/L.55. The revised draft resolution was sponsored by Belgium, \*/ Bulgaria, Canada, Colombia, Costa Rica, India, Peru \*/ and Spain. Ireland subsequently joined the sponsors.

193. At the same meeting, the Commission adopted the revised draft resolution without a vote.

194. For the text of the resolution, see chapter II, section A, resolution 1984/26.

195. At the same meeting, the Commission considered draft resolution XIV recommended to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A) and amendments thereto introduced by Bulgaria (E/CN.4/1984/L.69).

196. Statements relating to the draft resolution and the amendments thereto were made by the representatives of Brazil, Canada, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, Uruguay and the Union of Soviet Socialist Republics, as well as by the observer for Paraguay.

197. The representative of Brazil moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that no decision be taken on draft resolutions XIV or XII submitted by the Sub-Commission under agenda item 12.

198. The representative of Ireland moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, that the debate be adjourned until a decision was taken on draft decision E/CN.4/1984/L.73, 3/ submitted under agenda item 19.

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3/ For the consideration of and action on draft decision E/CN.4/1984/L.73, see chapter XIX.

199. The proposal of the representative of Ireland was accepted by the Commission.

200. At the 52nd meeting, on 13 March 1984, the Commission again took up consideration of draft resolution XIV and the amendments thereto proposed by Bulgaria (E/CN.4/1984/L.69).

201. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of Brazil moved the adjournment of the debate on draft resolution XIV, as well as on draft resolution XII, recommended by the Sub-Commission for adoption under item 12, until the forty-first session of the Commission.

202. The representatives of Canada, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and Uruguay made statements relating to this motion.

203. The Commission rejected the Brazilian motion by 19 votes to 12, with 12 abstentions.

204. Statements relating to draft resolution XIV and the amendments contained in document E/CN.4/1984/L.69 were made by the representatives of Bulgaria, Canada, Cuba, the Federal Republic of Germany, the Union of Soviet Socialist Republics, the United States of America and Uruguay.

205. Statements in explanation of vote before the vote were made by the representatives of Brazil, Cuba, Ireland, Italy, Spain and the Union of Soviet Socialist Republics.

206. At the request of the representative of Bulgaria, the amendments contained in document E/CN.4/1984/L.69 were put to a vote separately. The voting was as follows:

(a) The amendment proposed in paragraph 1 was adopted by 13 votes to 6, with 23 abstentions;

(b) The amendment proposed in paragraph 2 was rejected by 14 votes to 8, with 19 abstentions;

(c) The amendment proposed in paragraph 3 was rejected by 14 votes to 10, with 18 abstentions.

207. At the request of the representative of Nicaragua, a roll-call vote was taken on draft resolution XIV, as amended. The draft resolution was adopted by 36 votes to 1, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, Canada, Colombia, Costa Rica, Cuba, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Uruguay.

Abstaining: Cameroon, China, Cyprus, Pakistan, Philippines.

The representative of Brazil stated that his delegation was not participating in the vote.

208. Statements in explanation of vote after the vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America.

209. For the text of the resolution, see chapter II, section A, resolution 1984/46.

A. Torture and other cruel, inhuman or degrading treatment or punishment

210. In relation to agenda item 10 (a), the Commission had before it the following documents:

Report of the open-ended working group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1984/L.2);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1984/19).

211. At the 32nd meeting, on 28 February 1984, Mr. J.H. Burgers (Netherlands), Chairman-Rapporteur of the open-ended working group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, introduced the report of the working group (E/CN.4/1984/L.2).

212. In the general debate on item 10 (a), statements were made by the following members of the Commission: Argentina (33rd), Bangladesh (33rd), Bulgaria (33rd), Canada (32nd), Colombia (33rd), Costa Rica (33rd), France (33rd), German Democratic Republic (32nd), Germany, Federal Republic of (32nd), India (32nd), Ireland (20th), Italy (33rd), Senegal (33rd), Spain (32nd), Union of Soviet Socialist Republics (33rd), United States of America (32nd), Uruguay (33rd).

213. The Commission heard statements by the observers for Australia (34th), Denmark (33rd), Norway (34th), Peru (34th), Sweden (33rd) and Switzerland (34th).

214. The representative of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat (33rd) and the Chairman of the Inter-American Commission on Human Rights of the Organization of American States (20th) made statements.

215. Statements were also made by the following non-governmental organizations: Amnesty International (33rd), International Association of Penal Law (34th), International Commission of Jurists (34th), International Movement for Fraternal Union among Races and Peoples (32nd), Pax Romana (33rd).

216. A statement equivalent to right of reply was made by the observer for the Islamic Republic of Iran (34th).

217. At the 42nd meeting, on 6 March 1984, the Commission took up consideration of the draft resolutions submitted under item 10 (a).

218. The representative of Finland introduced draft resolution E/CN.4/1984/L.36, sponsored by Argentina, Finland, India, the Netherlands, Senegal and Yugoslavia. Colombia, Costa Rica, Denmark, Jordan, Norway, Peru \*/ and Sweden \*/ subsequently joined the sponsors.

219. Draft resolution E/CN.4/1984/L.36 was adopted without a vote.
220. For the text of the resolution, see chapter II, section A, resolution 1984/21.
221. The representative of Finland introduced draft resolution E/CN.4/1984/L.60, sponsored by Denmark, \*/ Finland, Norway \*/ and Sweden. \*/ Italy and the Netherlands subsequently joined the sponsors.
222. Draft resolution E/CN.4/1984/L.60 was adopted without a vote.
223. For the text of the resolution, see chapter II, section A, resolution 1984/22.
224. At the same meeting, the Commission approved the report of the working group (E/CN.4/1984/L.2) 4/.

B. Question of enforced or involuntary disappearances

225. In relation to agenda item 10 (b), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1984/21 and Add.1 and 2);

Letter dated 28 November 1983 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1984/5);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/41).

226. At the 18th meeting, on 17 February 1984, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Viscount Colville of Culross, introduced the Group's report.
227. At the 20th meeting, on 20 February 1984, at the end of the discussion of item 10 (b), Mr. I. Toševski, a member of the Working Group, made a statement on behalf of the Chairman.
228. In the general debate on item 10 (b), statements were made by the following members of the Commission: Argentina (20th), Bangladesh (20th), Canada (20th), Cyprus (20th), Germany, Federal Republic of (20th), Finland (20th), France (20th), Ireland (20th), Italy (20th), Japan (20th), Netherlands (20th), Nicaragua (20th), Spain (20th), Union of Soviet Socialist Republics (20th).
229. The Commission heard statements by the observers for Iraq (20th), Israel (19th), Lebanon (19th) and Peru (20th).
230. A statement was made by the Chairman of the Inter-American Commission on Human Rights of the Organization of American States (20th).
231. Statements were also made by the following non-governmental organizations: Amnesty International (20th), International Association of Democratic Lawyers (20th), International Commission of Jurists (20th), International Federation of Human Rights (20th), International League for the Rights and Liberation of Peoples (19th), Pax Christi (20th), Pax Romana (20th).

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4/ For the report as approved, see E/CN.4/1984/72.

232. Statements in right of reply or equivalent to right of reply were made by the representatives of Nicaragua (20th), the Philippines (20th) and the Syrian Arab Republic (19th), and by the observers for Ethiopia (20th), Honduras (20th), Iran (Islamic Republic of) (20th), Iraq (20th), Israel (19th) and Morocco (20th).

233. At the 42nd meeting, on 6 March 1984, the representative of France introduced draft resolution E/CN.4/1984/L.33, sponsored by Argentina, Canada, France, Gambia, Germany, Federal Republic of, the Netherlands, Senegal and Spain. Costa Rica, Italy, Nicaragua and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

234. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.59) <sup>5/</sup> of draft resolution E/CN.4/1984/L.33.

235. A statement relating to the draft resolution was made by the observer for the Islamic Republic of Iran.

236. The Commission adopted draft resolution E/CN.4/1984/L.33 without a vote.

237. For the text of the resolution, see chapter II, section A, resolution 1984/23

238. At the same meeting, the Chairman announced the resignation from the Working Group on Enforced or Involuntary Disappearances of Viscount Colville of Culross. The Chairman stated that, after having consulted the regional group concerned, he had decided to appoint Mr. Toine F. van Dongen as a member of the Working Group. The Chairman stated that the composition of the Working Group was as follows: Jonas K.D. Foli (Ghana), Agha Hilaly (Pakistan), Ivan Toševski (Yugoslavia), Luis A. Varela Quiros (Costa Rica) and Toine F. van Dongen (Netherlands).

239. In this connection, the representative of Brazil orally proposed the following draft decision:

"Noting that Viscount Colville of Culross is resigning from the chairmanship of the Working Group on Enforced or Involuntary Disappearances which he has held since the Group's inception in 1980, the Commission expresses its appreciation to Viscount Colville of Culross for the manner in which he has carried out his tasks and for the skill and dedication which he has brought to the work of the Group."

The draft decision was adopted by acclamation, following which Viscount Colville of Culross made a statement.

240. For the text of the decision, see chapter II, section B, decision 1984/105.

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<sup>5/</sup> An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

241. The Commission considered agenda item 11 at its 60th to 62nd meetings, held on 15 March 1984. 1/

242. The Commission had before it the following documents:

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/1984/22 and Add.1 and 2);

Report of the Secretary-General submitted pursuant to Commission resolution 1983/50 on the development of public information activities in the field of human rights (E/CN.4/1984/23);

Note by the Secretary-General containing information submitted in accordance with Economic and Social Council resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights (E/CN.4/1984/56);

Report of the open-ended working group established under Commission resolution 1983/51 (E/CN.4/1984/L.3);

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/37/422);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/24);

Written statement submitted by the Arab Lawyers Union, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/28);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) and the International Association of Democratic Lawyers, the International Commission of Jurists, the Women's International League for Peace and Freedom, and the World Jewish Congress, non-governmental organizations in consultative status (category II) (E/CN.4/1984/NGO/34);

Written statement submitted by the Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/46).

243. At the 60th meeting, on 15 March 1984, Mrs. L. Puri (India), Chairman-Rapporteur of the open-ended working group established under Commission resolution 1983/51, introduced the report of the working group (E/CN.4/1984/L.3).

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1/ For the summary records, see E/CN.4/1984/SR.60 to SR.62, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

244. In the general debate on the item, <sup>2/</sup> statements were made by the following members of the Commission: Argentina (61st), Brazil (60th), Bulgaria (61st), Costa Rica (61st), German Democratic Republic (60th), Germany, Federal Republic of (60th), India (60th), Ireland (60th), Italy (61st), Senegal (60th), Spain (60th), Ukrainian Soviet Socialist Republic (61st), Union of Soviet Socialist Republics (60th).
245. The Commission heard statements by the observers for Australia (61st), Peru (61st) and Sri Lanka (61st).
246. Statements were also made by the following non-governmental organizations: Amnesty International (61st), Christian Democratic World Union (61st), Four Directions Council (61st), International Commission of Jurists (61st), Pax Romana (61st).
247. At the 61st meeting, on 15 March 1984, the representative of Canada introduced draft resolution E/CN.4/1984/L.92, sponsored by Canada, Colombia, Gambia, India, Jordan and Yugoslavia. Argentina, Costa Rica and Peru subsequently joined the sponsors.
248. In introducing the draft resolution, the representative of Canada orally revised operative paragraph 3, adding the words "as soon as possible within existing resources" after the words "requests the Secretary-General to proceed".
249. Draft resolution E/CN.4/1984/L.92, as orally revised, was adopted without a vote.
250. For the text of the resolution, see chapter II, section A, resolution 1984/58.
251. At the same meeting, the Commission considered the draft resolution recommended by the open-ended working group established under Commission resolution 1983/51 as contained in paragraph 10 of the group's report (E/CN.4/1984/L.3).
252. The draft resolution was adopted without a vote.
253. For the text of the resolution, see chapter II, section A, resolution 1984/59.
254. At the same meeting, the Commission approved the report of the working group. <sup>3/</sup>
255. At the same meeting, the Commission considered draft resolution XIII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).
256. The Commission had before it an estimate of the administrative and programme budget implications (E/CN.4/1984/L.45) of the draft resolution.
257. The representative of Colombia introduced amendments (E/CN.4/1984/L.104) to draft resolution XIII; by the first of these amendments a new paragraph would be inserted between the first and second preambular paragraphs, to read: "Bearing in mind that the Sub-Commission is a subsidiary body of the Commission," and by the second operative paragraph 2 would read as follows:

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<sup>2/</sup> The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

<sup>3/</sup> For the report as approved, see E/CN.4/1984/73.



"Would welcome an exchange of views between the Chairman of the Sub-Commission or a spokesman of the working group and the Commission or a working group during the forty-first session of the Commission, which would be reported on to the Sub-Commission at its thirty-eighth session for the consideration of its methods and programmes of work, in the light of the Sub-Commission's recommendations and on the basis of the response of the Commission".

258. Statements relating to the draft resolution and the amendments thereto were made by Bangladesh, Brazil, Colombia, Senegal and the United States of America.

259. The representative of Senegal proposed an amendment to the second Colombian amendment in document E/CN.4/1984/L.104 by which operative paragraph 2 would read:

"Invites the spokesman of the Sub-Commission's working group to hold an exchange of views with the members of the Commission, with a view to completing its report on working methods at its thirty-seventh session, taking into account the comments of members of the Commission".

260. The representative of Brazil also proposed an amendment, by which operative paragraph 2 would begin as follows: "Would welcome an exchange of views between a spokesman of the working group ...".

261. The amendments proposed by the representatives of Senegal and Brazil were accepted in part by the representative of Colombia, who then revised the second amendment in document E/CN.4/1984/L.104 to read: "2. Invites an exchange of views between a spokesman of the working group and the Commission ..."

262. At the same meeting the Deputy Director of the Centre for Human Rights advised the Commission that the amendments, if adopted, would affect the financial implications of the draft resolution.

263. At the request of the representative of the United States of America, a separate vote was taken on the amendments contained in document E/CN.4/1984/L.104, as orally revised.

264. The amendments were adopted by 33 votes to none, with 6 abstentions.

265. At the request of the representative of the United States of America, a vote was taken on draft resolution XIII, as amended.

266. The draft resolution, as amended, was adopted by 34 votes to 1, with 4 abstentions.

267. For the text of the resolution, see chapter II, section A, resolution 1984/60.

268. At the 60th meeting, on 15 March 1984, the representative of Brazil introduced draft resolution E/CN.4/1984/L.89.

269. At the 61st meeting, on 15 March 1984, the representative of Costa Rica introduced draft resolution E/CN.4/1984/L.23, sponsored by Costa Rica and subsequently also by Colombia and Peru. \*/

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

270. The Commission also had before it amendments to draft resolution E/CN.4/1984/L.23 proposed by the German Democratic Republic (E/CN.4/1984/L.90) and by Cuba (E/CN.4/1984/L.102).

271. The representative of Yugoslavia moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, that the debate on draft resolution E/CN.4/1984/L.23 and the amendments thereto (E/CN.4/1984/L.90 and E/CN.4/1984/L.102) and on draft resolution E/CN.4/1984/L.89 be adjourned until the forty-first session of the Commission.

272. Statements relating to the motion by Yugoslavia were made by the representatives of Costa Rica and Italy.

273. At the 62nd meeting, on 15 March 1984, the Commission adopted the Yugoslav motion without a vote.

274. For the text of the decision, see chapter II, section B, decision 1984/112.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

275. The Commission considered agenda item 12 together with sub-item 12 (a) at its 42nd to 49th meetings, from 6 to 9 March 1984, and at its 52nd, 53rd, 57th to 59th and 63rd meetings, from 13 to 16 March 1984. 1/ Sub-item 12 (b) was considered by the Commission at its 35th to 41st (closed) meetings, on 1, 2, 5 and 6 March 1984, and at its 62nd (closed) meeting, on 15 March 1984.

276. In connection with the consideration of this item, the Commission had before it the following documents:

Final report on the situation of human rights in El Salvador, submitted by Mr. J.A. Pastor Ridruejo under Commission resolution 1983/29 (E/CN.4/1984/25 and Corr.1);

Report on the situation in Poland presented by Under-Secretary-General Patricio Ruedas (E/CN.4/1984/26);

Report of the Secretary-General on the provision of advisory services in the field of human rights with regard to Equatorial Guinea (E/CN.4/1984/27);

Report of the Secretary-General pursuant to paragraph 4 of Commission resolution 1983/34 of 8 March 1983 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/1984/28);

Report by the Special Rapporteur, Mr. S. Amos Wako, on summary or arbitrary executions pursuant to Council resolution 1983/36 of 27 May 1983 (E/CN.4/1984/29);

Report on the situation of human rights in Guatemala prepared by the Special Rapporteur, Viscount Colville of Culross, pursuant to paragraph 9 of Commission resolution 1983/37 of 8 March 1983 (E/CN.4/1984/30);

Report of the Secretary-General submitted pursuant to Commission decision 1983/107 concerning the question of human rights in Cyprus (E/CN.4/1984/31);

Report of the Secretary-General on direct contacts, prepared pursuant to paragraphs 3 and 4 of Commission resolution 1983/34 of 8 March 1983 (E/CN.4/1984/32);

Note by the Secretariat transmitting information supplied by the Permanent Mission of El Salvador to the United Nations Office at Geneva in a note verbale dated 6 October 1983 (E/CN.4/1984/49);

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1/ For the summary records, see E/CN.4/1984/SR.42 to SR.49, SR.52, SR.53, SR.57 to SR.59, and SR.63, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

Letter dated 7 November 1983 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/50);

Letter dated 28 December 1983 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/18);

Note verbale dated 30 January 1984 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva to the Secretary-General (E/CN.4/1984/10);

Letter dated 5 February 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/54);

Note verbale dated 9 February 1984 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1984/57);

Letter dated 13 February 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/67);

Note verbale dated 24 February 1984 from the Permanent Representative of Nicaragua to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1984/63);

Letter dated 27 February 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/68);

Letter dated 2 March 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1984/75);

Letter dated 5 March 1984 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/69);

Letter dated 7 March 1984 from the Permanent Representative of Honduras to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/70);

Written statements submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/1, E/CN.4/1984/NGO/3, E/CN.4/1984/NGO/6);

Written statements submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1984/NGO/7, E/CN.4/1984/NGO/9);

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/10, E/CN.4/1984/NGO/16, E/CN.4/1984/NGO/17);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/25);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/27);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/29 and Add.1);

Written statement submitted by the Disabled People's International, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/30);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/38);

Written statement submitted by the World Young Women's Christian Association, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/42);

Written statement submitted by the World Muslim Congress, a non-governmental organization in consultative status (category I) (E/CN.4/1984/NGO/44);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/49);

Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/50);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1984/52).

277. Before opening the public debate on item 12 as a whole, at the Commission's 42nd meeting, on 6 March 1984, the Chairman announced that the Commission had taken action in private session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 with regard to the following countries: Albania, Argentina, Benin, Haiti, <sup>2/</sup> Indonesia (East Timor), Malaysia, Pakistan, Paraguay, the Philippines, Turkey and Uruguay. He added that the Commission would take action later during the current session with regard to one remaining country, namely, Afghanistan, under Council resolution 1503 (XLVIII).

278. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in the public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto. The Chairman also announced that the situations relating to Argentina, Malaysia and Pakistan were no longer under consideration by the Commission under Council resolution 1503 (XLVIII).

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<sup>2/</sup> Part B of the decision relating to Haiti, being of a non-confidential nature, was made public under paragraph 8 of Economic and Social Council resolution 1503 (XLVIII). See chapter II, section B, decision 1984/109.

279. At the 63rd meeting, on 16 March 1984, the Chairman reminded members that the Commission had decided not to take any action under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII) with regard to Afghanistan in view of the action taken by the Commission at its 59th meeting.

280. During the debate on item 12 as a whole and sub-item 12 (a), <sup>3/</sup> statements were made by the following members of the Commission: Bulgaria (47th and 48th), Canada (43rd and 48th), Colombia (53rd), Cuba (45th and 49th), Cyprus (45th), Finland (43rd), France (49th), Gambia (49th), German Democratic Republic (45th), Germany, Federal Republic of (49th), India (43rd and 45th), Ireland (46th), Italy (47th), Japan (45th), Kenya (53rd), Libyan Arab Jamahiriya (49th), Mexico (53rd), Netherlands (43rd and 47th), Nicaragua (52nd), Pakistan (47th), Spain (45th), Togo (49th), Ukrainian Soviet Socialist Republic (45th and 53rd), Union of Soviet Socialist Republics (43rd and 49th), United Kingdom of Great Britain and Northern Ireland (49th), United States of America (48th), Yugoslavia (52nd), Zimbabwe (53rd).

281. The Commission also heard statements by the observers for: Afghanistan (53rd), Algeria (48th), Australia (49th), Byelorussian Soviet Socialist Republic (47th), Czechoslovakia (47th), Democratic Kampuchea (54th), Denmark (47th), El Salvador (49th), Greece (49th), Guatemala (44th), Honduras (54th), Hungary (46th), Iran (Islamic Republic of) (54th), Israel (44th), Mongolia (47th), Norway (44th), Poland (43rd and 49th), Sri Lanka (46th), Suriname (47th), Sweden (48th), Turkey (46th), Uganda (54th), Viet Nam (46th).

282. A statement was also made by the observer for the Republic of Korea (48th).

283. A statement was made by the representative of the Centre for Social Development and Humanitarian Affairs (44th).

284. Statements were also made by the following non-governmental organizations: Amnesty International (44th), Baha'i International Community (47th), Centre Europe-Tiers Monde (44th), Christian Democratic World Union (44th), Commission of the Churches on International Affairs (44th), Four Directions Council (44th), International Association of Democratic Lawyers (44th), International Commission of Jurists (44th), International Confederation of Free Trade Unions (53rd), International Council of Jewish Women (44th), International Federation of Human Rights (47th), International Federation of Rural Adult Catholic Movements (48th), International Indian Treaty Council (47th), International League for Human Rights (47th), International League for the Rights and Liberation of Peoples (47th), International Movement for Fraternal Union among Races and Peoples (47th), Inter-Parliamentary Union (45th), Pax Christi (48th), Pax Romana (46th), Procedural Aspects of International Law Institute (48th), Women's International League for Peace and Freedom (44th), World Association for the School as an Instrument of Peace (53rd), World Confederation of Labour (46th), World Student Christian Federation (48th).

285. Statements in right of reply were made by the following members of the Commission: China (45th), Cyprus (54th), France (54th), Germany, Federal Republic of (54th), India (46th), Jordan (45th), Netherlands (54th), Nicaragua (54th), Pakistan (54th), Philippines (48th), Syrian Arab Republic (46th), Union of Soviet Socialist Republics (44th and 54th).

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<sup>3/</sup> The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

286. Statements equivalent to right of reply were made by the observers for: Afghanistan (54th), El Salvador (54th), Greece (54th), Guatemala (48th), Honduras (44th and 54th), Iran (Islamic Republic of) (44th and 54th), Iraq (45th), Israel (44th and 49th), Morocco (54th), Sri Lanka (46th), Sudan (44th and 54th), Turkey (49th), Uganda (44th).

287. Statements equivalent to right of reply were also made by the observers for the Democratic People's Republic of Korea (49th and 54th) and the Republic of Korea (54th).

#### Situation of human rights in Poland

288. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1984/26.

289. At the 42nd meeting, on 6 March 1984, Under-Secretary-General Patricio Ruedas introduced his report to the Commission.

290. At the 57th meeting, on 14 March 1984, the representative of Italy introduced draft resolution E/CN.4/1984/L.66/Rev.1, sponsored by France, Germany, Federal Republic of, Italy and the Netherlands.

291. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.74) which related to draft resolution E/CN.4/1984/L.66/Rev.1.

292. The Commission heard statements by the representatives of Bulgaria, Cuba, France, the German Democratic Republic, Nicaragua, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Yugoslavia and by the observer for Poland relating to draft resolution E/CN.4/1984/L.66/Rev.1.

293. The representative of Cuba proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1984/L.66/Rev.1 until its forty-first session.

294. The representatives of Cameroon, Canada, India, Ireland, the Libyan Arab Jamahiriya, Mozambique, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zimbabwe made statements in explanation of vote before the vote on the Cuban motion.

295. At the request of the representative of Cuba, the vote was taken by roll-call. The motion was adopted by 17 votes to 14, with 12 abstentions. The voting was as follows:

In favour: Bulgaria, Cameroon, China, Costa Rica, Cuba, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Canada, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Philippines, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Brazil, Colombia, Cyprus, Finland, Gambia, Kenya, Mauritania, Mexico, Pakistan, Rwanda, Senegal.

The representative of Costa Rica subsequently informed the Chairman that, in the vote on the motion proposed by Cuba, he had intended to cast a negative vote.

296. For the text of the decision, see chapter II, section B, decision 1984/110.

#### Human rights and mass exoduses

297. At the 57th meeting, on 14 March 1984, the representative of Canada introduced draft resolution E/CN.4/1984/L.78/Rev.1, sponsored by Canada, Costa Rica, the Federal Republic of Germany, Ireland, Jordan, Pakistan, Somalia and Uruguay. Bangladesh and Japan subsequently joined the sponsors. Draft resolution E/CN.4/1984/L.78/Rev.1 replaced E/CN.4/1984/L.78 and the amendments thereto contained in document E/CN.4/1984/L.85.

298. At the same meeting, the draft resolution was adopted without a vote.

299. For the text of the resolution, see chapter II, section A, resolution 1984/49.

#### Summary or arbitrary executions

300. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1984/29.

301. At the 42nd meeting, on 6 March 1984, the Special Rapporteur on summary or arbitrary executions, Mr. S. Amos Wako, introduced his report (E/CN.4/1984/29) to the Commission.

302. At the 57th meeting, on 14 March 1984, the representative of Finland introduced draft resolution E/CN.4/1984/L.82, sponsored by Costa Rica, Cyprus, Denmark, \*/ Finland, France, the Gambia, Kenya, Mexico and the Netherlands.

303. The Commission had before it an estimate of the administrative and programme budget implications (E/CN.4/1984/L.98) 4/ of the draft resolution.

304. At the same meeting, the draft resolution was adopted without a vote.

305. For the text of the resolution, see chapter II, section A, resolution 1984/50.

#### Situation of human rights in Equatorial Guinea

306. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1984/NGO/27.

307. At the 57th meeting, on 14 March 1984, the representative of Costa Rica introduced draft resolution E/CN.4/1984/L.84, sponsored by Costa Rica.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

4/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.



308. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.96) of the draft resolution.

309. At the same meeting, the draft resolution was adopted without a vote.

310. For the text of the resolution, see chapter II, section A, resolution 1984/51.

#### Situation of human rights in El Salvador

311. In connection with the consideration of this matter, the Commission had before it the following documents: E/CN.4/1984/25 and Corr.1, E/CN.4/1984/49, E/CN.4/1984/NGO/17, E/CN.4/1984/NGO/25, E/CN.4/1984/NGO/38.

312. At the 58th meeting, on 14 March 1984, the representative of Mexico introduced draft resolution E/CN.4/1984/L.86, sponsored by Algeria, France, Mexico, the Netherlands, Spain and Yugoslavia. Greece subsequently joined the sponsors.

313. At the same meeting, the representative of the United States of America introduced amendments (E/CN.4/1984/L.103) to draft resolution E/CN.4/1984/L.86, and orally revised the amendments as follows:

(a) In the second amendment, the word "representative" was replaced by the word "recognized";

(b) The third amendment was deleted;

(c) In the fifth amendment, the word "dramatically" was replaced by the word "significantly";

(d) In the eighth amendment, the words "and to the insurgency" were replaced by the words "and also to the insurgents";

(e) The ninth amendment was deleted;

(f) In the tenth amendment, after the words "abide by the" the word "following" was added, and after the word "objectives" the words "agreed to by the Contadora and Central American Foreign Ministers on 10 September 1983, which include inter alia" were deleted;

(g) In the eleventh amendment, the words "Cognizant of the statement of objectives of the Contadora and Central American Foreign Ministers which calls for" were replaced by the words "Committed to the";

(h) In the thirteenth amendment, after the word "necessary", the word "for" was replaced by the words "to resolve";

(i) The fifteenth amendment was deleted.

314. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.99) of draft resolution E/CN.4/1984/L.86.

315. Comments relating to the draft resolution and the amendments proposed by the United States of America were made by the representatives of Mexico and Togo and by the observer for El Salvador.

316. The representative of Mexico moved under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council that no decision be taken on the amendments contained in document E/CN.4/1984/L.103, as orally revised.

317. Statements relating to this motion were made by the representatives of Cuba, France, Mexico, Nicaragua, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America and by the observer for El Salvador.

318. At the request of the representative of Mexico, a roll-call vote was taken on his motion. The Commission decided by 18 votes to 15, with 9 abstentions, that no decision should be taken on any of the amendments proposed in document E/CN.4/1984/L.103 as orally revised. The voting was as follows:

In favour: Argentina, Bulgaria, Cuba, Cyprus, France, German Democratic Republic, India, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Bangladesh, Brazil, Canada, Costa Rica, Finland, Germany, Federal Republic of, Ireland, Italy, Japan, Kenya, Netherlands, Pakistan, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Cameroon, China, Colombia, Gambia, Jordan, Philippines, Rwanda, Senegal, Togo.

319. A statement in explanation of vote after the vote was made by the representative of the Netherlands.

320. The representative of Argentina requested a separate vote on the sixth preambular paragraph together with operative paragraphs 3, 4, 5, 6, 7, 11, 12, 14, 17 and 18. The vote was taken by roll-call at the request of the representative of Nicaragua. The above-mentioned paragraphs were adopted by 23 votes to 3, with 16 abstentions. The voting was as follows:

In favour: Bulgaria, Canada, Cuba, Cyprus, Finland, France, German Democratic Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, Cameroon, China, Colombia, Costa Rica, Gambia, Germany, Federal Republic of, Japan, Jordan, Kenya, Pakistan, Philippines, Rwanda, Senegal, United Kingdom of Great Britain and Northern Ireland.

321. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a separate roll-call vote was taken on operative paragraph 15. The paragraph was adopted by 36 votes to 1, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Brazil.

Abstaining: China, Colombia, Pakistan, Philippines, Uruguay.

322. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution as a whole. The draft resolution was adopted by 24 votes to 5, with 13 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, Canada, Cuba, Cyprus, Finland, France, German Democratic Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Bangladesh, Brazil, Pakistan, United States of America, Uruguay.

Abstaining: Cameroon, China, Colombia, Costa Rica, Gambia, Germany, Federal Republic of, Japan, Jordan, Kenya, Philippines, Rwanda, Senegal, United Kingdom of Great Britain and Northern Ireland.

323. Statements in explanation of vote after the vote were made by the following representatives: Canada, China, Cuba, Finland, Germany, Federal Republic of, Nicaragua, Philippines, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

324. For the text of the resolution, see chapter II, section A, resolution 1984/52.

#### Situation of human rights in Guatemala

325. In connection with the consideration of this matter, the Commission had before it documents E/CN.4/1984/30, E/CN.4/1984/NGO/3, E/CN.4/1984/NGO/16, E/CN.4/1984/NGO/49 and E/CN.4/1984/NGO/51.

326. At the 42nd meeting, on 6 March 1984, the Special Rapporteur, Viscount Colville of Culross, introduced his report (E/CN.4/1984/30) to the Commission.

327. At the 58th meeting, on 14 March 1984, the representative of the Netherlands introduced draft resolution E/CN.4/1984/L.87, sponsored by Canada, France, Ireland, the Netherlands and Spain.

328. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.97) of draft resolution E/CN.4/1984/L.87.

329. The observer for Guatemala made a statement relating to draft resolution E/CN.4/1984/L.87.

330. The representatives of the United States of America and Uruguay made statements in explanation of vote before the vote.

331. At the same meeting, the representative of the United States of America requested a separate roll-call vote on operative paragraph 13 of the draft resolution. The paragraph was adopted by 36 votes to 1, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Uruguay.

Abstaining: Brazil, China, Colombia, Pakistan, Philippines.

332. The representative of Argentina requested a separate vote on the fourth preambular paragraph together with operative paragraphs 2, 6, 7, 8 and 12 of the draft resolution. At the request of the representative of Uruguay, a roll-call vote was taken on those paragraphs, which were adopted by 25 votes to 3, with 14 abstentions. The voting was as follows:

In favour: Bulgaria, Canada, Cuba, Finland, France, Gambia, German Democratic Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Philippines, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, Cyprus, Germany, Federal Republic of, Japan, Jordan, Kenya, Pakistan, United Kingdom of Great Britain and Northern Ireland.

333. At the request of the representative of Uruguay, a roll-call vote was taken on draft resolution E/CN.4/1984/L.87 as a whole, which was adopted by 28 votes to 3, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, Canada, Cuba, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Philippines, United States of America, Uruguay.

Abstaining: Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, Cyprus, Japan, Jordan, Kenya, Pakistan.

334. The representative of the Federal Republic of Germany made a statement in explanation of vote after the vote.

335. For the text of the resolution, see chapter II, section A, resolution 1984/53.

Human rights situation in the Islamic Republic of Iran

336. In connection with the consideration of this matter, the Commission had before it the following documents: E/CN.4/1984/28, E/CN.4/1984/32, E/CN.4/1984/18, E/CN.4/1984/50, E/CN.4/1984/54, E/CN.4/1984/57, E/CN.4/1984/67, E/CN.4/1984/68, E/CN.4/1984/75, E/CN.4/1984/NGO/1, E/CN.4/1984/NGO/50.

337. At the 58th meeting, on 14 March 1984, the Commission considered draft resolution E/CN.4/1984/L.88/Rev.1, sponsored by Canada, Costa Rica, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

338. At the same meeting, the representative of the Netherlands orally revised operative paragraphs 4, 5 and 6 of the draft resolution, replacing the word "rapporteur" by the word "representative".

339. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.100) of draft resolution E/CN.4/1984/L.88/Rev.1.

340. A statement relating to the draft resolution was made by the observer for the Islamic Republic of Iran.

341. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1984/L.88/Rev.1. The draft resolution, as orally revised, was adopted by 21 votes to 6, with 15 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Jordan, Mexico, Netherlands, Rwanda, Spain, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Cuba, Libyan Arab Jamahiriya, Nicaragua, Pakistan, Syrian Arab Republic, United Republic of Tanzania.

Abstaining: Bangladesh, Brazil, Cameroon, China, Cyprus, Gambia, German Democratic Republic, India, Japan, Kenya, Mozambique, Philippines, Senegal, Yugoslavia, Zimbabwe.

Following the vote, the representative of Bangladesh stated that he had intended to vote against the resolution instead of abstaining.

342. The representative of the Libyan Arab Jamahiriya made a statement in explanation of vote after the vote.

343. For the text of the resolution, see chapter II, section A, resolution 1984/54.

Situation in Afghanistan

344. The Commission had before it draft resolution XII proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

345. The Commission considered the draft resolution at its 59th meeting, on 15 March 1984.

346. At the same meeting, statements relating to the draft resolution were made by the representative of Bulgaria, Canada, the Gambia, the German Democratic Republic, Ireland, Togo, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.

347. At the same meeting, the representative of the Union of Soviet Socialist Republics proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that no decision be taken on the draft resolution.

348. Statements in explanation of vote before the vote were made by the representatives of India and Japan.

349. At the request of the representative of the Union of Soviet Socialist Republics, a roll-call vote was taken on his proposal. The proposal was rejected by 24 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Bulgaria, Cuba, German Democratic Republic, India, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Bangladesh, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Cameroon, Cyprus, Finland, Nicaragua, United Republic of Tanzania, Yugoslavia, Zimbabwe.

The representative of Brazil and Uruguay stated that their delegations were not participating in the vote.

350. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.44 and Corr.1) of draft resolution XII.

351. Before the draft resolution was put to a vote, a statement was made by the observer for Afghanistan.

352. At the request of the representative of the Union of Soviet Socialist Republics, a roll-call vote was taken on draft resolution XII. The draft resolution was adopted by 27 votes to 8, with 6 abstentions. The voting was as follows:

In favour: Bangladesh, Cameroon, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Pakistan, Philippines, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zimbabwe.

Against: Bulgaria, Cuba, German Democratic Republic, India, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, Cyprus, Finland, Libyan Arab Jamahiriya, Nicaragua, Yugoslavia.

The representative of Brazil and Uruguay stated that their delegations were not participating in the vote.

353. For the text of the resolution, see chapter II, section A, resolution 1984/55.

#### Other matters

354. At the 57th meeting, on 14 March 1984, the Commission considered draft decision E/CN.4/1984/L.77, sponsored by Cyprus and Yugoslavia, which was introduced by the representative of Cyprus.

355. Statements relating to the draft decision were made by the representative of Bangladesh and Senegal.

356. The draft decision was adopted without a vote.

357. For the text of the decision, see chapter II, section B, decision 1984/111.

358. At the same meeting, the Commission had before it draft resolution E/CN.4/1984/L.83/Rev.1, proposed by the Islamic Republic of Iran. Since no request to put the draft resolution to a vote had been received from any member of the Commission, in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission took no action on the draft resolution.

359. At the 59th meeting, on 15 March 1984, the Commission considered draft resolution XVIII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

360. The Commission had before it an estimate of the administrative and programme budget implications (E/CN.4/1984/L.48) of draft resolution XVIII.

361. The draft resolution was adopted without a vote.

362. For the text of the resolution, see chapter II, section A, resolution 1984/56.

363. At the 63rd meeting, on 16 March 1984, the representative of Canada introduced a draft decision reading as follows:

"The Commission on Human Rights, recalling its resolution 1983/31, in which it decided to undertake, at its forty-first session, work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, decides to establish an open-ended working group to draft such a declaration which would be allocated appropriate time for meeting during the forty-first session of the Commission."

364. At the same meeting, the Commission adopted the draft decision without a vote.

365. For the text of the decision, see chapter II, section B, decision 1984/116.

A. Question of human rights in Cyprus

366. The Commission had before it the report of the Secretary-General (E/CN.4/1984/31) prepared pursuant to Commission decision 1983/107.

367. At the 57th meeting, on 14 March 1984, the Chairman proposed, after consultations with the interested parties, that item 12 (a) be postponed to the forty-first session of the Commission, with due priority at that session. The Commission adopted that proposal without a vote, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

368. For the text of the decision, see chapter II, section B, decision 1984/117.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-ninth session

369. The Commission considered item 12 (b) at its 35th to 41st and 62nd (closed) meetings, from 1 to 6 March and on 15 March 1984. The Commission had before it confidential documents relating to the particular situations referred to it under Economic and Social Council resolution 1503 (XLVIII), including observations thereon received from the Governments concerned and a confidential report submitted to the Commission by the working group on situations established by Commission decision 1983/110 of 28 February 1983.

370. At its 36th (closed) meeting, on 1 March 1984, the Commission adopted a decision in two parts relating to Haiti. Part A of that decision remains confidential, but Part B contains a recommendation for adoption by the Economic and Social Council and is therefore made public. For the text of part B of the decision relating to Haiti, see chapter II, section B, decision 1984/109.

371. At its 41st (closed) meeting, on 6 March 1984, the Commission adopted a general decision that a working group of five of its members should be established to meet for one week prior to the Commission's forty-first session to examine such particular situations as might be referred to the Commission



by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized. At the same meeting, it was agreed that the general decision should be made public.

372. For the text of the decision, see chapter II, section B, decision 1984/114.

373. At the 63rd meeting, on 16 March 1984, the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been designated to serve in their personal capacity on the working group on situations of violations of human rights:

Mr. Ghaleb Z. Barakat (Jordan)

Mr. Roberto Bianchi (Argentina)

Mr. Todor Dichev (Bulgaria)

Mr. Francis Mahon Hayes (Ireland)

Mr. E.E.E. Mtango (United Republic of Tanzania).

XIII. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

374. The Commission considered agenda item 13 at its 46th meeting, on 8 March 1984. 1/

375. The Commission had before it the following documents:

Report of the working group on a draft convention on the rights of the child (E/CN.4/1984/L.1);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/NGO/2).

376. Mr. A. Lopatka (Poland), Chairman-Rapporteur of the open-ended working group on a draft convention on the rights of the child, introduced the report of the working group (E/CN.4/1984/L.1).

377. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1984/L.68, sponsored by Afghanistan, \*/ Algeria, \*/ Argentina, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Cameroon, China, Colombia, Congo, \*/ Costa Rica, Cuba, Cyprus, Czechoslovakia, \*/ Ecuador, \*/ Egypt, \*/ Hungary, \*/ France, the Gambia, the German Democratic Republic, India, Iran (Islamic Republic of), \*/ Iraq, \*/ Jordan, the Libyan Arab Jamihiriya, Mauritania, Mexico, Mongolia, \*/ Mozambique, New Zealand, \*/ Nicaragua, Nigeria, \*/ Pakistan, Peru, \*/ the Philippines, Poland, \*/ Rwanda, Senegal, Spain, Sri Lanka, \*/ Sudan, \*/ the Syrian Arab Republic, Togo, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania, Uruguay, Venezuela, \*/ Viet Nam, \*/ Yugoslavia, Zaire \*/ and Zimbabwe.

378. The Commission's attention was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.75) 2/ of the draft resolution.

379. Statements were made by the following members of the Commission: Canada, France, German Democratic Republic, India, United Kingdom of Great Britain and Northern Ireland.

380. The Commission also heard a statement by the observer for Australia.

381. Draft resolution E/CN.4/1984/L.68 was adopted without a vote.

382. For the text of the resolution, see chapter II, section A, resolution 1984/24.

383. At the same meeting, the Commission approved the report of the working group. 3/

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary record, see E/CN.4/1984/SR.46, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

3/ For the report as approved, see E/CN.4/1984/71.

XIV. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE  
HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

384. The Commission considered agenda item 14 at its 62nd meeting, on 15 March 1984. 1/

385. The Commission had before it the reports of the General Assembly's Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/38/1 and A/C.3/38/5).

386. The Commission heard a statement by the representative of Spain. It also heard a statement by the representative of the International Labour Organisation.

387. The representative of Mexico introduced draft resolution E/CN.4/1984/L.95, sponsored by Algeria, \*/ Colombia, Egypt, \*/ Finland, France, India, Italy, Mexico, Morocco, \*/ Pakistan, the Philippines, Portugal, \*/ Spain, Turkey \*/ and Yugoslavia. Bangladesh, the Gambia and Greece subsequently joined the sponsors.

388. At the same meeting, the Commission adopted draft resolution E/CN.4/1984/L.95 without a vote.

389. For the text of the resolution, see chapter II, section A, resolution 1984/61.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary record, see E/CN.4/1984/SR.62, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

XV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

390. The Commission considered agenda item 15 at its 27th to 29th meetings, held on 24 and 27 February 1984, and at its 50th to 52nd meetings, held on 12 and 13 March 1984. 1/

391. The Commission had before it the following documents:

Report on principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder, prepared by Mrs. Erica-Irene A. Daes (E/CN.4/Sub.2/1983/17 and Add.1), with a letter of presentation by the Special Rapporteur (E/CN.4/1984/43) and a note by the Secretariat (E/CN.4/1984/34);

Study of the relevant guidelines in the field of computerized personal files, prepared by Mr. Louis Joinet (E/CN.4/Sub.2/1983/18), with a note by the Secretariat (E/CN.4/1984/35);

Report of the sessional working group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder established by the Sub-Commission at its thirty-sixth session (E/CN.4/Sub.2/1983/19);

Report of the Secretary-General submitted pursuant to Commission resolution 1983/41 of 9 March 1983 (E/CN.4/1984/33 and Add.1 and 2);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/NGO/11).

392. In the general debate on this item, 2/ the Commission heard statements by the following members of the Commission: Bangladesh (28th), Bulgaria (28th), Canada (27th), Cyprus (28th), Finland (27th), German Democratic Republic (27th), India (28th), Italy (28th), Japan (28th), Libyan Arab Jamahiriya (28th), Netherlands (27th), Philippines (28th), Rwanda (28th), Spain (28th), Ukrainian Soviet Socialist Republic (28th), Union of Soviet Socialist Republics (28th), United Kingdom of Great Britain and Northern Ireland (28th), United States of America (27th), Uruguay (28th), Yugoslavia (27th).

393. The Commission also heard statements by the observers for the Byelorussian Soviet Socialist Republic (28th), the Congo (28th) and Viet Nam (29th).

394. Statements were also made by the following non-governmental organizations: Baha'i International Community (29th), International Commission of Jurists (28th), International Federation of Women in Legal Careers (29th), Pax Romana (28th).

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1/ For the summary records, see E/CN.4/1984/SR.27 to SR.29 and SR.50 to SR.52, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

395. A statement in right of reply was made by the representative of the United States of America (29th).

396. At the 50th meeting, on 12 March 1984, the Commission took up consideration of the draft resolutions submitted under agenda item 15.

397. The representative of Yugoslavia introduced draft resolution E/CN.4/1984/L.37, sponsored by Japan and Yugoslavia, which was adopted without a vote.

398. For the text of the resolution, see chapter II, section A, resolution 1984/27.

399. The representative of the Union of Soviet Socialist Republics introduced draft resolution E/CN.4/1984/L.53, sponsored by Bulgaria, Cuba, the German Democratic Republic, India, Mozambique, Nicaragua, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. The Byelorussian Soviet Socialist Republic \*/ subsequently joined the sponsors.

400. The representative of the United States of America proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that no action be taken on draft resolution E/CN.4/1984/L.53. Statements in relation to that motion were made by the representatives of Canada, Cuba, France, the German Democratic Republic, India, Italy, Spain, the Syrian Arab Republic and the United Kingdom of Great Britain and Northern Ireland.

401. At the request of the representative of the United States of America, a roll-call vote was taken on the motion, which was rejected by 17 votes to 14, with 12 abstentions. The voting was as follows:

In favour: Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Mauritania, Netherlands, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Argentina, Bulgaria, Cuba, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Abstaining: Bangladesh, Brazil, Cameroon, China, Colombia, Finland, Gambia, Kenya, Rwanda, Senegal, Togo, Zimbabwe.

402. At the request of the representative of the Union of Soviet Socialist Republics, a roll-call vote was taken on draft resolution E/CN.4/1984/L.53, as a whole, which was adopted by 28 votes to 8, with 7 abstentions. The voting was as follows:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Rwanda, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: Canada, France, Germany, Federal Republic of, Italy, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Finland, Ireland, Japan, Mauritania, Philippines, Togo.

403. The representative of China, Colombia, Costa Rica, Finland, France, the Gambia, Ireland, the Netherlands and the United Republic of Tanzania made statements in explanation of vote after the vote.

404. For the text of the resolution, see chapter II, section A, resolution 1984/28.

405. The representative of the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1984/L.54, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Czechoslovakia. \*/

406. At the request of the representative of Canada, a vote was taken on the draft resolution, which was adopted by 33 votes to none, with 10 abstentions.

407. For the text of the resolution, see chapter II, section A, resolution 1984/29.

408. The representative of India introduced draft resolution E/CN.4/1984/L.57, sponsored by Bangladesh, Cyprus, India, Jordan and Mozambique, which was adopted without a vote.

409. For the text of the resolution see chapter II, section A, resolution 1984/30.

410. The Commission considered draft resolution XVII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission, contained in the report of the Sub-Commission (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

411. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.47) 3/ of draft resolution XVII.

412. Statements relating to the draft resolution and its financial implications were made by the representatives of Brazil, Japan, the Netherlands and the Union of Soviet Socialist Republics.

413. The representative of Brazil proposed that the foot-note referring to the report of the Special Rapporteur in operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council should be amended to read: "E/CN.4/Sub.2/1983/17", and that no reference should be made to the addendum.

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3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

414. The representative of the Netherlands drew the attention of the Commission to an error at the end of operative paragraph 3 of the draft resolution for recommendation to the Council, which should read "forty-second session" instead of "forty-first session". The draft resolution was corrected accordingly.

415. At the request of the representative of the Union of Soviet Socialist Republics, the Commission decided, without a vote, to defer consideration and action on draft resolution XVII until further information on the financial implications was available.

416. At the 51st meeting, on 12 March 1984, the Commission resumed consideration of draft resolution XVII. On the proposal of the representative of the United Kingdom, the Commission decided, without a vote, to defer consideration of the draft resolution in order to allow for further consultations.

417. At the 52nd meeting, on 13 March 1984, the Commission resumed consideration of draft resolution XVII.

418. At the same meeting, the attention of the Commission was drawn to a revised estimate of the administrative and programme budget implications (E/CN.4/1984/L.47/Corr.1) 3/ of the draft resolution.

419. Statements relating to the draft resolution were made by the representatives of Bangladesh, Brazil, Cyprus, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and Uruguay.

420. The representative of the United Kingdom proposed that draft resolution XVII should be divided into a draft resolution and a draft decision in accordance with the following amendments:

(a) In the fourth preambular paragraph, the words "Having considered" would be replaced by the word "Noting" and the words "having heard" would be deleted;

(b) Operative paragraph 1 would read as follows:

"1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her work in preparing the report;"

(c) Operative paragraph 3, as corrected at the 51st meeting, on 12 March 1984, (see para. 414 above), would become operative paragraph 2;

(d) The existing operative paragraph 2 would be deleted from the draft resolution and become a draft decision which would read as follows:

"The Commission recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council decides that the study entitled 'Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of

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3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

persons detained on grounds of mental ill-health or suffering from mental disorder' should be published and given the widest possible distribution in all the official languages of the United Nations.'"

421. The representative of Brazil proposed that a foot-note call out be inserted after the words "mental disorder" in the draft decision proposed by the representative of the United Kingdom, the foot-note to read "E/CN.4/1983/17". His proposal was accepted.
422. The Commission adopted draft resolution XVII, as amended by the United Kingdom, without a vote.
423. For the text of the resolution, see chapter II, section A, resolution 1984/47.
424. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken on the draft decision proposed by the representative of the United Kingdom, as amended by Brazil.
425. The draft decision was adopted by 36 votes to none, with 6 abstentions.
426. For the text of the decision, see chapter II, section B, decision 1984/108.



XVI. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

427. The Commission considered agenda item 16 together with items 6, 7 and 17 (see chaps. VI, VII and XVII) at its 8th to 15th meetings, held from 10 to 16 February 1984, and at its 31st meeting, on 28 February 1984. 1/

428. The Commission had before it the following documents:

Report of the Group of Three established under the Convention (E/CN.4/1984/48);

Note by the Secretary-General concerning the status of the Convention and of the submission of reports by States parties under article VII of the Convention (E/CN.4/1984/36);

Reports submitted by States parties under article VII of the Convention (E/CN.4/1983/24/Add.13 and 14 and E/CN.4/1984/36/Add.1-10);

Progress report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1984/8), part two, chapter IV, which contains information concerning persons suspected of being guilty of the crime of apartheid or of a serious violation of human rights, and part four, which contains a summary of observations made by States parties to the Convention and other States Members of the United Nations on the draft statutes of the proposed international penal tribunal as set forth in document E/CN.4/1426.

429. At the 8th meeting, on 10 February 1984, Mr. V. Montemayor (Mexico), Chairman-Rapporteur of the Group of Three, introduced the report of the Group on its seventh session (E/CN.4/1984/48).

430. At the 9th meeting, on 13 February 1984, Mr. A.A. Cato (Ghana), Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, introduced the progress report of that Group (E/CN.4/1984/8).

431. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (14th), Bangladesh (12th), Bulgaria (8th), Cuba (14th), German Democratic Republic (9th), India (12th), Ireland (13th), Mozambique (10th), Netherlands (8th), Philippines (14th), Rwanda (12th), Senegal (13th), Ukrainian Soviet Socialist Republic (12th), Union of Soviet Socialist Republics (14th), United Republic of Tanzania (11th).

432. The Commission also heard statements by the observers for Hungary (10th), Peru (12th), Poland (13th) and Somalia (14th).

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1/ For the summary records, see E/CN.4/1984/SR.8 to SR.15 and SR.31, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

433. Statements were made by the representatives of the Special Committee against Apartheid (13th) and the Organization of African Unity (8th). A statement was also made by the representative of the Pan Africanist Congress of Azania (11th).
434. At the 31st meeting, on 28 February 1984, the representative of Mexico introduced draft resolution E/CN.4/1984/L.19, sponsored by Bulgaria, Cameroon, Costa Rica, Cuba, Ethiopia, \*/ India, Mexico, Nicaragua, Nigeria, \*/ Senegal, the Syrian Arab Republic, Togo and the United Republic of Tanzania. Algeria, \*/ Bangladesh, the Congo, \*/ the Gambia, Kenya, Mauritania, Mozambique, Rwanda and Viet Nam \*/ subsequently joined the sponsors.
435. The representative of the Ukrainian Soviet Socialist Republic made a statement relating to the draft resolution.
436. The representative of the United States of America asked for a vote on the draft resolution, which was adopted by 32 votes to 1, with 10 abstentions.
437. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, the Netherlands, the United States of America and Uruguay.
438. For the text of the resolution, see chapter II, section A, resolution 1984/7.
439. At the 41st meeting, on 6 March 1984, the Chairman announced that the Group of three members of the Commission, who were also representatives of States parties to the Convention, appointed in accordance with article IX of the Convention to consider reports submitted by States parties under article VII was composed as follows: Mexico, Senegal and Ukrainian Soviet Socialist Republic.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XVII. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

440. The Commission considered agenda item 17 together with items 6, 7 and 16 (see chaps. VI, VII and XVI) at its 8th to 15th meetings, from 10 to 16 February 1984, and at its 31st meeting, on 28 February 1984. 1/

441. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session (E/CN.4/1984/3 and Corr.1 and 2);

Annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1984/37);

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1984/38);

Report of the Second World Conference to Combat Racism and Racial Discrimination (A/CONF.119/26); 2/

442. The Commission heard statements 3/ by the following members: Argentina (14th), Brazil (12th), Bulgaria (8th), China (9th), Colombia (10th), Cuba (14th), Finland (8th), France (13th), Gambia (10th), German Democratic Republic (9th), Germany, Federal Republic of (12th), India (12th), Ireland (13th), Japan (10th), Jordan (10th), Mozambique (10th), Netherlands (8th), Nicaragua (12th), Pakistan (11th), Spain (13th), Ukrainian Soviet Socialist Republic (12th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (8th), United Republic of Tanzania (11th).

443. The Commission also heard statements by the observers for Afghanistan (13th), Austria (13th), the Byelorussian Soviet Socialist Republic (14th), Czechoslovakia (12th), Egypt (11th), Ethiopia (14th), Poland (13th) and Somalia (14th).

444. A statement was made by the representative of the Organization of African Unity (8th).

445. Statements were also made by the representatives of the Pan Africanist Congress of Azania (11th) and the Palestine Liberation Organization (12th).

446. A statement was also made by the Baha'i International Community (13th), a non-governmental organization in consultative status.

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1/ For the summary records, see E/CN.4/1984/SR.8 to SR.15 and SR.31, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

3/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

447. Statements in right of reply or equivalent to right of reply were made by the representatives of the Libyan Arab Jamahiriya (15th), the Union of Soviet Socialist Republics (15th) and the United States of America (12th and 15th), as well as by the representatives of the League of Arab States (15th) and the the Pan Africanist Congress of Azania (15th).

448. At the 31st meeting, on 28 February 1984, the representative of Senegal introduced draft resolution E/CN.4/1984/L.16, sponsored by Algeria, \*/ the Congo, \*/ Cuba, Ethiopia, \*/ Kenya, the Libyan Arab Jamahiriya, Mauritania, Mozambique, Nigeria, \*/ Rwanda, Senegal, the Syrian Arab Republic, Togo, the United Republic of Tanzania and Zimbabwe. Afghanistan, \*/ Bangladesh, Egypt, \*/ the Gambia, India, Nicaragua, Pakistan, Tunisia, \*/ Uganda, \*/ Viet Nam \*/ and Yugoslavia subsequently joined the sponsors.

449. Statements relating to the draft resolution were made by the representatives of Senegal, the Ukrainian Soviet Socialist Republic and the United Kingdom of Great Britain and Northern Ireland.

450. The representative of the United Kingdom proposed an amendment to the beginning of the second preambular paragraph which would replace the word "Welcoming" by the words "Taking note of", and an amendment to the beginning of operative paragraph 2 which would replace the words "Welcomes the adoption of the Declaration and Programme of Action ..." by the words "Takes note of the Declaration and welcomes the adoption of the Programme of Action ...". These amendments were accepted by the sponsors.

451. The draft resolution, as amended, was adopted without a vote.

452. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, the Netherlands, the United States of America and Uruguay.

453. For the text of the resolution, see chapter II, section A, resolution 1984/8.

454. At the same meeting, the Commission considered draft resolution VIII contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1984/3 and Corr.1 and 2, chap. I, sect. A).

455. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.45) 4/ of draft resolution VIII.

456. Draft resolution VIII was adopted without a vote.

457. For the text of the resolution, see chapter II, section A, resolution 1984/9.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council

4/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XVIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

458. The Commission considered agenda item 18 together with item 8 (see chap. VIII) at its 15th to 19th meetings, held on 16, 17 and 20 February 1984, and at its 41st and 42nd meetings, on 6 March 1984. 1/

459. The Commission had before it the following documents:

Report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1984/39);

Reports of the Secretary-General 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 (A/36/441 and Add.1 and 2, A/37/407 and Add.1);

Report of the Secretary-General on the development of public information activities in the field of human rights prepared pursuant to Commission resolution 1983/50 (E/CN.4/1984/23).

460. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (18th), Bangladesh (18th), Bulgaria (18th), Canada (17th), Cyprus (18th), France (18th), German Democratic Republic (17th), Germany, Federal Republic of (15th), Japan (18th), Libyan Arab Jamahiriya (18th), Netherlands (17th), Nicaragua (17th), Spain (15th), Syrian Arab Republic (17th), Ukrainian Soviet Socialist Republic (16th), Union of Soviet Socialist Republics (17th), the United Kingdom of Great Britain and Northern Ireland (16th).

461. The Commission heard statements by observers for Algeria (15th), Austria (15th), the Byelorussian Soviet Socialist Republic (18th), Panama (19th), Peru (17th), Poland (18th) and Sweden (17th).

462. A statement was made by the representative of the International Labour Organisation (18th).

463. A statement was also made by the International Federation of Human Rights (19th), a non-governmental organization in consultative status.

464. Statements in right of reply or equivalent to right of reply were made by the representative of the Union of Soviet Socialist Republics (15th) and by the observer for Israel (19th).

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1/ For the summary records, see E/CN.4/1984/SR.15 to SR.19, SR.41 and SR.42, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

465. At the 42nd meeting, on 6 March 1984, the representative of Finland introduced draft resolution E/CN.4/1984/L.24, sponsored by Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Finland, the Netherlands, Nicaragua, Peru, \*/ Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland. Italy subsequently joined the sponsors.

466. A statement relating to the draft resolution was made by the representative of the Union of Soviet Socialist Republics.

467. Draft resolution E/CN.4/1984/L.24 was adopted without a vote.

468. For the text of the resolution, see chapter II, section A, resolution 1984/18.

469. At the same meeting, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1984/L.25, sponsored by Argentina, Austria, \*/ Belgium, \*/ Colombia, Costa Rica, Cyprus, Denmark, \*/ Ecuador, \*/ Finland, Germany, Federal Republic of, Honduras, \*/ Italy, Luxembourg, \*/ the Netherlands, Nicaragua, Norway, \*/ Portugal, \*/ Spain, Sweden \*/ and Uruguay.

470. The representative of the Union of Soviet Socialist Republics orally proposed the following amendments to draft resolution E/CN.4/1984/L.25:

(a) Operative paragraph 2 of the draft resolution, reading "Invites the Sub-Commission to establish a sessional working group at its next session to consider the idea of elaborating a draft of a second optional protocol", would be deleted;

(b) Operative paragraph 3 of the draft resolution, reading "Requests the Secretary-General to inform the General Assembly at its thirty-ninth session of the action taken on the draft optional protocol by the Commission at its fortieth session and by the Sub-Commission at its thirty-seventh session", would be replaced by the following text:

"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".

471. In the light of the amendments proposed by the representative of the Union of Soviet Socialist Republics, the representative of the Federal Republic of Germany, on behalf of the sponsors, orally revised the draft resolution so that:

(a) The beginning of operative paragraph 2 would read "Invites the Sub-Commission to consider establishing ...";

(b) Operative paragraph 3 would read:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

"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".

472. At the same meeting, draft resolution E/CN.4/1984/L.25, as orally revised, was adopted without a vote.

473. For the text of the resolution, see chapter II, section A, resolution 1984/19.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES  
ON ITS THIRTY-SIXTH SESSION

474. The Commission considered agenda item 19 from its 29th to 32nd meetings, held on 27 and 28 February 1984, and at its 51st and 52nd meetings, held on 12 and 13 March 1984. 1/

475. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session (E/CN.4/1984/3 and Corr.1 and 2);

Final study on the question of conscientious objection to military service, prepared by the Special Rapporteurs, Mr. Eide and Mr. Mubanga-Chipoya (E/CN.4/Sub.2/1983/30), with a note of transmittal by the Secretariat (E/CN.4/1984/40).

476. The Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session, Mrs. H. Warzazi, introduced the Sub-Commission's report at the 30th meeting on 27 February 1984, and made a further statement at the 32nd meeting, on 28 February 1984.

477. In the general debate on this item, 2/ statements were made by the following members of the Commission: Brazil (29th), Bulgaria (30th), Canada (30th), Colombia (30th), Costa Rica (31st), German Democratic Republic (30th), Germany, Federal Republic of (30th), India (31st), Ireland (30th), Italy (30th), Japan (30th), Mauritania (30th), Netherlands (30th), Senegal (30th), Ukrainian Soviet Socialist Republic (31st), Union of Soviet Socialist Republics (30th), United Kingdom of Great Britain and Northern Ireland (30th), Uruguay (31st).

478. The Commission heard statements by observers for Australia (32nd), Austria (32nd), Belgium (32nd), El Salvador (32nd), Guatemala (32nd), Honduras (32nd), Iran (Islamic Republic of) (32nd), Norway (31st) and Turkey (32nd).

479. A statement was made by the representative of the International Labour Organisation (32nd).

480. Statements were also made by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (32nd), Four Directions Council (32nd), International Confederation of Free Trade Unions (32nd), International Indian Treaty Council (32nd), International League for the Rights and Liberation of Peoples (32nd), Pax Christi (32nd), World Council of Indigenous Peoples (32nd).

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1/ For the summary records, see E/CN.4/1984/SR.29 to SR.32, SR.51 and SR.52, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.



481. At the 51st meeting, on 12 March 1984, the representative of Canada introduced draft resolution E/CN.4/1984/L.51, sponsored by Belgium, \*/ Canada, Colombia, India, Japan, the Netherlands and Yugoslavia. China, Costa Rica, the Gambia, the Libyan Arab Jamahiriya and Peru \*/ subsequently joined the sponsors.
482. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.67) 3/ of draft resolution E/CN.4/1984/L.51.
483. A statement relating to the draft resolution was made by the Union of Soviet Socialist Republics.
484. The Commission adopted draft resolution E/CN.4/1984/L.51 without a vote.
485. For the text of the resolution, see chapter II, section A, resolution 1984/31.
486. At the same meeting the representative of Finland introduced draft resolution E/CN.4/1984/L.58, sponsored by Canada, Denmark, \*/ Finland, the Netherlands, Nicaragua, Norway, \*/ Sweden, \*/ the United States of America and Uruguay. Honduras \*/ and Peru subsequently joined the sponsors.
487. A statement relating to the draft resolution was made by the representative of Colombia.
488. The Commission adopted draft resolution E/CN.4/1984/L.58 without a vote.
489. For the text of the resolution, see chapter II, section A, resolution 1984/32.
490. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1984/L.62, sponsored by Canada, Costa Rica, Denmark, \*/ the Federal Republic of Germany and the Netherlands.
491. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.72 and Corr.1) 3/ of draft resolution E/CN.4/1984/L.62.
492. The Commission adopted draft resolution E/CN.4/1984/L.62 without a vote.
493. Statements in explanation of vote after the vote were made by the representatives of Argentina and the Union of Soviet Socialist Republics.
494. For the text of the resolution, see chapter II, section A, resolution 1984/33.
495. At the same meeting, the representative of Brazil introduced draft decision E/CN.4/1984/L.73, sponsored by Brazil and Uruguay.
496. The representative of Togo proposed that action on draft decision E/CN.4/1984/L.73 be deferred until a later date. If his motion was rejected, he would propose that the draft decision be amended by inserting the words "the same aspects of the" between the words "concern" and "situations".

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

497. Statements relating to the draft decision and to the proposal made by Togo were made by the representatives of Cyprus, India, Ireland, Japan, Senegal, Togo, the United Kingdom of Great Britain and Northern Ireland, Uruguay, and Yugoslavia.

498. The representative of Ireland, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, moved the adjournment of the debate on the draft decision until the forty-first session of the Commission.

499. Statements relating to the motion by Ireland were made by the representatives of Brazil, the German Democratic Republic, Senegal and Spain.

500. At the request of the representative of the Gambia, a roll-call vote was taken on the motion by Ireland, which was adopted by 30 votes to 7, with 6 abstentions.

The voting was as follows:

In favour: Argentina, Bangladesh, Cameroon, Canada, China, Colombia, Cyprus, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Nicaragua, Pakistan, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Brazil, Bulgaria, German Democratic Republic, Libyan Arab Jamahiriya, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Abstaining: Costa Rica, Cuba, Gambia, India, Mozambique, Philippines.

501. The representatives of Canada, Finland and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote after the vote.

502. For the text of the decision, see chapter II, section B, decision 1984/106.

503. At the same meeting, the representatives of Colombia and Mexico introduced draft resolution E/CN.4/1984/L.79, sponsored by Colombia, Mexico, Panama \*/ and Venezuela. \*/

504. Comments relating to the draft resolution were made by the representative of Costa Rica and by the observers for El Salvador, Guatemala, Honduras and Venezuela.

505. The representative of Senegal made a statement in explanation of vote before the vote.

506. The Commission adopted draft resolution E/CN.4/1984/L.79 without a vote.

507. The representative of Nicaragua made a statement in explanation of vote after the vote.

508. For the text of the resolution, see chapter II, section A, resolution 1984/34.

509. At the same meeting, the Commission considered draft resolution I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).
510. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.38) of draft resolution I.
511. Statements relating to the draft resolution were made by the representatives of Senegal, the Union of Soviet Socialist Republics and the United States of America.
512. The representative of Senegal proposed an amendment to the draft resolution which would replace all the operative paragraphs by the following:
- "1. Requests the Secretary-General to entrust a working group composed of experts designated by the Sub-Commission, 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;
  - "2. Requests the Secretary-General to provide the working group with all the assistance it needs to carry out the study;
  - "3. Requests all interested non-governmental organizations to co-operate in the study."
513. The Commission decided to defer action on the draft resolution until the financial implications of the amendment proposed by Senegal had been provided.
514. At the same meeting, the Commission considered draft resolution II recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).
515. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.39) 3/ of draft resolution II.
516. The representative of Canada proposed amending the operative paragraph of the draft resolution recommended for adoption by the Economic and Social Council, by inserting after the words "to organize" the words "in close co-operation with the International Labour Office".
517. The Commission adopted draft resolution II, as amended by Canada, without a vote.
518. For the text of the resolution, see chapter II, section A, resolution 1984/35.
519. At the same meeting, the Commission considered draft resolution III recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).

520. The Commission adopted draft resolution III without a vote.
521. For the text of the resolution, see chapter II, section A, resolution 1984/36.
522. At the same meeting, the Commission considered draft resolution IV recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).
523. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.40) 3/ of draft resolution IV.
524. A statement in explanation of vote before the vote was made by the representative of the Union of Soviet Socialist Republics.
525. At the request of the representative of Canada, a separate vote was taken on the following part of operative paragraph 1: "and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred". That part of operative paragraph 1 was adopted by 27 votes to 4, with 9 abstentions.
526. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken on draft resolution IV as a whole. The draft resolution was adopted by 34 votes to none, with 8 abstentions.
527. For the text of the resolution, see chapter II, section A, resolution 1984/37.
528. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).
529. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.41) 3/ of draft resolution V.
530. The representative of the United States of America requested a vote on the draft resolution.
531. The Commission adopted draft resolution V by 42 votes to 1.
532. A statement in explanation of vote after the vote was made by the representative of Japan.
533. For the text of the resolution, see chapter II, section A, resolution 1984/38.
534. At the same meeting, the Commission considered draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A) together with amendments proposed by Costa Rica (E/CN.4/1984/L.76).

535. The representative of Mexico moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that no decision be taken on draft resolution VI and the amendments contained in document E/CN.4/1984/L.76.

536. Statements relating to this motion were made by the representatives of Argentina, Canada and Colombia.

537. The motion was accepted by the Commission without a vote.

538. At the same meeting, the Commission considered draft resolution IX recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).

539. The draft resolution was adopted by the Commission without a vote.

540. Statements in explanation of vote after the vote were made by the representatives of Argentina, Bangladesh, China, India, the Libyan Arab Jamahiriya, Nicaragua, Pakistan, Senegal and the United Republic of Tanzania.

541. For the text of the resolution, see chapter II, section A, resolution 1984/39.

542. At the same meeting, the Commission considered draft resolution X recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3, and Corr. 1 and 2, chap. I, sect. A).

543. The representative of India, supported by the representative of Colombia, proposed amending draft resolution X by deleting operative paragraph 10.

544. The amendment proposed by India was adopted by the Commission without a vote.

545. The representative of the United States of America requested a separate vote on operative paragraph 1, which was taken by roll-call at the request of the representative of Cuba.

546. Operative paragraph 1 of draft resolution X was adopted by 31 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: Canada, France, Germany, Federal Republic of, Italy, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Finland, Ireland, Japan, Netherlands.

547. At the request of the representative of Canada, a vote was taken on draft resolution X as a whole, as amended. At the request of the representative of Zimbabwe, the vote was taken by roll-call. The draft resolution was adopted by 35 votes to none, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Costa Rica, Cuba, Cyprus, Finland, Gambia, German Democratic Republic, India, Ireland, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: None.

Abstaining: Canada, France, Germany, Federal Republic of, Italy, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

548. The representatives of Ireland and Spain made statements in explanation of vote after the vote.

549. For the text of the resolution, see chapter II, section A, resolution 1984/40.

550. At the same meeting, the Commission considered draft resolution XI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A).

551. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.43) 3/ of draft resolution XI.

552. The Commission adopted draft resolution XI without a vote.

553. For the text of the resolution, see chapter II, section A, resolution 1984/41.

554. At the same meeting, the Commission considered draft decision I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. B).

555. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.56) 3/ of draft decision I.

556. The Commission adopted the draft decision without a vote.

557. For the text of the decision, see chapter II, section B, decision 1984/107.

558. At the 52nd meeting, on 13 March 1984, the Commission resumed consideration of draft resolution I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1984/3 and Corr. 1 and 2, chap. I, sect. A), and the amendment proposed thereto by the representative of Senegal at the 51st meeting, on 12 March 1984 (see para. 512 above).

559. The Commission was orally informed of an estimate of administrative and programme budget implications of the amendment proposed by Senegal. The estimate was subsequently distributed as document E/CN.4/1984/L.38/Rev.1. 3/

560. The representative of Senegal further proposed an additional operative paragraph to be added to his amendment, to read as follows:

"4. Requests the working group to submit its report to the Commission at its forty-first session."

561. On a proposal by the representative of Brazil, the representative of Senegal orally revised his amendment to replace "forty-first session" by "forty-second session" at the end of the proposed operative paragraph 4.

562. At the request of the representative of the Union of Soviet Socialist Republics, the amendment proposed by Senegal, as orally revised, was put to a vote.

563. The amendment by Senegal, as orally revised, was adopted by 34 votes to none, with 9 abstentions.

564. The Commission adopted draft resolution I as a whole, as amended, without a vote.

565. For the text of the resolution, see chapter II, section A, resolution 1984/48.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,  
RELIGIOUS AND LINGUISTIC MINORITIES

566. The Commission considered agenda item 20 at its 62nd meeting, on 15 March 1984. 1/

567. The Commission had before it the following documents:

Note by the Secretariat containing comments and proposals received from Governments in response to a note verbale dated 13 July 1983 (E/CN.4/1984/42 and Add.1 and 2);

Note by the Secretary-General containing provisions of international instruments relevant to the problem of the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/Sub.2/L.735);

Note by the Secretariat containing a revised and consolidated text of the draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities (E/CN.4/Sub.2/L.734);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/39).

568. An informal open-ended working group was established by the Commission in order to consider further the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

569. At the 62nd meeting, on 15 March 1984, Mr. I. Toševski<sup>V</sup> (Yugoslavia), Chairman-Rapporteur, introduced the report of the working group (E/CN.4/1984/L.5).

570. The Commission approved the report of the working group. 2/

571. The representative of Yugoslavia introduced draft resolution E/CN.4/1984/L.93, which was adopted without a vote.

572. For the text of the resolution, see chapter II, section A, resolution 1984/62.

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1/ For the summary record, see E/CN.4/1984/SR.62, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ For the report as approved, see document E/CN.4/1984/74.



XXI. MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

573. The Commission considered agenda item 21 at its 26th and 27th meetings, held on 23 and 24 February, and at its 51st meeting, held on 12 March 1984. 1/

574. The Commission had before it a written statement by the Christian Democratic World Union, a non-governmental organization in consultative status (category II) (E/CN.4/1984/NGO/40).

575. In the general debate on this item, 2/ statements were made by the following members of the Commission: Bulgaria (27th), Canada (26th), France (26th), German Democratic Republic (26th), Libyan Arab Jamahiriya (26th), Netherlands (26th), Spain (26th), Ukrainian Soviet Socialist Republic (26th), Union of Soviet Socialist Republics (26th), United States of America (26th).

576. The Commission heard statements by the observers for the Byelorussian Soviet Socialist Republic (26th) and Czechoslovakia (27th).

577. Statements were also made by the following non-governmental organizations: International Commission of Jurists (26th), International Federation of Human Rights (26th), International Movement for Fraternal Union among Races and Peoples (27th), World Jewish Congress (26th).

578. Statements in right of reply were made by the representatives of the Federal Republic of Germany (26th and 27th), Italy (26th), the Ukrainian Soviet Socialist Republic (27th) and the Union of Soviet Socialist Republics (27th).

579. At the 51st meeting, on 12 March 1984, the Chairman informed the Commission that draft resolution E/CN.4/1984/L.29 and the amendments proposed thereto contained in documents E/CN.4/1984/L.64, E/CN.4/1984/L.65 and E/CN.4/1984/L.70 had been withdrawn.

580. At the same meeting, the Commission considered draft resolution E/CN.4/1984/L.30/Rev.1, which replaced draft resolution E/CN.4/1984/L.30 and the amendments proposed thereto contained in document E/CN.4/1984/L.71.

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1/ For the summary records, see E/CN.4/1984/SR.26, SR.27 and SR.51, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

581. The representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1984/L.30/Rev.1, sponsored by Afghanistan, \*/ Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Cuba, Czechoslovakia, \*/ the German Democratic Republic, Hungary, \*/ the Libyan Arab Jamahiriya, \*/ Mongolia, \*/ Mozambique, Nicaragua, Poland, \*/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, Viet Nam \*/ and Yugoslavia.

582. In introducing the draft resolution the representative of the Ukrainian Soviet Socialist Republic, on behalf of the sponsors, orally revised the last words of operative paragraphs 4 and 8 so that the words "in paragraphs 1 and 2 above" replaced the words "in paragraph 1 above".

583. Statements relating to the draft resolution were made by the representatives of Bulgaria and Colombia.

584. The Commission adopted draft resolution E/CN.4/1984/L.30/Rev.1, as orally revised, without a vote.

585. A statement in explanation of vote after the vote was made by the representative of the United States of America.

586. For the text of the resolution, see chapter II, section A, resolution 1984/42.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XXII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

587. The Commission considered agenda item 22 at its 28th and 29th meetings, held on 24 and 27 February, and at its 52nd meeting, held on 13 March 1984. 1/

588. The Commission had before it the following documents:

Report of the Secretary-General on action taken by United Nations bodies in 1983 that affect the programme of advisory services in the field of human rights (E/CN.4/1984/44);

Report of the Secretary-General on assistance to Uganda (E/CN.4/1984/45);

Note by the Secretariat transmitting the report of Mr. H. Gros Espiell on assistance to Bolivia (E/CN.4/1984/46);

Report of the seminar on the experience of different countries in the implementation of international standards on human rights (ST/HR/SER.A/15).

589. At the 28th meeting, on 24 February 1984, Mr. H. Gros Espiell introduced his report on assistance to Bolivia (E/CN.4/1984/46).

590. In the general debate on this item, 2/ statements were made by the following members of the Commission: Bangladesh (29th), Canada (29th), Finland (29th), German Democratic Republic (29th), Germany, Federal Republic of, (29th), United Kingdom of Great Britain and Northern Ireland (29th).

591. The Commission also heard statements by the observers for Australia (29th), Austria (29th) and Bolivia (28th).

592. At the 52nd meeting, on 13 March 1984, the Commission considered the draft resolutions submitted under agenda item 22.

593. The representative of Colombia introduced draft resolution E/CN.4/1984/L.52/Rev.2, sponsored by Colombia and subsequently also by Argentina, Costa Rica, Mexico, Peru and Spain. Draft resolution E/CN.4/1984/L.52/Rev.2 was adopted without a vote.

594. For the text of the resolution, see chapter II, section A, resolution 1984/43.

595. The representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1984/L.61, sponsored by Canada, Costa Rica, France, Germany, Federal Republic of, India and Senegal. Peru and Togo subsequently joined the sponsors. Draft resolution E/CN.4/1984/L.61 was adopted without a vote.

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1/ For the summary records, see E/CN.4/1984/SR.28, SR.29 and SR.52, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

596. For the text of the resolution, see chapter II, section A, resolution 1984/44.

597. The representative of the Gambia introduced draft resolution E/CN.4/1984/L.80, sponsored by the Congo, the Gambia, Mozambique, Uganda, the United Republic of Tanzania and Zimbabwe. Kenya, Togo, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia subsequently joined the sponsors. Draft resolution E/CN.4/1984/L.80 was adopted without a vote.

598. For the text of the resolution, see chapter II, section A, resolution 1984/45.

XXIII. IMPLEMENTATION OF THE DECLARATION ON THE  
ELIMINATION OF ALL FORMS OF INTOLERANCE  
AND OF DISCRIMINATION BASED ON RELIGION  
OR BELIEF

599. The Commission considered agenda item 23 at its 56th and 59th meetings, held on 14 and 15 March 1984. 1/

600. The Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1983/29) prepared in accordance with resolution 1982/28 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

601. In the general debate on this item, 2/ statements were made by the following members of the Commission: Canada (56th), Finland (56th), German Democratic Republic (56th), Ireland (56th), Libyan Arab Jamahiriya (56th), Rwanda (56th), Union of Soviet Socialist Republics (56th), United States of America (56th).

602. The Commission heard statements by the observer for Israel (59th) and by the observer for the Holy See (59th).

603. Statements were also made by the following non-governmental organizations: Baha'i International Community (59th), Christian Democratic World Union (56th), Four Directions Council (56th), International Association for Religious Liberty (59th), World Association of Schools as an Instrument of Peace (59th), World Jewish Congress (56th), Co-ordinating Board of Jewish Organizations (56th).

604. Statements in right of reply or equivalent to right of reply were made by the representatives of the Philippines (59th) and the Union of Soviet Socialist Republics (59th) and by the observer for Israel (59th).

605. At the 59th meeting, on 15 March 1984, the representative of Ireland introduced draft resolution E/CN.4/1984/L.91, sponsored by Canada, Costa Rica, Finland, France, the Gambia, Ireland, Italy, Japan, the Netherlands, Peru, Uganda, the United States of America and Uruguay. India, Panama and Rwanda subsequently joined the sponsors.

606. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1984/L.105) 3/ of draft resolution E/CN.4/1984/L.91.

607. At the same meeting, the Commission adopted the draft resolution without a vote.

608. For the text of the resolution, see chapter II, section A, resolution 1984/57.

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1/ For the summary records, see E/CN.4/1984/SR.56 and SR.59, and E/CN.4/1984/SR.1-63/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XXIV. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON  
PREVENTION OF DISCRIMINATION AND PROTECTION  
OF MINORITIES

609. The Commission considered agenda item 24 at its 53rd meeting, on 13 March 1984. 1/

610. The Commission had before it the following documents:

Note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission and biographical data on the candidates (E/CN.4/1984/47 and Add.1-7);

Letter dated 23 February 1984 from the representative of Democratic Kampuchea addressed to the Chairman of the Commission on Human Rights (E/CN.4/1984/64).

611. The attention of the Commission was drawn to Economic and Social Council resolution 1983/32 of 27 May 1983 concerning the election of alternates.

612. The Commission elected by secret ballot the 26 members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The following candidates were elected:

African States

Mr. Driss Dahhak	
Mr. Mohamed Sbihi */	Morocco
Mr. G. Dove Edwin	
Mr. O. O. George */	Nigeria
Mr. Aidid A. Ilkahanaf	Somalia
Mr. Ahmad Khalifa	Egypt
Mr. C. L. C. Mubanga-Chipoya	
Miss Beatrice Mulamfu */	Zambia
Mr. K. B. S. Simpson	
Mrs. Kate Abankwa */	Ghana
Mr. Fisseha Yimer	Ethiopia

Asian States

Mr. Awn S. Al Khasawneh	Jordan
Mr. Murlidhar C. Bhandare	India
Mr. A. Sayeed Chowdhury	Bangladesh
Mr. Masayuki Takemoto	
Mr. Nisuke Ando */	Japan
Mrs. Gu Yijie	
Mr. Li Daoyu */	China

\*/ Alternate

1/ For the summary record, see E/CN.4/1984/SR.53, and E/CN.4/1984/SR.1-53/Corrigendum, as appropriate.

Eastern European States

Mr. Dumitru Mazilu  
Mr. Mircea Nicolae \*/ Romania

Mr. Vsevolod N. Sofinsky  
Mr. Viktor M. Tchikvadze \*/ Union of Soviet Socialist Republics

Mr. Ivan Toševski  
Mr. Danilo Türk \*/ Yugoslavia

Latin American States

Mr. Enzo Giustozzi  
Mr. Leandro Despouys \*/ Argentina

Mr. Miguel A. Martínez  
Mr. Julio Heredia Pérez \*/ Cuba

Mr. Antonio Martínez Báez  
Mr. Héctor Fix Zamudio \*/ Mexico

Mr. A. J. Uribe Portocarrero  
Mr. Fernando Cepeda Ulloa \*/ Colombia

Mr. R. Valdez Baquero  
Mr. M. Alemán Salvador \*/ Ecuador

Western European and other States

Mr. Marc Bossuyt  
Mr. Patrick Dubois \*/ Belgium

Mrs. Erica-Irene A. Daes Greece

Mr. Jules Deschênes  
Mrs. Rita Cadieux \*/ Canada

Mr. Louis Joinet  
Mr. Alain Pellet \*/ France

Mr. John P. Roche  
Mr. John Carey \*/ United States of America

Mr. Benjamin Whitaker  
Mr. John Montgomery \*/ United Kingdom of Great Britain  
and Northern Ireland

XXV. DRAFT PROVISIONAL AGENDA FOR THE FORTY-FIRST SESSION  
OF THE COMMISSION

613. The Commission considered agenda item 25 at its 63rd meeting, on 16 March 1984. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1984/L.4) containing a draft provisional agenda for the forty-first session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their preparation.

614. At the same meeting, the Commission took note of the draft provisional agenda.

615. The draft provisional agenda for the forty-first session of the Commission reads as follows:

1. Election of officers

2. Adoption of the agenda

3. Organization of the work of the session

Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

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

Legislative authority: Commission resolution 1984/1 A.

Documentation:

(a) Report of the Secretary-General (paragraph 15);

(b) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (paragraph 16).

5. Question of human rights in Chile

Legislative authority: Commission resolution 1984/63.

Documentation:

Report of the Special Rapporteur (paragraph 13).

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

Legislative authority: Commission resolutions 1983/9, 1984/4 and 1984/5.

Documentation:

Report of the Ad Hoc Working Group of Experts (paragraph 16 of resolution 1983/9, paragraphs 4 and 7 of resolution 1984/4, paragraphs 8 and 11 of resolution 1984/5).



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

Legislative authority: Commission resolution 1984/6.

Documentation:

Updated version of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 14).

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

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

Legislative authority: Commission resolutions 1984/15 and 1984/16.

Documentation:

- (a) Final study on the right to popular participation in its various forms as an important factor in the full realization of all human rights (paragraphs 2 and 4 of resolution 1984/15);
- (b) Report of the Working Group of Governmental Experts on the Right to Development and concrete proposals for a draft declaration on the right to development (paragraph 11 of resolution 1984/16).

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

Legislative authority: Commission resolution 1984/11.

Documentation:

List of reports, studies and publications prepared by the Division for Palestinian Rights (paragraph 13).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
- (a) Torture and other cruel, inhuman or degrading treatment or punishment
  - (b) Question of enforced or involuntary disappearances

Legislative authority: Commission resolutions 1983/18, 1983/19, 1983/20, 1983/48, 1984/22 and 1984/23, and Commission decision 1984/104.

Documentation:

- (a) Report of the Sub-Commission on situations known as states of siege or emergency (decision 1984/104);
- (b) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 6 of resolution 1984/22);
- (c) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3 of resolution 1984/23).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

National institutions for the promotion and protection of human rights

Legislative authority: Commission resolution 24 (XXXV) and 1984/58.

Documentation:

Comprehensive report by the Secretary-General on public information activities (paragraph 6 of resolution 1984/58).

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

- (a) Question of human rights in Cyprus
- (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its fortieth session

Legislative authority: Commission resolutions 1984/50, 1984/52, 1984/53, 1984/54 and 1984/55.

Documentation:

- (a) Report of the Special Rapporteur (operative paragraph 4 of draft resolution XII recommended for adoption by the Economic and Social Council in resolution 1984/50);
- (b) Report by the Special Representative (paragraph 15 of resolution 1984/52);
- (c) Report of the Special Rapporteur (paragraph 14 of resolution 1984/53);
- (d) Report of the Special Representative (paragraph 4 of resolution 1984/54);
- (e) Report of the Special Rapporteur (operative paragraph 3 of draft resolution XIV recommended for adoption by the Economic and Social Council in resolution 1984/55).

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

Legislative authority: Commission resolution 1984/24.

Documentation:

Documents relating to the draft convention on the rights of the child (operative paragraph 2 of draft resolution II recommended for adoption by the Economic and Social Council in resolution 1984/24).

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

Legislative authority: Commission resolution 1984/61.

Documentation:

Report by the Secretary-General (paragraph 4).

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

Legislative authority: Commission resolution 1984/33.

Documentation:

Report of the Secretary-General (paragraph 2).

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

Legislative authority: Commission resolution 1984/7.

Documentation:

Report of the Group of Three established under article IX of the Convention (paragraph 8).

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

18. Status of the International Covenants on Human Rights
- Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

Legislative authority: Commission resolutions 1984/18 and 1984/19.

Documentation:

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, including information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights (paragraph 12 of resolution 1984/18).

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

Documentation:

Report of the Sub-Commission on its thirty-seventh session.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities
21. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences
22. Advisory services in the field of human rights

Legislative authority: Commission resolutions 1984/43 and 1984/44.

Documentation:

- (a) Report of the Secretary-General (operative paragraphs 1 and 4 of draft resolution IX recommended for adoption by the Economic and Social Council in resolution 1984/43);

(b) Report of the Secretary-General (paragraphs 2 and 3 of resolution 1984/44).

23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Legislative authority: Commission resolution 1984/57.

Documentation:

Report of the Secretary-General (paragraph 3).

24. Draft provisional agenda for the forty-second session of the Commission

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-second session of the Commission, together with information concerning documentation relating thereto.

25. Report to the Economic and Social Council on the forty-first session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVI. ADOPTION OF THE REPORT

616. At its 63rd meeting, on 16 March 1984, the Commission considered the draft report on the work of its fortieth session. The draft report, as amended in the course of the discussion, was adopted.

Annex I

ATTENDANCE

Members

Argentina

Mr. Roberto Bianchi, Mrs. Norma Nascimbene de Dumont,\* Mr. Hugo González,\*  
Mr. Horacio Solari\*

Bangladesh

Mr. Abu Sayeed Chowdhury, Mr. A.K.H. Morshed,\* Mr. Ahmad Tariq Karim,\*\*  
Mr. Syed Noor Hossain,\*\* Mr. Liaquat Ali Choudhury,\*\* Mr. A.B.M. Abdul Mann  
Mr. Gulam Moula,\*\* Mr. A.K.M. Abu Sufian,\*\* Mr. Abdur Rab\*\*

Brazil

Mr. Carlos Calero Rodrigues, Mr. Gilberto Vergne Saboia,\*  
Mr. Affonso Emílio de Alencastro Massot,\* Miss Ligia Maria Scherer,\*  
Miss Lucia Bonfim\*\*

Bulgaria

Mr. Todor Dichev, Mr. Nikola Stoimenov,\* Ms. Roumiana Dermendjieva,\*  
Mr. Emil Golemanov,\*\* Mr. Nikolay Karakolev\*\*

Cameroon

Mrs. Simone Mairie, Mr. Dominique Yong,\* Mr. Atangana Gaspard Towo,\*\*  
Mr. Jean-Marie Lenou,\*\* Mr. Nestor Fomekong\*\*

Canada

Mr. Yvon Beaulne, Mr. R.M. Middleton,\* Mr. Fernand Tanguay,\*\*  
Mr. Henry Richardson,\*\* Ms. Enid Page,\*\* Mr. Herbert Buckingham,\*\*  
Mr. Jean-Paul Carrier,\*\* Mr. Daniel Dhavernas,\*\* Ms. Barbara Martin,\*\*  
Mr. Jules Deschênes,\*\* Mrs. Fancine Fournier,\*\* Mr. Gerald T. Rayner\*\* a/

China

Mr. Li Luye, Mrs. Gu Yijie,\* Mr. Li Daoyu,\* Mr. Zhou Xianjue,\*  
Ms. Guo Yuanhui,\* Mr. Chen Shiqiu,\* Mr. Pan Weihuang,\* Mr. Yang Wenchang,\*  
Ms. Tu Lifang,\* Mr. Wang Mingyi\*\*

Colombia

Mr. Héctor Charry Samper, Mrs. Bessie de Alvarez,\* Mr. Luis A. Luna,\*  
Mr. Ciro A. Arévalo,\* Mr. Luis Fernando Paredes\*

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\* Alternate.

\*\* Adviser.

a/ As from 6 March 1984.

Costa Rica

Mr. Elías Soley Soler, Sr. Evaristo de Segur Piferrer,\*\*  
Sr. Jorge Rhenán Segura\*\*

Cuba

Mr. Carlos Lechuga Hevia, Mrs. María de los Angeles Florez Prida,\*  
Mr. Julio Heredia Pérez,\* Mr. Angel Víctor González Pérez\*

Cyprus

Mr. Andreas Mavrommatis, Mr. Andros A. Nicolaidis,\* Mr. Andreas Pirishis\*

Finland

Mr. Björn Ekblom, Ms. Marjatta Rasi,\* Mr. Alpo Rusi,\*\* Mr. Frank Edman,\*\*  
Mr. Ilkka Uusitalo\*\*

France

Mr. Claude-Albert Colliard, Mr. Robert de Souza,\* Mr. Jean Clément,\*  
Mr. Jacques Warin,\* Mr. Jean-François Bouffandeau,\*\*  
Mr. Jean-Marc de La Sablière,\*\* Miss Sylvaine Carta,\*\*  
Mrs. Isabelle Costa de Beauregard,\*\* Mme Cécile Sportis,\*\*  
Miss Carine Camby,\*\* Mr. Jacques Chavant\*\*

Gambia

Mr. F.R.C. Blain, Mr. O.A.J. Mahoney\*

German Democratic Republic

Mr. Hermann Klenner, Mr. Rudolf Frambach,\* Mr. Gerhard Richter,\*  
Mr. Klaus-Dieter Peters,\* Mrs. Sabine Kramarczyk,\* Mr. Ernst Nitsche\*

Germany, Federal Republic of

Mr. Richard Jaeger, Mr. Wilhelm Höynck,\* Mr. Manfred Giesder,\*\*  
Mr. Horst Viehmann,\*\* Mr. Klaus Platz,\*\* Mr. Gerd Massmann,\*\*  
Mr. Karl Borchard,\*\* Mr. Bernd Braun,\*\* Mr. Ulrich Lunscken,\*\*  
Mr. Axel Berg,\*\* Mr. Werner Diterich\*\*

India

Mr. Darbara Singh, Mr. K.C. Pant, b/ Mr. Muchkund Dubey,\*  
Mrs. Lakshmi Puri,\*\* Mr. Mohan Kumar,\*\* Mr. Anup Singh\*\*

Ireland

Mr. Francis Mahon Hayes, Mr. John D. Biggar,\* Mrs. Kathryn Coll,\*  
Ms. Anne Barrington,\* Mr. Michael Craddock\*\*

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b/ As from 27 February 1984.



Italy

Mr. G. Walter Maccotta, Mr. Onofrio Solari Bozzi,\* Mr. Arnaldo Squillante,\*\*  
Mr. Enrico de Maio,\*\* Mr. Francesco Rausi,\*\* Mr. Stefano Costanzo,\*\*  
Miss Maria Antonietta Cao-Pinna,\*\* Mr. Luigi Ferrari Bravo,\*\*  
Mr. Fausto Pocar,\*\* Mr. Massimo Perugini,\*\* Miss Vincenza Lomonaco,\*\*  
Miss Maria Teresa Falchetta\*\*

Japan

Mrs. Sadako Ogata, Mr. Minoru Endo,\* Mrs. Hisami Kurokochi,\*  
Mr. Shunichi Sato,\*\* Mr. Toshifumi Minami,\*\* Mr. Hideaki Asahi,\*\*  
Mr. Koichi Sakamoto,\*\* Mr. Tsunenari Liyama,\*\* Mr. Shoji Suzuki\*\*

Jordan

Mr. Ghaleb Z. Barakat, Mr. Hisham Muhaisen,\* Miss Lina Tukan,\*\*  
Miss Nasreen Shaker,\*\* Mr. Awn Shawkat Al Khasawneh\*\*

Kenya

Mr. Peter K. Mathanjuki

Libyan Arab Jamahiriya

Mr. Ali Abdussalam Treiki, Mr. Youssef M. Arebi,\* Mr. Abdalla Yaaly,\*\*  
Mr. Giuma El Ferjani,\*\* Mr. Ismail El Jehani,\*\* Mr. Milad El Kasmi,\*\*  
Mr. Abdussalam Sergiwa\*\*

Mauritania

Mr. Sid Ahmed Ould Taya

Mexico

Mr. Jorge Montaño, Mr. Vicente Montemayor,\* Miss Orpha Garrido Ruiz\*\*

Mozambique

Mr. Murade Isaac Murargy, Mrs. Esperança Machavele\*

Netherlands

Mr. Peter H. Kooijmans, Mr. J. Fred. Boddens Hosang,\*  
Mr. J. Herman Burgers,\* Mr. Alexander Heldring,\* Mr. Alphons C.M. Hamer,\*\*  
Mr. Teunis Kamper,\*\* Mr. Cees Roels,\*\* Mr. I. Jansen,\*\*  
Mr. Hans J. Heinemann,\*\* Mr. Hans van den Dool,\*\* Mr. Toine F. van Dongen\*\*

Nicaragua

Mr. Alejandro Bendaña Rodríguez, Mr. Gustavo Adolfo Vargas Escobar,\*  
Mr. Luis Alvarado,\*\* Mrs. Arelys Bellorini de Parrales,\*\*  
Miss Edda Contreras\*\*

Pakistan

Mr. Agha Hilaly, Mr. Mansur Ahmad,\* Mr. Rafat Mahdi,\*\* Mr. Kamran Niaz,\*\*  
Mr. Salman Bashir\*\*

Philippines

Mr. Armando D. Manalo, Mrs. Victoria S. Bataclan\*

Rwanda

Mr. Alphonse Sezabungu, Mr. Christophe Habimana\*

Senegal

Mr. Alioune Sène, Mr. Ousmane Tanor Dieng,\* Mr. Ibrahima Sy,\*  
Mr. Samba Cor Konate,\* Mr. Georges Thiathy Dione,\* Mr. Amadou Ndiaye,\*  
Mr. Mamadou Moustapha Ndiaye\*

Spain

Mr. Jesús Ezquerro Calvo, Mr. Francisco Villar,\* Mr. Fernando Corral,\*  
Mr. Ignacio Masferrer,\* Mr. José Maria Morenilla,\*\* Mr. Juan Manuel Cabrera,\*\*  
Mr. Servando de la Torre,\*\* Mr. Juan Francisco Zurita,\*\* Mr. Julian Palacios,\*\*  
Mrs. Silvia Escobar\*\*

Syrian Arab Republic

Mr. Adib Daoudy, Mr. Ahmad Saker,\* Mrs. Souad Abdalla,\* Mr. Hicham Joundi,\*  
Mr. Muhsen Sayadi,\* Mr. Adnan Hamoui\*

Togo

Mr. Atsu-Koffi Amega, c/ Mr. Koffi Adjoyi\*

Ukrainian Soviet Socialist Republic

Mr. Ivan S. Khmel, Mr. Guennadi V. Lebakine,\* Mr. Youri F. Malko,\*  
Mr. Nikolai Kiritchenko\*

Union of Soviet Socialist Republics

Mr. V.A. Zorin, Mr. D.V. Bykov,\* Mr. V.N. Sofinsky,\* Mr. K.F. Gutsenko,\*  
Mr. S.V. Chernichenko,\* Mr. B.D. Linkov,\* Mr. K.G. Guevorguian,\*  
Mr. I.I. Yakovlev,\*\* Mr. G.P. Antonov,\*\* Mr. V.M. Timofeev,\*\* Mr. P.I. Baulin,\*\*  
Mr. T.A. Bagirov,\*\* Mr. M.A. Kaichuk,\*\* Mr. T.O. Ramishvili,\*\* Mr. A.A. Tichonov\*\*

United Kingdom of Great Britain and Northern Ireland

Sir Anthony Williams, Dame Anne Warburton,\* Mr. R.C. Fursland,\*  
Mr. D.J. Moss,\*\* Miss S. Foulds,\*\* Mrs. K. Colvin,\*\* Mr. B.D. Adams,\*\*  
Mr. D.M. Mainwood,\*\* Mr. R.W. Kyles,\*\* Mrs. A. Glover,\*\* Mr. M. Longford\*\*

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c/ Did not attend the session.

United Republic of Tanzania

Mr. Wilbert K. Chagula, Mr. Elly E.E. Mtango,\* Mr. W.H. Sekule,\*  
Mr. J.H. Mangara,\* Mr. Eliud A. Mwandembwa\*

United States of America

Mr. Richard Schifter, Mr. Warren Hewitt,\* Mr. Francis J. Parker,\*  
Mr. Stephen R. Bond,\*\* Mr. Ronald D. Flack,\*\* Mr. Patrick J. Flood,\*\*  
Mr. Ralph H. Graner,\*\* Ms. Carol Schwab,\*\* Mr. Douglas Wake,\*\*  
Ms. Monique White\*\*

Uruguay

Mr. Carlos Giambruno, Mr. Carlos A. Fernández Ballesteros,\*  
Mr. Ricardo Gallardo,\*\* Miss Graziela Dubra,\*\* Mr. Jorge Meyer-Long\*\*

Yugoslavia

Mr. Aleksandar Bozović, Mr. Ivan Tosevski,\* Miss Zagorka Ilić,\*  
Mrs. Marija Djordjević\*\*

Zimbabwe

Mr. Stephen Tariro Kokerai, Mr. G.J. Jani\*\*

States Members of the United Nations represented by observers

Afghanistan, Algeria, Australia, Austria, Bahrain, Belgium, Bolivia, Burundi,  
Byelorussian Soviet Socialist Republic, Congo, Czechoslovakia, Democratic Kampuchea,  
Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador,  
Ethiopia, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Indonesia,  
Iran (Islamic Republic of), Iraq, Israel, Jamaica, Kuwait, Lebanon, Liberia,  
Luxembourg, Madagascar, Malaysia, Mongolia, Morocco, Nepal, New Zealand,  
Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania,  
Singapore, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Thailand,  
Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, Venezuela,  
Viet Nam, Yemen, Zaire

Non-member States represented by observers

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees, Special Committee  
against Apartheid

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and  
Cultural Organization, World Bank, International Monetary Fund

### Other intergovernmental organizations

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States, University for Peace

### National liberation movements

African National Congress, Palestine Liberation Organization, Pan Africanist Congress of Azania, South West Africa People's Organization

### Non-governmental organizations in consultative status

#### Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Muslim World League, United Towns Organization, Women's International Democratic Federation, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress

#### Category II

All-India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Caritas Internationalis, Christian Democratic World Union, Christian Peace Conference, Commission of the Churches on International Affairs, Co-ordinating Board of Jewish Organizations, Disabled People's International, Four Directions Council, Friends World Committee for Consultation, Human Rights Internet, International Association for Religious Freedom, International Association of Democratic Lawyers, International Association of Penal Law, International Bar Association, International Catholic Child Bureau, International Catholic Migration Commission, International Catholic Union of the Press, International Commission of Jurists, International Committee of the Red Cross, International Co-operation for Development and Solidarity, International Council of Jewish Women, International Defence and Aid Fund for Southern Africa, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law, International Law Association, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Social Service, International Union of Students, Lutheran World Federation, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana, Radda Barnen International, Scroptomist International, Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Alliance of Young Men's Christian Associations, World Confederation of Organizations of the Teaching Profession, World Council of Indigenous Peoples, World Federation of Methodist Women, World Jewish Congress, World Student Christian Federation, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association, Zonta International

## Roster

Centre Europe-Tiers Monde, Defence for Children International Movement, International Abolitionist Federation, International Association for the Defence of Religious Liberty, International Federation of Rural Adult Catholic Movements, International Humanist and Ethical Union, International Human Rights Internship Programme, International League for the Rights and Liberation of Peoples, International Peace Bureau, International PEN, International Progress Organization, International Studies Association, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, Procedural Aspects of International Law Institute, United Nations of Yoga, World Association for the School as an Instrument of Peace, World Peace Council, World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the occupied Arab territories, including Palestine
5. Question of human rights in Chile
6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts
7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa
8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
  - (a) Problems related to the right to enjoy an adequate standard of living; the right to development
  - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
  - (c) The right of popular participation in its various forms as an important factor in development and in the realization of human rights
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
  - (a) Torture and other cruel, inhuman or degrading treatment or punishment
  - (b) Question of enforced or involuntary disappearances
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
  - (a) Question of human rights in Cyprus
  - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its thirty-ninth session
13. Question of a convention on the rights of the child
14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers
15. Human rights and scientific and technological developments
16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid
17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
  - (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination
18. Status of the International Covenants on Human Rights
19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session
20. Rights of persons belonging to national, ethnic, religious and linguistic minorities
21. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences
22. Advisory services in the field of human rights
23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
24. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
25. Draft provisional agenda for the forty-first session of the Commission
26. Report to the Economic and Social Council on the fortieth session of the Commission

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF  
RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION  
AT ITS FORTIETH SESSION

1. In the course of its fortieth session, the Commission on Human Rights adopted 25 resolutions and six decisions that have administrative and programme budget implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.

2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request the necessary authority for any additional resources needed to implement them during 1984, 1985 and 1986. Those implications are summarized in the following table.



SUMMARY TABLE, BY SECTION, OF ADMINISTRATIVE AND PROGRAMME BUDGET  
IMPLICATIONS FOR 1984, 1985 AND 1986 OF RESOLUTIONS AND DECISIONS  
ADOPTED BY THE COMMISSION AT ITS FORTIETH SESSION

(United States dollars)

Resolutions	Section 23 Human rights				Section 29 B Conference Services Division, Geneva				Overall Total
	1984	1985	1986	Total	1984	1985	1986	Total	
1984/5	22 900	12 000	-	34 900	-	-	-	-	34 900
1984/6	2 600	-	-	2 600	-	-	-	-	2 600
1984/9	3 700	-	-	3 700	-	-	-	-	3 700
1984/15	34 300	-	-	34 300	-	-	-	-	34 300
1984/16	-	-	-	-	155 800	-	-	155 800	155 800
1984/17	-	-	-	-	44 600	-	-	44 600	44 600
1984/23	218 700	72 300	-	291 000	232 300	7 600	-	239 900	530 900 a/
1984/24	-	-	-	-	-	59 300	-	59 300	59 300
1984/31	-	41 000	2 500	43 500	-	-	-	-	43 500
1984/33	-	-	-	-	42 300	-	-	42 300	42 300
1984/35	-	-	-	-	180 400	-	-	180 400	180 400 b/
1984/37	9 800	-	-	9 800	-	-	-	-	9 800
1984/38	-	-	-	-	27 300	-	-	27 300	27 300
1984/41	9 800	-	-	9 800	-	-	-	-	9 800
1984/48	38 900	5 000	-	43 900	50 600	26 500	-	77 100	121 000
1984/50	61 000	3 600	-	64 600	-	-	-	-	64 600
1984/51	-	-	-	-	-	-	-	-	- c/
1984/52	36 100	1 000	-	37 100	-	-	-	-	37 100
1984/53	35 200	1 000	-	36 200	-	-	-	-	36 200
1984/54	35 700	2 500	-	38 200	-	-	-	-	38 200
1984/55	30 300	25 200	-	55 500	-	-	-	-	55 500
1984/56	1 000	-	-	1 000	-	-	-	-	1 000
1984/57	35 600	-	-	35 600	-	-	-	-	35 600
1984/60	-	2 500	-	2 500	-	-	-	-	2 500
1984/63	79 700	33 300	-	113 000	64 800	22 900	-	87 700	200 700
<b>Decisions</b>									
1984/107	-	-	-	-	39 000	-	-	39 000	39 000
1984/108	-	-	-	-	36 400	-	-	36 400	36 400
1984/109	12 500	-	-	12 500	-	-	-	-	12 500
1984/113	-	-	-	-	-	236 300	-	236 300	236 300
1984/114	-	-	-	-	-	38 800	-	38 800	38 800
1984/115	-	1 200	-	1 200	-	-	-	-	1 200
<b>TOTAL</b>	<b>667 800</b>	<b>200 600</b>	<b>2 500</b>	<b>870 900</b>	<b>873 500</b>	<b>391 400</b>	<b>-</b>	<b>1 264 900</b>	<b>2 135 800</b>

a/ Not included is an amount of \$31,200 to be incurred under section 28 G and 28 H (Electronic Data Processing and Information Systems Division and Division of Administration, Geneva).

b/ Not included is an amount of \$92,100 to be incurred under section 24 (Regular programme of technical co-operation).

c/ Not included is an amount of \$14,000 to be incurred under section 24 (Regular programme of technical co-operation).

Resolution 1984/5. Violations of human rights in southern Africa:  
report of the Ad Hoc Working Group of Experts

1. In paragraph 8 of resolution 1984/5, the Commission on Human Rights requested the Ad Hoc Working Group of Experts to continue its study and bring to the attention of the Commission at its forty-first session violations of human rights in South Africa and Namibia. It is estimated that in order to provide the Group with the necessary substantive support, extra temporary assistance at the P-2 level would be required for a period of six months in 1984 and three months in 1985.

2. The relevant costs under section 23 (Human rights) are estimated at \$22,900 for 1984 and \$12,000 for 1985, as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>Nine months of temporary assistance to assist the Working Group in gathering information, compiling materials and preparing reports</u>		
Six work-months at P-2 level	22 900	
Three work-months at P-2 level		<u>12 000</u>
Total	<u>22 900</u>	<u>12 000</u>

Resolution 1984/6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

1. In paragraph 14 of resolution 1984/6, the Commission on Human Rights welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate the Special Rapporteur, Mr. Ahmed Khalifa, to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist regime in South Africa and to submit the revised report to the Commission, through the Sub-Commission.

2. Computer services will continue to be provided to the Special Rapporteur from within existing resources. Accordingly, relevant costs under section 23 (Human rights) are estimated at \$2,600 for 1984.

	<u>1984</u>
	(US dollars)
<u>One round trip to Geneva of the Special Rapporteur for consultation with the Centre for Human Rights (5 working days)</u>	
Travel	700
Subsistence	600
<u>One round trip to Geneva for the thirty-seventh session of the Sub-Commission (if no longer a member of the Sub-Commission) (5 working days)</u>	
Travel	700
Subsistence	<u>600</u>
Total	<u>2 600</u>

Resolution 1984/9. Measures to combat racism and racial discrimination

1. By operative paragraph 1 of draft resolution I recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/9, the Council would authorize the Sub-Commission 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 in this field, if any, between the first and second world conference to combat racism and racial discrimination, taking into account also the resolution the General Assembly might adopt on the report of the Second World Conference and the first-stage implementation of the programme for the Second Decade.

2. The relevant costs under section 23 (Human rights) are estimated at \$3,700 for 1984 on the following basis:

1984  
(US dollars)

One round trip to Geneva for consultations with the Centre for Human Rights (10 working days)

Travel	800
Subsistence	1 400

One round trip to Geneva to present his report to the Sub-Commission at its thirty-seventh session (if no longer a member of the Sub-Commission) (5 working days)

Travel	800
Subsistence	700

Total 3 700

Resolution 1984/15. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

1. In paragraph 2 of resolution 1984/15, the Commission on Human Rights requested the Secretary-General, in preparing the final study on the right to popular participation in its various forms as an important factor in the full realization of all human rights, to take into account the views expressed in the debate on this item at the fortieth session of the Commission.

2. In order to finalize the above-mentioned study for submission to the Commission at its forty-first session, the secretariat considers that it will be necessary to engage an outside consultant at the P-4 level for a period of six months in 1984. The relevant costs under section 23 (Human rights) are estimated at \$34,300 for 1984.

Resolution 1984/16. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

1. In paragraphs 9 and 10 of resolution 1984/16, the Commission on Human Rights decided to reconvene the Working Group of Governmental Experts on the Right to Development with the same mandate, in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development and would request the Working Group to hold two meetings of two weeks each in Geneva.
2. The relevant costs under section 29 B (Conference Services Division, Geneva) are estimated at \$155,800 for 1984.

Resolution 1984/17. The new international economic order and the promotion of human rights

1. In resolution 1984/17, the Commission on Human Rights 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.
2. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$44,600 for 1984, as follows:

	<u>1984</u> (US dollars)
Editing, typing, reproduction and distribution of the study	44 600

Resolution 1984/23. Question of enforced or involuntary disappearances

1. In paragraphs 2 and 3 of resolution 1984/23, the Commission on Human Rights decided to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission on Human Rights resolution 20 (XXXVI), and requested the Working Group to submit to the Commission, at its forty-first session, a report on its work, together with its conclusions and recommendations. In paragraph 8, the Commission further requested the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner and, if necessary, to make the appropriate arrangements to ensure the continuity of the secretariat's work.
2. The estimate of financial implications is based on the following assumptions:
  - (a) The Working Group, composed of five members, would meet in New York or Geneva in May/June 1984 for a period of one week, in order to receive and examine available information from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources;

(b) The Working Group would meet in Geneva in August/September 1984 for a period of 10 working days to receive and examine available information;

(c) The Working Group would meet in Geneva in December 1984 for a period of 10 working days to examine further information and to prepare its report for submission to the Commission on Human Rights at its forty-first session, in 1985.

(d) For the purpose of establishing direct contacts with Governments, one member of the Working Group, accompanied by one substantive officer of the Centre for Human Rights, would undertake four missions (three in 1984 and one in 1985); in addition, in view of invitations received in the past to hold meetings closer to the places directly concerned, the Chairman of the Working Group has asked that provision be made to hold meetings for a period of five working days during 1984 in another country, for the purpose of gathering up-to-date information;

(e) A staff member at the P-3 level would be required to provide basic services in connection with the activities of the Working Group, to function as secretary of the Group during its meetings, and to assist in the preparation of the report to the Commission;

(f) Two staff members at the P-2 level, assisted by one secretary and two data entry/computer operations clerks would screen the information received from various sources, including the existing backlog, and then classify, analyse and prepare it in a usable form for the Working Group; they would also deal with all the correspondence with those involved in the procedure;

(g) Computer and work-processing services would be required to organize and assess the collected data on missing persons, and to reduce staff costs.

3. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$218,700 for 1984 and \$72,300 for 1985, including a total of \$5,800 (\$4,400 for 1984 and \$1,400 for 1985) for the rental of visual display units linked to computer terminals. Additional computer services are estimated at \$23,300 for 1984 and \$7,900 for 1985, to be financed under sections 28 G and H (Electronic Data Processing and Information Systems Division and Division of Administration, Geneva). The related conference servicing costs, calculated on a full-cost basis, are estimated at \$232,300 for 1984 and \$7,600 for 1985, to be financed under section 29 B (Conference Services Division, Geneva).

	<u>1984</u>	<u>1985</u>
	(US dollars)	
I. <u>Meeting in New York a/ or Geneva,</u> <u>May/June 1984 (5 working days)</u>		
Travel and subsistence of experts		
Travel	9 200	-
Subsistence	<u>2 900</u>	<u>-</u>
Total	<u>12 100</u>	<u>-</u>

a/ In the event that the meeting takes place in New York, travel and subsistence for two substantive officers to service the meeting are estimated at \$3,900.

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<b>II. <u>Meeting in Geneva, August/September 1984</u></b>		
<b>(10 working days)</b>		
Travel and subsistence of experts		
Travel	9 200	-
Subsistence	<u>6 400</u>	<u>-</u>
Total	<u>15 600</u>	<u>-</u>
<b>III. <u>Meeting in Geneva, December 1984</u></b>		
<b>(10 working days)</b>		
Travel and subsistence of experts		
Travel	9 200	-
Subsistence	<u>6 400</u>	<u>-</u>
Total	<u>15 600</u>	<u>-</u>
<b>IV. <u>Four separate round trips for one member of the Working Group, accompanied by a substantive officer, for the establishment of direct contacts b/ (calculated on a notional basis for a period of 5 working days for each visit)</u></b>		
Travel costs of member of Working Group,		
4 x \$2,500	7 500	2 500
Travel costs of substantive staff,		
4 x \$2,300	<u>6 900</u>	<u>2 300</u>
Total	<u>14 400</u>	<u>4 800</u>
<b>V. <u>Meetings in another country c/</u></b>		
Travel and subsistence of experts		
Travel	12 000	-
Subsistence	3 000	-

b/ Should the services of an interpreter (Spanish/English) be required, salary, travel and subsistence costs are estimated at \$4,100 for each visit, to be financed under section 29 B (Conference Services Division, Geneva).

c/ For costing purposes, based on Costa Rica.

	<u>1984</u>	<u>1985</u>
	(US dollars)	
Travel and subsistence of staff of the Centre for Human Rights - 2 substantive officers, 1 secretary		
Travel	10 400	-
Subsistence	2 400	-
General operating expenses		
Rental of office facilities, rooms and office space, local transportation and communications	<u>5 000</u>	<u>-</u>
Total	<u>32 800</u>	<u>-</u>
 <b>VI. <u>Staffing resources to service the Working Group (July 1984 to March 1985)</u></b>		
1 staff member at the P-3 level	28 900	15 200
2 staff members at the P-1/P-2 level	45 700	24 000
3 staff members at the GS level	<u>46 700</u>	<u>24 400</u>
Total	<u>121 300</u>	<u>63 600</u>
 <b>VII. <u>Other requirements</u></b>		
Overtime for General Service staff	2 500	2 500
Rental of electronic data-processing terminals (2 ITT visual display units)	3 000	1 000
Wang maintenance costs (2 work stations plus 1 printer)	<u>1 400</u>	<u>400</u>
Total	<u>6 900</u>	<u>3 900</u>
Total (I-VII)	218 700	72 300
 <b>VIII. <u>Computer services d/</u></b>		
Computer processing (section 28 G)	8 200	2 800
System support (section 28 H)	14 200	4 800
Supplies (Xerox)	<u>900</u>	<u>300</u>
Total	<u>23 300</u>	<u>7 900</u>

d/ These estimates are calculated on a full-cost basis, but actual costs may in fact be absorbed in part or in full from within existing resources.

Resolution 1984/24. Question of a convention on the rights of the child

1. By operative paragraph 1 of draft resolution II recommended for adoption by the Economic and Social Council under paragraph 3 of Commission on Human Rights resolution 1984/24, the Council would authorize a one-week session of an open-ended working group prior to the forty-first session of the Commission on Human Rights to facilitate and speed up the completion of the work on a draft convention on the rights of the child.

2. The relevant conference servicing requirements in 1985 under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$59,300.

Resolution 1984/31. Human rights violations and disabled persons

1. By operative paragraph 4 of draft resolution III recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/31, the Council would request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to undertake a thorough study, in consultation with the Centre for Social Development and Humanitarian Affairs, of the causal connection between serious violations of human rights and fundamental freedoms and disability as well as of the progress made to alleviate problems, and to submit its views and recommendations, through the Commission on Human Rights and the Commission on Social Development, to the Economic and Social Council at its first regular session in 1986.

2. It is assumed that the Special Rapporteur, to be appointed in 1984 at the thirty-seventh session of the Sub-Commission, will require consultations with the Centre for Human Rights in early 1985 and, after initial preparation of the study, will also require travel to Geneva for finalization of the study in time for discussion by the Sub-Commission at its thirty-eighth session, in 1985, before presentation to the Commission at its forty-second session, in 1986. Taking account of the need to assist the Special Rapporteur in meeting a strict schedule and finalizing the study in the short time available, outside expertise at P-4 level is foreseen for a period of six months in 1985.

3. The relevant costs under section 23 (Human rights) are estimated on a national basis at \$41,000 in 1985 and \$2,500 in 1986, as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)</u>		
Travel and subsistence of the Special Rapporteur		2 500
<u>One round trip to Geneva of the Special Rapporteur for finalization of the study prior to the thirty-eighth session of the Sub-Commission (5 working days)</u>		
Travel and subsistence of the Special Rapporteur		2 500



1985      1986  
(US dollars)

One round trip of the Special Rapporteur to present  
the final report to the Commission at its  
forty-second session (5 working days)

Travel and subsistence of the Special  
Rapporteur 2 500

Six months of outside expertise at P-4 consultant  
level in 1985

36 000

Total      41 000      2 500

Resolution 1984/33. Conscientious objection to military service

1. By operative paragraph 1 (a) of draft resolution IV recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/33, the Council would decide that the report prepared by Mr. Eide and Mr. Mubanga-Chipoya on conscientious objection to military service should be printed and given the widest distribution.

2. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$42,300 for 1984.

1984  
(US dollars)

Editing, typing, reproduction and distribution  
of the report

42 300

Resolution 1984/35. Exploitation of child labour

1. By the operative paragraph of draft resolution V recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/35, the Council would request the Secretary-General to organize a seminar on ways and means by which 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.

2. On the assumption that the seminar would be held in Geneva over a period of 10 working days and would involve attendance by 32 participants and standard organizations, the relevant costs to be financed under section 24 (Regular programme of technical co-operation) under advisory services in the human rights sector, are estimated at \$92,100 on the following basis:

1984  
(US dollars)

Travel and subsistence of 32 participants plus  
1 expert member of the Sub-Commission and  
3 representatives of liberation movements

Travel (36 x \$1,500)	54 000
Subsistence (36 x \$74 x 13 days)	34 600
Consultants (fees for background papers)	3 000
Hospitality	500
	<hr/>
Total	92 100

3. Conference servicing costs, to be financed under section 29 B (Conference Services Division, Geneva), are estimated at \$180,400.

Resolution 1984/37. Violations of human rights and fundamental  
freedoms - Study of Discrimination in Respect of the Right of  
Everyone to Leave Any Country, Including His Own, and to  
Return to His Country

1. By operative paragraph 1 of draft resolution VI recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/37, the Council would endorse the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Mubanga-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights. By operative paragraph 2 of the draft resolution, the Rapporteur would be requested to present to the Sub-Commission at its thirty-seventh session for its consideration recommendations for promoting and encouraging respect for and observance of this right.

2. The relevant costs under section 23 (Human rights) are estimated at \$9,800 for 1984 on the following basis:

1984  
(US dollars)

One round trip for consultations with the Centre for  
Human Rights (10 working days)

Travel	3 900
Subsistence	1 400

One round trip to Geneva to present recommendations to  
the thirty-seventh session of the Sub-Commission (if  
no longer a member of the Sub-Commission) (5 working  
days)

Travel	3 900
Subsistence	600
	<hr/>
	9 800

Resolution 1984/38. Report on exploitation of labour  
through illicit and clandestine trafficking

1. By operative paragraph 1 of draft resolution VII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/38, the Council would decide that the report prepared by Mrs. Warzazi on the exploitation of labour through illicit and clandestine trafficking should be printed and given the widest distribution.

2. The relevant costs under section 29 (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$27,300 for 1984, as follows:

1984  
(US dollars)

Editing, typing, reproduction and distribution of  
the report

27 300

Resolution 1984/41. The status of the individual and  
contemporary international law

1. By operative paragraph 1 of draft resolution VIII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/41, the Council would request the Special Rapporteur, Mrs. Enrica-Irene A. Daes, to continue her work on the study entitled "The status of the individual and contemporary international law" with a view to submitting her final report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session.

2. In addition to the travel and subsistence expenses of the Special Rapporteur, temporary assistance at the General Service level for a period of three months in 1984 would be required for the typing of her report. Accordingly the relevant costs under section 23 (Human rights) are estimated at \$9,800 for 1984 as follows:

1984  
(US dollars)

One round trip to Geneva for consultations with the  
Centre for Human Rights (5 working days)

Travel	400
Subsistence	600

One round trip to Geneva for the thirty-seventh session  
of the Sub-Commission (if no longer a member of the  
Sub-Commission) (5 working days)

Travel	400
Subsistence	600

Three months of temporary assistance at the General  
Service level

7 800

Total 9 800

Resolution 1984/48. Question of slavery and the slave trade in  
all their practices and manifestations

1. By draft resolution XI recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/48, the Council would request 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, and would request the working group to submit its report to the Commission at its forty-second session.

2. For the purpose of preparing financial implications, it is assumed that the working group would meet in Geneva twice in 1984 and once in 1985. Simultaneous interpretation and documentation would be required in English, French and possibly Spanish:

(a) In June/July 1984 the working group, composed of experts designated by the Sub-Commission, UNICEF, UNESCO and WHO, would meet in Geneva for a period of one week to plan and organize its work in relation to its mandate;

(b) In September/October 1984 the working group would meet in Geneva for one week in order to gather information and prepare its report;

(c) In January 1985, the working group would meet in Geneva for one week in order to adopt its report for submission to the Commission on Human Rights at its forty-first session, in 1985;

3. On the basis of the above assumptions, the relevant costs to be financed under section 23 (Human rights) are estimated at \$38,900 for 1984 and \$5,000 for 1985, as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>Meeting in Geneva June/July 1984</u>		
Travel and subsistence of experts	5 000	
<u>Meeting in Geneva September/October 1984</u>		
Travel and subsistence of experts	5 000	
<u>Meeting in Geneva January 1985</u>		
Travel and subsistence of experts		5 000
<u>Six months of temporary assistance at the P-3 level</u>		
	28 900	
Total	<u>38 900</u>	<u>5 000</u>

4. The related conference servicing costs calculated on a full-cost basis are estimated at \$50,600 for 1984 and \$26,500 for 1985, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1984/50. Summary or arbitrary executions

1. By draft resolution XII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/50, the Council would, in operative paragraph 4, decide to continue the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission.
2. The Special Rapporteur would envisage that in May/June 1984, for a period of five working days, he would undertake a trip to Geneva for the purpose of holding consultations with the Centre for Human Rights and to organize and plan his work in relation to his mandate. In October 1984, the Special Rapporteur would travel to Geneva for a period of five working days in order to prepare his report and in December 1984 in order to finalize it. In February/March 1985, he would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-first session. For the purpose of responding to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, would undertake three missions during 1984.
3. Six work-months of temporary assistance at the P-3 level would be required to assist the Special Rapporteur in the preparation of his report.
4. The relevant costs to be financed under section 23 (Human rights) are estimated at \$61,000 for 1984 and \$3,600 for 1985 as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of Special Rapporteur for consultations with Centre for Human Rights (5 working days) May/June 1984</u>		
Travel and subsistence	3 600	-
<u>One round trip to Geneva of Special Rapporteur to prepare his report (5 working days), October 1984</u>		
Travel and subsistence	3 600	-
<u>Three separate round trips of Special Rapporteur a/ accompanied by 2 staff members from the Centre for Human Rights (calculated on a notional basis for a period of 5 working days for each visit)</u>		
Travel costs of Special Rapporteur 3 x \$2,500	7 500	-
Travel costs of substantive staff 3 x \$2,300 x 2	13 800	-
<u>One round trip to Geneva of Special Rapporteur to finalize his report (5 working days), December 1984</u>		
	3 600	-

a/ Should the services of an interpreter be required, salary, travel and subsistence costs are estimated at \$4,100 for each visit, to be financed under section 29 B (Conference Services Division, Geneva).

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of Special Rapporteur to present his report to the Commission on Human Rights at its forty-first session (5 working days), February/March 1985</u>		
Travel and subsistence	-	3 600
<u>General temporary assistance</u>		
Six work-months at P-3 level	28 900	-
<b>Total</b>	61 000	3 600

Resolution 1984/51. Situation in Equatorial Guinea

1. By operative paragraph 2 of draft resolution XIII recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/51, the Council would request the Secretary-General to appoint an expert to visit Equatorial Guinea in order to study, in conjunction with the Government of that country, the best way of implementing the plan of action proposed by the United Nations.
2. The relevant costs to be financed under section 24 (Regular programme of technical co-operation), under advisory services in the human rights sector, are estimated at \$14,000 for 1984, calculated on a notional basis, as follows:

	<u>1984</u>
	(US dollars)
<u>One round trip to Geneva of the expert for consultations with the Centre for Human Rights (5 working days)</u>	
Travel and subsistence	2 500
<u>One round trip to Malabo of the expert accompanied by a substantive officer from the Centre for Human Rights (10 working days)</u>	
Travel and subsistence	6 000
<u>One round trip to Geneva of the expert to finalize the report (5 working days)</u>	
Travel and subsistence	2 500
<u>Honorarium (if necessary)</u>	3 000
<b>Total</b>	14 000

Resolution 1984/52. Situation of human rights in El Salvador

1. In paragraph 15 of resolution 1984/52, the Commission on Human Rights decided to extend the mandate of the Special Representative on the situation of human rights in El Salvador for another year and requested him to present his report on further developments to the General Assembly at its thirty-ninth session and to the Commission on Human Rights at its forty-first session.
2. The Special Representative would envisage that in May/June 1984 he would undertake a trip to Geneva for a period of five working days for the purpose of holding consultations with the Centre for Human Rights and to organize and plan his work in relation to his mandate. In July/August 1984 the Special Representative, accompanied by two staff members from the Centre for Human Rights, would carry out a mission to El Salvador for a period of 10 working days to collect information on the spot. In September 1984, the Special Representative would travel to Geneva for a period of five working days in order to prepare his report and, in November 1984, he would travel to Geneva for a period of five working days in order to finalize it. Subsequently, in November/December 1984 the Special Representative would travel to New York for a period of five working days to present his report to the General Assembly at its thirty-ninth session. In February/March 1985 the Special Representative would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-first session.
3. One substantive officer at the P-3 level would be required on a temporary assistance basis for a period of four months to assist in the preparation of the information collected and in the preparation of the final report.
4. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$36,100 for 1984 and \$1,000 for 1985, as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations with the Centre for Human Rights (5 working days) May/June 1984</u>		
Travel and subsistence	1 000	-
<u>Field mission to El Salvador of the Special Representative in July/August 1984 (10 working days) a/</u>		
Travel and subsistence of Special Representative	3 800	-
Travel and subsistence of two staff members from the Centre for Human Rights	6 600	
General operating expenses: local transportation, communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Special Representative to prepare his report (5 working days) September 1984</u>		
Travel and subsistence	1 000	-

a/ Should a second field mission to El Salvador become necessary, additional resources would be sought.

1984                      1985  
(US dollars)

One round trip to Geneva of the Special Representative to finalize his report (5 working days) November 1984

Travel and subsistence	1 000	-
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One round trip to New York of the Special Representative to present his report at the thirty-ninth session of the General Assembly (5 working days)

Travel and subsistence	2 500	-
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One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-first session (5 working days), February/March 1985

Travel and subsistence	-	1 000
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General temporary assistance

Four work-months at the P-3 level	19 200	-
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	36 100	1 000
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Resolution 1984/53. Situation of human rights in Guatemala

1. In paragraphs 13 and 14 of resolution 1984/53, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for another year and requested the Special Rapporteur to report on the subsequent development of the situation of human rights in Guatemala taking into account developments in regard to the recommendations in his reports as well as information from other reliable sources and to submit an interim report to the General Assembly at its thirty-ninth session and a final report to Commission at its forty-first session.

2. The Special Rapporteur envisages that he would undertake a trip to Geneva in May/June 1984 for a period of five working days in order to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. In July/August 1984, for a period of 10 working days, the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, would carry out a mission to Guatemala for the purpose of collecting information on the spot. In September 1984, the Special Rapporteur would travel to Geneva for a period of five working days in order to prepare his report to the Commission on Human Rights at its forty-first session, and would travel to Geneva in November 1984 for a period of five working days in order to finalize that report. At the thirty-ninth session of the General Assembly, the Special Rapporteur would travel to New York for a period of five working days to present his interim report, and in February/March 1985 the Special Rapporteur would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-first session.

3. Additional staffing resources to assist the Special Rapporteur with the preparation of his reports would be required for a period of four months in 1984.



4. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$35,200 for 1984 and \$1,000 for 1985, as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur in May/June 1984 for consultations with the Centre for Human Rights (5 working days)</u>		
Travel and subsistence	1 000	-
<u>Field mission to Guatemala of the Special Rapporteur in July/August 1984 (10 working days)<sup>a/b/</sup></u>		
Travel and subsistence of the Special Rapporteur	4 500	-
Travel and subsistence of two staff members from the Centre for Human Rights	5 100	-
General operating expenses:		
Local transportation, communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Special Rapporteur in September 1984 to prepare his report (5 working days)</u>		
Travel and subsistence	1 000	-
<u>One round trip to Geneva of the Special Rapporteur in November 1984 to finalize his report (5 working days)</u>		
Travel and subsistence	1 000	-
<u>One round trip to New York of the Special Rapporteur to present his interim report at the thirty-ninth session of the General Assembly (5 working days)</u>		
Travel and subsistence	2 400	
<u>One round trip to Geneva of the Special Rapporteur in February/March 1985 to present his report to the Commission on Human Rights at its forty-first session (5 working days)</u>		
Travel and subsistence	-	1 000

<sup>a/</sup> Should the services of an interpreter be required, salary, travel and subsistence costs are estimated at \$4,100, to be financed under section 29 B (Conference Services Division, Geneva).

<sup>b/</sup> Should a second field mission to Guatemala become necessary, additional resources would be sought.

1984                      1985  
(US dollars)

General temporary assistance

Four work-months at P-3 level	19 200	-
Total	35 200	1 000

Resolution 1984/54. Human rights situation in the  
Islamic Republic of Iran

1. In paragraph 4 of resolution 1984/54, the Commission on Human Rights requested its Chairman to appoint, after consultation within the Bureau, a special representative of the Commission, whose mandate will be to make a thorough study of the human rights situation in the Islamic Republic of Iran based on such information as he may deem relevant, including comments and materials provided by the Government, containing conclusions and appropriate suggestions, to be presented to the Commission at its forty-first session.

2. It is envisaged that the special representative would undertake a trip to Geneva in May/June 1984 for a period of five working days for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. Also in 1984, for a period of 10 working days, the special representative, accompanied by two substantive officers, would carry out a mission to the Islamic Republic of Iran for the purpose of collecting information on the spot. Later in 1984, he would travel to Geneva for a period of five working days to prepare his report, and subsequently for another period of five working days in order to finalize his report. In February/March 1985, the special representative would travel to Geneva for a further period of five working days to present his report to the Commission on Human Rights at its forty-first session.

3. Additional staffing resources to assist the special representative with the preparation of his report would be required for a period of four months in 1984.

4. The relevant costs, calculated on a notional basis, to be financed under section 23 (Human rights) are estimated at \$35,700 for 1984 and \$2,500 for 1985.

1984                      1985  
(US dollars)

One round trip to Geneva of the special representative  
for consultations with the Centre for Human Rights  
(5 working days) - May/June 1984 a/ b/

Travel and subsistence	2 500	
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a/ Should the services of an interpreter be required, salary, travel and subsistence costs are estimated at \$4,100, financed under section 29 B (Conference Services Division, Geneva).

b/ Should a second field mission to the Islamic Republic of Iran become necessary, additional resources would be sought.

1984      1985  
(US dollars)

Field mission to the Islamic Republic of Iran  
(10 working days)

Travel and subsistence of the special representative	3 000	
Travel and subsistence of two substantive officers	5 000	
General operating expenses: local transportation, communications and rental of office space	1 000	
<u>One round trip to Geneva of the special representative</u> <u>to prepare his report (5 working days)</u>		
Travel and subsistence	2 500	
<u>One round trip to Geneva of the special representative</u> <u>to finalize his report (5 working days)</u>		
Travel and subsistence	2 500	
<u>One round trip to Geneva of the special representative</u> <u>in February/March 1985 to present his report to the</u> <u>Commission on Human Rights at its forty-first session</u> <u>(5 working days)</u>		
Travel and subsistence	2 500	
<u>General temporary assistance</u>		
Four work-months at P-3 level	19 200	
Total	35 700	2 500

Resolution 1984/55. Question of the violation of human rights  
and fundamental freedoms - Situation in Afghanistan

1. By operative paragraph 1 of draft resolution XIV recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/55, the Council would request the Chairman of the Commission to appoint an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Afghanistan, with a view to formulating proposals which could contribute to ensuring full protection of the human rights of all residents of the country, before, during and after the withdrawal of all foreign forces. By operative paragraph 3 the Council would request the special rapporteur to submit a comprehensive report to the Commission at its forty-first session.

2. On a hypothetical basis, pending fuller indications of the mandate to be undertaken by the special rapporteur, the relevant costs under section 23 (Human rights) are estimated at \$30,300 for 1984 and \$25,200 for 1985, on the following basis:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>Travel to Geneva for consultations with the Centre for Human Rights and subsistence (5 working days)</u>	3 000	
<u>Field mission to Afghanistan</u>		
Travel and subsistence of the special rapporteur (15 working days)	3 500	
Travel and subsistence of two substantive officers (15 working days)	4 500	
General operating expenses: local transportation, communications and rental of office space	1 000	
<u>Travel to Geneva to finalize the report and subsistence (5 working days)</u>		3 000
<u>Travel to submit the comprehensive report to the Commission at its forty-first session and subsistence (5 working days)</u>		3 000
<u>Six months of temporary assistance at the P-3 level and three months at the General Service level</u>	18 300	19 200
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Total	30 300	25 200
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Resolution 1984/56. Draft Body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

1. By operative paragraph 1 of draft resolution XV recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/56, the Council would request the Special Rapporteur, Mrs. Erica-Irene A. Daes, to continue her work on a study on draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, with a view to submitting her final report to the Sub-Commission, if possible at its thirty-seventh session.
2. The relevant costs under section 23 (Human rights) are estimated at \$1,000 for 1984, as follows:

	<u>1984</u> (US dollars)
<u>One round trip of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)</u>	
Travel	400
Subsistence	600
Total	<u>1 000</u>

Resolution 1984/57. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

1. By operative paragraphs 1 and 3 of draft resolution XVI recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1984/57, the Council would authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mrs. Odio Benito 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 would request the Special Rapporteur to submit her study to the Sub-Commission at its thirty-seventh session.
2. The relevant costs under section 23 (Human rights) are estimated at \$35,600 for 1984, as follows:

	<u>1984</u> (US dollars)
<u>One round trip to Geneva of Special Rapporteur for consultations with the Centre for Human Rights (5 working days)</u>	
Travel	3 700
Subsistence	600

1984  
(US dollars)

One round trip to Geneva of Special Rapporteur  
to submit her study to the Sub-Commission at  
its thirty-seventh session (5 working days)

Travel	3 700
Subsistence	600

General temporary assistance

Four work-months at P-3 level	19 200
Three work-months at General Service level	<u>7 800</u>
Total	<u>35 600</u>

Resolution 1984/60. Review of the work of the Sub-Commission  
on Prevention of Discrimination and Protection of Minorities

1. In paragraph 2 of Commission on Human Rights resolution 1984/60, the Commission invited an exchange of views between a spokesman of the Sub-Commission's working group on its methods and programme of work and the Commission or a working group of the Commission during the forty-first session of the Commission, which would be reported on to the Sub-Commission at its thirty-eighth session for the consideration of its methods and programme of work, in the light of the Sub-Commission's recommendations and on the basis of the response of the Commission.

2. The relevant costs under section 23 (Human rights) are estimated on a notional basis at \$2,500 for 1985, as follows:

1985  
(US dollars)

One round trip to Geneva of a spokesman of  
the Sub-Commission's working group to the  
Commission on Human Rights at its  
forty-first session (5 working days)

Travel and subsistence	2 500
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Resolution 1984/63. Question of human rights in Chile

1. In paragraph 13 of Commission on Human Rights resolution 1984/63, the Commission 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.

2. In order to carry out his mandate, the Special Rapporteur would require the necessary arrangements to be made to permit him to gather relevant information. He would conduct hearings of persons having knowledge and experience of the situation of human rights in Chile and, in the event that

the Government of Chile extended its co-operation, the Special Rapporteur would visit that country for this purpose and to collect information. The present financial statement is based on the pattern followed by the Special Rapporteur in recent years. The Special Rapporteur would seek the co-operation of the Government of Chile in implementing his mandate; should this result in a visit to Chile the appropriate resources would be sought.

3. The Special Rapporteur envisages that he would undertake consultations in Geneva at the end of May 1984 for a period of five working days. In June/July 1984 he would spend seven working days in New York to gather further information. The Special Rapporteur would also visit Geneva during September 1984 for a period of five working days. Subsequently, he would spend five working days in New York at the time of submission of his report to the General Assembly at its thirty-ninth session. He would then visit Geneva for five working days in January 1985 for the purpose of hearing testimony, receiving other evidence, and finalizing his report to the Commission on Human Rights at its forty-first session. The Special Rapporteur would visit Geneva again during February/March 1985 for a period of five working days to present his report to the Commission on Human Rights at its forty-first session. The Special Rapporteur intends to conduct hearings at Geneva, New York or elsewhere.

4. It is estimated that a monthly average of 190 pieces of information (reports, including press reports, articles, letters, etc.) of varying size would have to be examined and a synthesis of them prepared for the Special Rapporteur. This would necessitate the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary to assist the Special Rapporteur in the gathering of information, compilation of materials, and preparation of his report.

5. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$79,700 for 1984 and \$33,300 for 1985, as follows:

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days), May 1984</u>		
Travel and subsistence	5 000	
<u>One round trip to New York of the Special Rapporteur to hear witnesses and receive information (7 working days), June/July 1984</u>		
Travel and subsistence of the Special Rapporteur	6 300	
Travel and subsistence of two staff members from the Centre for Human Rights	5 200	

	<u>1984</u>	<u>1985</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days), September 1984</u>		
Travel and subsistence	5 000	
<u>One round trip to New York of the Special Rapporteur to present his report to the General Assembly at its thirty-ninth session (5 working days)</u>		
Travel and subsistence	5 700	
<u>One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days), January 1985</u>		
Travel and subsistence		5 000
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-first session (5 working days), February/March 1985</u>		
Travel and subsistence		5 000
<u>Travel and subsistence of witnesses (calculated on a notional basis)</u>		
	12 000	3 000
<u>General temporary assistance</u>		
Nine work-months at the P-2 level	22 900	12 000
Nine work-months at the General Service level	15 600	8 100
<u>Publications, press clippings and other related services required on a yearly subscription basis</u>		
	2 000	200
Total	<u>79 700</u>	<u>33 300</u>

6. The related conferences servicing costs for in-session meeting services, documentation and transcripts of testimonies, calculated on a full-cost basis, are estimated at \$64,800 for 1984 and \$22,900 for 1985, to be financed under section 29 B (Conference Services Division, Geneva).



Decision 1984/107. Measures to combat racism and  
racial discrimination

1. By draft decision 13 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1984/107, the Council would decide that the report (E/CN.4/Sub.2/L.766, introduction and chap. I, and E/CN.4/Sub.2/1982/7) prepared by Mr. Chowdhury, Special Rapporteur of the Sub-Commission, entitled "Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice", in accordance with Sub-Commission resolution 4 A (XXXIII) should be printed and given the widest possible distribution, including distribution in Arabic.

2. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$39,000 for 1984, as follows:

	<u>1984</u> (US dollars)
Editing, typing, translation, revision, reproduction and distribution of the report	39 000

Decision 1984/108. Human rights and scientific and technological  
developments - Principles, guidelines and guarantees for the  
protection of persons detained on grounds of mental ill-health  
or suffering from mental disorder

1. By draft decision 14 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1984/108, the Council would decide that the study entitled "Human rights and scientific and technological developments - Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder" should be published and given the widest possible distribution in all the official languages of the United Nations.

2. On the assumption that the study will be published without annex III (that is, that document E/CN.4/Sub.2/1983/17 will be printed but not document E/CN.4/1984/17/Add.1), the relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at approximately \$36,400 for 1984.

	<u>1984</u> (US dollars)
Editing, typing, reproduction and distribution of the study	36 400

Decision 1984/109. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII)

1. By draft decision 15 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1984/109, the Council would decide to request the Secretary-General to continue his consultations with the Government of 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 to report to the Commission at its forty-first session on the implementation of the decision.
2. The relevant costs under section 23 (Human rights) are estimated on a notional basis at \$12,500 for 1984, as follows:

1984  
(US dollars)

One round trip to Haiti, including subsistence, of 2 experts accompanied by a substantive officer, for consultations with the Haitian Government (10 working days)

Travel and subsistence	10 500
<u>Honorarium for 2 experts</u>	
\$1,000 x 2	<u>2 000</u>
Total	<u>12 500</u>

Decision 1984/113. Organization of the work of the Commission

1. By draft decision 16 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1984/113, the Council would authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-first session, and would take note of the Commission's decision to request its Chairman at the forty-first session to make every effort to organize the work of the session within the normal allotted time, the additional meetings authorized by the Council to be utilized only if they proved to be absolutely necessary.
2. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$236,300 for 1985.

Decision 1984/114. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

1. By draft decision 17 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1984/114, the Council would approve the decision of the Commission to set up a working group composed of five of its members to meet for one week prior to its forty-first session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.

2. For the purpose of determining the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full-cost basis, are estimated at \$38,800 for 1985.

Decision 1984/115. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session

1. Under decision 1984/115, the Commission on Human Rights decided to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-first session of the Commission.

2. The relevant costs under section 23 (Human rights) are estimated at \$1,200 for 1985.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTIETH SESSION OF  
THE COMMISSION

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E/CN.4/1984/1	Provisional agenda: note by the Secretary-General	2
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E/CN.4/1984/3 and Corr.1 and 2	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session	19
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E/CN.4/1984/5	Letter dated 28 November 1983 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Secretary-General	10(b)
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E/CN.4/1984/19	United Nations Voluntary Fund for Victims of Torture: note by the Secretary-General	10 (a)
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E/CN.4/1984/24	Note verbale dated 21 February 1984 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	5
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E/CN.4/1984/37	Annual report on racial discrimination submitted by ILO in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI): note by the Secretary-General	17 (a)
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a/ The summary records of the 33rd to 41st and 62nd meetings, which were closed, were issued in restricted distribution.

b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

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