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COMMISSION ON HUMAN RIGHTS  
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Agenda item 6

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Burundi, Egypt, India, Ivory Coast, Morocco, Nigeria, Senegal,  
Syrian Arab Republic and Yugoslavia: revised draft resolution

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI) and 6 (XXXIII) by which it extended and broadened the terms of reference of that Group,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the sustained efforts of the United Nations to seek out and combat the constant and flagrant violations of human rights, and in particular the policies of apartheid and racial discrimination which continue unabated in South Africa, as well as in Namibia and Zimbabwe,

Having examined the report of the Ad Hoc Working Group of Experts (E/CN.4/1311),

Having noted that the South African authorities continue to occupy Namibia illegally and to perpetuate on Namibian territory their odious policy of apartheid and racial discrimination, and that the illegal régime of Salisbury is not only refusing to transfer power to the true majority but is continuing to increase its military capabilities with a view to maintaining its domination by force and perpetrating aggressions against neighbouring countries,

Deeply concerned by the very serious consequences for the realization of human rights and the most essential fundamental freedoms of the confirmation of the acquisition by South Africa of the necessary scientific technology giving access to nuclear weapons,

1. Congratulates the Ad Hoc Group of Experts on the excellent work accomplished and warmly thanks it;

2. Expresses its profound indignation regarding the situation which continues to prevail in southern Africa and which is characterized by a flagrant denial of human rights to the African population and by the brutal and inhuman treatment of political prisoners in that part of the world;

3. Strongly condemns the increased South African military presence in Namibia, the consequences of which include:

Harassment of the civilian population, and particularly women and children;

Mass arrests and arbitrary detentions accompanied by torture;

Ill-treatment and, in particular, torture of captured freedom fighters;

Massacres of the population of villages and refugee camps;

Violations of the territorial integrity of Angola;

4. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declares that in the case of Namibia (a territory under United Nations administration) this right can be legally exercised only in accordance with directives given by the competent organs of the United Nations;

5. Requests the Ad Hoc Working Group of Experts to continue to institute enquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of those enquiries to the attention of the Commission on Human Rights;

6. Denounces the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

7. Notes with interest the recommendations of the Symposium on the Exploitation of Blacks in South Africa and Namibia and on Prison Conditions in South African Jails, held at Maseru (Lesotho) from 17 to 22 July 1978, and in particular recommends to the Economic and Social Council that:

The appropriate United Nations bodies, acting in consultation with the competent specialized agencies and particularly ILO, should take the initiative of preparing an international convention on the rights of migrant workers;

Special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers which is in force in South Africa;

Fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

On the occasion of the International Year of the Child, UNICEF, acting in collaboration with UNESCO, WHO and FAO, should publish an investigation into the lot of black children in South Africa;

8. Recommends:

- (a) that Member States should redouble their efforts and strengthen their measures to combat racism, racial discrimination and apartheid;
- (b) that the Economic and Social Council should request the General Assembly;

To urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would censure the policy of apartheid and provide information concerning specific new measures which their respective countries or national institutions have taken or are planning to take to combat apartheid;

To ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities;

To arrange for the organization at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, a symposium in which the Ad Hoc Group of Experts of the Commission on Human Rights would be invited to participate;

To arrange for a study to be made of the South African Government's legitimacy in view of its policy of apartheid and in particular its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact;

9. Adopts, in general, the conclusions and recommendations of the Ad Hoc Working Group of Experts;

10. Condemns the activities of the countries which, either directly or through their nationals, are helping to perpetuate the present situation in Namibia, Zimbabwe and South Africa, and urges them to refrain from such activities;

11. Demands the immediate release of all political prisoners held in South Africa, Zimbabwe and Namibia, in particular those who are suspected of sympathizing with the South West Africa People's Organization (SWAPO) and, while awaiting their release, requests protection for them in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War;

12. Recommends that Member States should intensify their co-operation in the humanitarian field so as to strengthen their assistance to the neighbouring countries of Zimbabwe in order to enable them to face the difficulties inherent in the refugee situation, and recommends that the General Assembly should ensure that the Office of the United Nations High Commissioner for Refugees continues to evaluate the situation of the refugees from Zimbabwe and takes adequate measures of assistance and protection on their behalf;

13. Appeals to Member States to assist SWAPO in its struggle for ensuring the proper exercise by the Namibian people of their right to self-determination, to contribute to the measures taken by the international community for safeguarding the cultural heritage and wealth of the Namibian people, to give special attention to Namibian children and, in particular, to accord them scholarships and training grants for study on the occasion of the International Year of the Child;

14. Decides to renew the mandate of the Ad Hoc Working Group of Experts, composed of the following experts acting in their personal capacity: Mr. Kéba M'Baye (Senegal), Chairman-Rapporteur, Mr. Branimir Janković (Yugoslavia), Mr. Annan Arkyin Cato (Ghana), Mr. Humberto Díaz Casanueva (Chile), Mr. Felix Ermacora (Austria) and Mr. Mulka Govinda Reddy (India);

15. Decides that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment, with a view to improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa;

16. Requests the Group to submit a report on its findings to the Commission at the thirty-seventh session at the latest, and to submit a progress report to the Commission at the thirty-sixth session;

17. Further requests the Group, in co-operation with the Special Committee against Apartheid, to investigate the cases of torture and murder of detainees in South Africa, contained in the report drawn up by the Special Committee against Apartheid and communicated to the Commission and to submit a special report on this investigation to the Commission on Human Rights at its thirty-sixth session;

18. At the same time requests the Group that particularly serious violations of which it learns during its enquiries should immediately be brought to the attention of the Chairman of the Commission on Human Rights, so that he may take whatever action he deems appropriate;

19. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.