

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1984/3
E/CN.4/Sub.2/1983/43
20 October 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS THIRTY-SIXTH SESSION

Geneva, 15 August-9 September 1983

Rapporteur: Mr. Syed S.A. Masud

GE.83-13830

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I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ACTION */

A. Draft resolutions recommended to the Commission on Human Rights for adoption

I. Question of slavery and the slave trade in all their practices and manifestations 1/.

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,

Recommends to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council

1. Authorizes the Sub-Commission to appoint Mrs. H. Embarek Warzazi and Mr. M.Y. Mudawi to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied;

2. Requests the Secretary-General to give Mrs. Warzazi and Mr. Mudawi all the assistance they may require in their work;

3. Requests Mrs. Warzazi and Mr. Mudawi to submit a preliminary report to the Sub-Commission at its thirty-seventh session and a final report at its thirty-eighth session.

*/ At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.

The present chapter has been prepared in accordance with that resolution. Draft resolutions and draft decisions recommended for adoption by the Commission are contained in sections A and B respectively. Resolutions referring to matters which require action or consideration by the Commission are indicated in section C.

1/ See chap. XXI, sect. A, resolution 1983/1, and chap. VII.

II. Exploitation of child labour 2/

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 to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council

Requests 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.

III. Measures to combat racism and racial discrimination 3/

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 fields 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 chapter 1 paragraph (a) of the Programme of Action 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/ See chap. XXI, sect. A, resolution 1983/2, and chap. VII.

3/ See chap. XXI, sect. A, resolution 1983/3, and chap. IV.

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;

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.

IV. Violations of human rights and fundamental freedoms: 4/
Study of discrimination in respect of the right of
everyone to leave any country, including his own,
and to return to his country.

The Commission on Human Rights,

Having examined the reports of the Sub-Commission on its thirty-fifth and thirty-sixth sessions,

Recommends to the Economic and Social Council the adoption of the following resolution:

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, 5/ submitted to the Sub-Commission 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 of the aforementioned study,

Noting the report 6/ of the Secretary-General submitted pursuant to the above-mentioned resolution,

4/ See chap. XXI, sect. A, resolution 1983/5, and chap. V.

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

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

Also noting resolutions 1982/23 and 1983/5 of the Sub-Commission and resolution 1984/... of the Commission on Human Rights,

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.

V. Review of further developments in fields with which the Sub-Commission has been concerned: Report on the exploitation of labour through illicit and clandestine trafficking 7/

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council

1. Decides:

(a) That the report prepared by Mme. Warzazi on the "Exploitation of Labour through Illicit and Clandestine Trafficking" 8/, should be printed and given the widest distribution;

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

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

7/ See chap. XXI, sect. A, resolution 1983/7, and chap. VIII.

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

VI. The effects of gross violations of human rights on international peace and security 9/

The Commission on Human Rights,

Bearing in mind the spirit of resolution 1983/8 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to Nicaragua,

1. Expresses its vehement concern about the situation of undeclared war that threatens Nicaragua;
2. Considers the threats of extension of the conflict as cause for serious concern;
3. Recommends to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council,

Bearing in mind the spirit of resolution 1983/8 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends to all Governments to support efforts made in order to favour the attainment of peace so that Nicaragua be assured its right to self-determination and its development without any external interference, especially by sustaining the efforts made by the Contadora Group.

VII. Question of the violation of human rights and fundamental freedoms: the situation in the Arab territories occupied by Israel 10/

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, the institutional structure and status of the occupied territories, including Jerusalem;
3. Reaffirms that such measures as described in the above subparagraph constitute grave violations of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 11/, and of the Hague Convention of 1907, 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.

9/ See chap. XXI, sect. A, resolution 1983/8, and chap. VI.

10/ See chap. XXI, sect. A, resolution 1983/9, and chap. V.

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

VIII. Measures to combat racism and racial discrimination 12/

The Commission on Human Rights,

Mindful of resolution 1983/10 of the Sub-Commission related to measures to combat racism and racial discrimination,

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

The Economic and Social Council,

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

1. Authorizes 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 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 and the first-stage implementation of the programme for the Second Decade;
2. Recommends that the 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.

IX. Exploitation of child labour 13/

The Commission on Human Rights,

Having regard for the Universal Declaration of Human Rights, the Declarations on the Protection of Women and Children in Emergency and Armed Conflict, General Assembly resolution 3318 (XXIX), and on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, General Assembly resolution 2037 (XX), the International Covenant on Civil and Political Rights and the Geneva Conventions of 1949 14/ and the Protocols of 1977 15/ additional thereto,

12/ See chap. XXI, sect. A, resolution 1983/10, and chap. IV.

13/ See chap. XXI, sect. A, resolution 1983/11, and chap. VII.

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

15/ A/32/144, annexes I and II.

1. Calls upon the Government of the Islamic Republic of Iran to conform to the provisions of the said Declarations, Covenant and Conventions 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.

X. Slavery and slavery-like practices 16/

The Commission on Human Rights,

Recalling the goals of the Slavery Convention of 1926 17/, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 18/, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 19/,

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 practice,

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;

16/ See chap. XXI, sect. A, resolution 1983/13 and chap. VII.

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

18/ United Nations, Treaty Series, vol. 266, No. 3322, p. 40.

19/ United Nations, Treaty Series, vol. 96, No. 1342, p. 271.

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 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 more closely the persons whose names appear in the list of slavery experts, in the work carried out by the Working Group on Slavery;

10. Requests the Secretary-General to submit to the Working Group at each of its sessions a report containing a résumé of relevant information collected between the sessions of the Group.

XI. The status of the individual and contemporary international law 20/

The Commission on Human Rights,

Recalling its resolution 18 (XXXVII) and Economic and Social Council decision 1981/142 relating to the approval of the preparation of the above-mentioned study "The status of the individual and contemporary international law",

20/ See chap. XXI, sect. A, resolution 1983/17 and chap. XI.

Mindful of resolution 1983/17 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 21/ and the excellent work she has so far accomplished,

2. Recommends to the Economic and Social Council the adoption of the following draft resolution;

The Economic and Social Council,

Mindful of resolution 1983/17 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1984/... of the Commission on Human Rights,

Recognizing the importance and usefulness of the study: "The status of the individual and contemporary international law", in particular in the field of the protection of 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 22/ 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 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;

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.

XII. Question of the violation of human rights and fundamental freedoms: the situation in Afghanistan 23/

The Commission on Human Rights,

Recalling its resolution 1983/7 in which it expressed the view that the withdrawal of foreign forces in Afghanistan is essential for restoring the enjoyment of human rights in Afghanistan,

21/ E/CN.4/Sub.2/1983/31.

22/ Ibid.

23/ See chap. XXI, sect. A, resolution 1983/20 and chap. V.

Expressing its concern and anxiety at the continuous presence of foreign forces in Afghanistan and the reports of extensive human rights violations,

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

The Economic and Social Council,

Mindful of the resolution 1983/20 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1984/... of the Commission on Human Rights, 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 intergovernmental organizations, specialized agencies and non-governmental organizations;

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

XIII. Review of the work of the Sub-Commission 24/

The Commission on Human Rights,

Having considered the report of the Sub-Commission on its thirty-sixth session,

Recalling its resolution 1983/22 of 4 March 1983,

Noting the preliminary discussion which took place in the Sub-Commission under the item "Review of work of the Sub-Commission" on a number of aspects of its role and activities,

Noting also Sub-Commission resolution 1983/21,

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. Requests the Sub-Commission to authorize the Working Group to hold an intersessional meeting of five working days in Geneva during the forty-first session of the Commission, in order to have an exchange of views with the Commission based on the Sub-Commission's recommendations and the response of the Commission, and on that basis to be able to report back to the Sub-Commission at its thirty-eighth session for the final consideration of its methods and programme of work.

24/ See chap. XXI, sect. A, resolution 1983/21 and chap. III.

XIV. Question of the human rights of persons subjected to any form of detention or imprisonment 25/

The Commission on Human Rights,

Bearing in mind resolution 1983/28 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,

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.

XV. The New International Economic Order and the promotion of human rights 26/

The Commission on Human Rights

Recommends that the Economic and Social Council should arrange for the study 27/ 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.

XVI. Review of further developments in fields with which the Commission has been concerned: the question of the establishment of the post of High Commissioner for Human Rights 28/

The Commission on Human Rights,

Recalling its resolution 1983/49 and resolution 1983/36 of the Sub-Commission,

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

The Economic and Social Council

1. Suggests that the United Nations High Commissioner for Human Rights, if this post is established, should have the functions and responsibilities set out in the annex to the present resolution;

25/ See chap. XXI, sect. A, resolution 1983/28 and chap. XII.

26/ See chap. XXI, sect. A, resolution 1983/35 and chap. XV.

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

28/ See chap. XXI, sect. A, resolution 1983/36 and chap. VIII.

2. Decides that the Bureau of the Commission on Human Rights should act as an advisory committee to the High Commissioner, advising him or her on any aspect of the latter's responsibilities; such advice may be given on the initiative of the Bureau, or at the request of the High Commissioner;

3. Decides further that the High Commissioner should be elected by the General Assembly. The period of his or her mandate should be five years. He or she should not serve for two consecutive terms. The High Commissioner shall be elected on the principle of regional rotation to ensure that every United Nations geographical region gets the post of High Commissioner;

4. Also decides that the following arrangements concerning the Office of the High Commissioner should be adopted if its establishment is decided upon;

(a) Within the limits of the budgetary appropriations provided, the staff of the Office of the High Commissioner shall be appointed by the High Commissioner and shall be responsible to him or her in the exercise of their functions. Their conditions of employment shall be those provided under the staff regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General.

(b) The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest.

(c) The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations.

(d) The Office of the High Commissioner shall be financed under the budget of the United Nations.

(e) The emoluments of the High Commissioner shall be equivalent to those of an Under Secretary-General.

(f) The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the Financial Rules promulgated thereunder by the Secretary-General.

(g) Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors.

5. Declares that the work of the High Commissioner shall be humanitarian in character, guided solely by an impartial concern for the promotion and protection of human rights and fundamental freedoms and not directed toward obtaining political advantage for any State;

6. Calls upon Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations and the Secretary-General to co-operate with the High Commissioner in the fulfilment of the latter's responsibilities.

ANNEX

Functions and responsibilities of the United Nations
High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights shall:

- (a) Carry out specific mandates and tasks assigned by the General Assembly, the Economic and Social Council, and the Commission on Human Rights;
- (b) Consult as appropriate with other elements of the United Nations system, including the Secretary-General and the Centre for Human Rights, and appropriate specialized agencies, which may have or share responsibilities for promoting or safeguarding specific human rights for the purpose of exchanging information and of collaborating with them in developing and implementing appropriate co-ordinated action;
- (c) Initiate direct contacts with Governments, whenever such action appears necessary or desirable, to safeguard or assist in restoring respect for human rights, bearing in mind the following principles:
 - (i) such contacts shall be prompt, confidential and exclusively humanitarian in purpose;
 - (ii) in undertaking such action, the High Commissioner shall pay particular attention to urgent situations;
 - (iii) direct contacts shall have the specific purpose of ascertaining the facts and, when appropriate in the light of the facts, of assisting the parties concerned with view to ensuring full respect for the human rights of individuals or groups on whose behalf the contacts were undertaken;
 - (iv) such assistance may include, inter alia, technical advice on measures which could be taken to promote the effective observance of human rights, offers to conciliate or mediate in situations and provision of information on the availability of appropriate assistance from other elements of the United Nations system, including the Centre for Human Rights and the specialized agencies;
- (d) Report annually to the General Assembly, the Economic and Social Council and the Commission on Human Rights on his or her activities. These reports should constitute a separate item on the agenda of these bodies. These reports might, with the consent of the Government concerned, include a summary of the results of the High Commissioner's direct contacts with the Government. With the consent of the Government concerned, the Commissioner might also announce the results of such direct contacts at other times during the year;
- (e) Promote and protect the observance of human rights and fundamental freedoms for all, as defined in the Universal Declaration of Human Rights, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(f) Give special attention to the importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the General Assembly, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;

(g) Record priority to such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

(h) Consider as situations of special concern those resulting from aggression and threats against national sovereignty and also from the denial of the fundamental and inalienable rights of peoples to self-determination and from the refusal to recognize the right of every nation to the exercise of full sovereignty over its wealth and resources.

XVII. Human rights and scientific and technological developments: the question of the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 29/

The Commission on Human Rights,

Recalling General Assembly resolution 37/188,

Recalling also its resolution 1983/44,

Mindful of resolution 1983/39 of the Sub-Commission,

Having considered the final report 30/ of the Special Rapporteur and having heard her introductory statement,

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

The Economic and Social Council,

Mindful of resolution 1983/39 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Commission on Human Rights resolution 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 grateful appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her excellent and valuable report 31/ on the above-mentioned topic,

2. Decides, that the study on "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.

29/ See chap. XXI, sect. A, resolution 1983/39 and chap. XVII.

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

31/ Ibid.

3. 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 32/ and to submit the draft body of principles, guidelines and guarantees to the Commission on Human Rights at its forty-first session.

XVIII. Draft body of principles and guidelines on the rights and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms 33/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXI), 28 (XXXVII) and 1982/30 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 the Sub-Commission,

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

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1983/31 and of resolution 1982/24 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 rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Mindful of resolution 1983/40 of the Sub-Commission and resolution 1984/... of the Commission on Human Rights,

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 and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

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 on and replies thereto;

32/ Ibid., annex II.

33/ See chap. XXI, sect. A, resolution 1983/40 and chap. XVIII.

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

B. Draft decision recommended to the Commission on Human Rights for adoption.

I. Measures to combat racism and racial discrimination 34/

The Commission on Human Rights decides to recommend to the Economic and Social Council that the report (E/CN.4/Sub.2/1982/7 and chap. I-E/CN.4/Sub.2/L.766) 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.

C. Resolutions referring to matters which require action or consideration by the Commission 35/

(a) Matters requiring specific action

(The action required on the resolutions may be taken either in a formal decision or by incorporation into relevant resolutions)

Resolution 1983/6 (The question of adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa).

In paragraph 3 of the resolution, the Sub-Commission invites the Secretary-General to give the updated report of the Special Rapporteur the widest publicity and dissemination and to issue it as a United Nations publication.

Resolution 1983/15 (The human rights of disabled persons)

In paragraph 4 of the resolution, the Sub-Commission requests that the Commission on Human Rights invite Governments, in consultation with disabled persons, to identify human rights problems of disabled persons in their jurisdictions and to provide descriptions of those problems, along with plans to alleviate them, to the Sub-Commission in accordance with Sub-Commission resolution 1982/1, for consideration at its thirty-seventh session. In paragraph 5, the Sub-Commission recommends that the Commission on Human Rights request Governments to pay particular attention to ways and means to strengthen procedures whereby disabled persons may address human rights problems in accordance with Sub-Commission resolution 1982/1.

Resolution 1983/16 (The situation in Sri Lanka)

In paragraph 2 of the resolution, the Sub-Commission recommends to the Commission on Human Rights that it should examine the situation in Sri Lanka in the light of all available information.

34/ See chap. XXI, sect. A, resolution 1983/4 and chap. IV.

35/ For the text of the resolutions, see chap. XXI, sect. A.

Resolution 1983/19 (The situation in Chile)

In paragraph 3 of the resolution, the Sub-Commission recommends to the Commission on Human Rights that it urge the Chilean authorities to respect and promote human rights, in accordance with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

Resolution 1983/22 (The question of conscientious objection)

In paragraph 1 of the resolution, the Sub-Commission decides to transmit the report of the Special Rapporteurs (E/CN.4/Sub.2/1983/30) to the Commission on Human Rights. In paragraph 2 of the resolution, it requests the Commission to study the recommendations contained in paragraphs 154 to 168 of that report and to make appropriate recommendations to the Economic and Social Council. In paragraph 3 of the resolution, the Sub-Commission further requests the Commission to recommend to the Economic and Social Council that the report by the Special Rapporteurs be printed and given the widest possible distribution.

Resolution 1983/25 (The situation in South Africa)

In paragraph 5 of the resolution, the Sub-Commission calls on the Commission on Human Rights urgently to investigate and study the situation and seek urgent action and intervention by the General Assembly.

Resolution 1983/26 (The question of East Timor)

In paragraph 3 of the resolution, the Sub-Commission recommends that the Commission on Human Rights, at its fortieth session, should continue to consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor.

Resolution 1983/31 (The elimination of all forms of religious intolerance)

In paragraph 2 of the resolution, the Sub-Commission decided to appoint Mme. Odio Benito as Special Rapporteur to undertake the comprehensive and thorough study (Current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief) requested by the Commission on Human Rights in its resolution 1983/40.

(b) Matters requiring consideration:

Resolution 1983/12 - The situation in Guatemala
(Paras. 1-6);

Resolution 1983/14 - The situation in the Islamic Republic of Iran
(Paras. 1-2);

Resolution 1983/18 - The situation in El Salvador;

Resolution 1983/27 - Encouragement of universal acceptance of human rights
(Para. 8);

Resolution 1983/32 - Effects of gross violations of human rights on international peace and security
(Paras. 1-3).

II. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-sixth session at the United Nations Office at Geneva from 15 August to 9 September 1983.
2. The session was opened on 15 August 1983 by Mr. Abu Sayeed Chowdhury, Chairman of the Sub-Commission at its thirty-fifth session, who made an introductory statement.

Attendance

3. The session was attended by members of the Sub-Commission, by observers from Member States, by an observer from a non-member State, by representatives of the Office of the United Nations High Commissioner for Refugees, the Centre for Social Development and Humanitarian Affairs, the United Nations Development Programme, the United Nations Office of the Disaster Relief Co-ordinator and by representatives of specialized agencies, national liberation movements and non-governmental organizations. Details of attendance appear in annex I.
4. Some members informed the Secretary-General that they were unable to attend the whole or part of the session and, in accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates were therefore granted, during the session, the same status as members of the Sub-Commission, including the right to vote.

Election of officers

5. At its 1st meeting, the Sub-Commission unanimously elected the following officers:

<u>Chairman:</u>	Mrs. Halima Embarek Warzazi
<u>Vice-Chairmen:</u>	Mr. Raúl Ferrero
	Mr. Dumitru Ceausu
	Mr. Marc Bossuyt
<u>Rapporteur:</u>	Mr. Syed S.A. Masud

Adoption of the agenda

6. At its 2nd meeting, the Sub-Commission modified the wording of items 3 and 5 (b) of the provisional agenda (E/CN.4/Sub.2/1983/1). The agenda as unanimously adopted reads as follows:
 1. Election of officers.
 2. Adoption of the agenda.
 3. Review of the work of the Sub-Commission.
 4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:
 - (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;
 - (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.
6. Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
7. The effects of gross violations of human rights on international peace and security.
8. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).
9. The administration of justice and the human rights of detainees:
 - (a) Question of human rights of persons subjected to any form of detention or imprisonment;
 - (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;
 - (c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
10. Human rights and scientific and technological developments.
11. Study of the problem of discrimination against indigenous populations.
12. The new international economic order and the promotion of human rights.
13. Slavery and slavery-like practices:
 - (a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism;
 - (b) Exploitation of child labour.
14. Encouragement of universal acceptance of human rights instruments.
15. Elimination of all forms of religious intolerance.
16. Conscientious objection to military service.
17. The status of the individual and contemporary international law.
18. 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.

19. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-seventh session of the Sub-Commission.
20. Report of the thirty-sixth session.

Organization of work

7. The Sub-Commission took up the items of its agenda in the following order:
2, 3, 5, 6, 7, 13, 4, 15, 16, 17, 9, 8, 14, 12, 11, 10, 18, 19, 20.

Meetings, resolutions and documentation

8. The Sub-Commission held 34 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1983/SR.1 - E/CN.4/Sub.2/1983/SR.34). 36/
 9. Written communications transmitted by Governments for circulation to the Sub-Commission are mentioned in the chapters on the items to which the communications refer.
 10. The Sub-Commission heard statements by observers for the following Member States: Afghanistan (30th meeting); Argentina (5th, 10th and 18th meetings); Australia (28th meeting); Brazil (7th and 19th meetings); Canada (18th and 28th meetings); Cuba (11th meeting); El Salvador (11th and 30th meetings); Ethiopia (11th meeting); Germany, Federal Republic of (11th meeting); India (5th, 11th, 12th and 28th meetings); Indonesia (11th meeting); Islamic Republic of Iran (5th, 11th, 12th, 14th, 15th, 18th and 25th meetings); Iraq (12th and 19th meetings); Israel (11th meeting); Japan (7th, 11th and 19th meetings); Mauritania (3rd meeting); Pakistan (11th meeting); Portugal (11th meeting); Sri Lanka (10th meeting); Syrian Arab Republic (19th meeting); United Kingdom of Great Britain and Northern Ireland (19th meeting); and the United States of America (11th meeting).
 11. The Sub-Commission also heard a statement by the observer for the Republic of Korea (10th meeting), a non-member State.
 12. Statements were made by the representatives of the Office of the United Nations High Commissioner for Refugees (9th, 15th and 17th meetings) and the Centre for Social Development and Humanitarian Affairs (18th meeting).
 13. A statement was made by the representative of the International Labour Organization (14th meeting).
 14. Statements were also made by the representatives of the following national liberation movements: the African National Congress (6th, 11th, 18th and 24th meetings), the Palestine Liberation Organization (11th meeting), the Pan-African Congress of Azania (8th and 15th meetings) and the South-West Africa People's Organization (9th and 17th meetings).
 15. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations in consultative status:
Category II: Amnesty International (15th, 18th and 25th meetings); Anti-Slavery
- 36/ The 19th meeting (second part) and the 20th, 21st and 22nd meetings were closed, the records of those meetings (E/CN.4/Sub.2/1983/SR.19/Add.1, E/CN.4/Sub.2/1983/SR.20.SR.21 and SR.22) were issued in restricted distribution.

Society for the Protection of Human Rights (9th and 11th meetings); Baha'i International Community (5th, 9th and 14th meetings); Disabled Peoples International (9th meeting); Friends World Committee for Consultation (15th and 29th meetings); Institute for Policy Studies (28th meeting); International Association of Penal Law (29th meeting); International Commission of Jurists (8th, 9th, 12th, 15th, 17th, 28th and 29th meetings); International Council of Jewish Women (14th meeting); International Federation of Human Rights (7th and 17th meetings); International Federation of Women in Legal Careers (7th, 10th, 28th and 29th meetings); International Indian Treaty Council (7th, 9th, 12th and 29th meetings); International Law Association (9th meeting); International League for Human Rights (10th and 18th meetings); International Movement for Fraternal Union among Races and Peoples (18th meeting); Pax Christi (9th, 18th and 28th meetings); Pax Romana (9th and 18th meetings); War Registers International (15th meeting); World Conference on Religion and Peace (5th, 9th and 11th meetings); World Jewish Congress (14th meeting).

Roster: International League for the Rights and Liberation of Peoples (8th and 10th meetings). The Minority Rights Group (5th and 10th meetings); Procedural Aspects of International Law Institute - International Human Rights Law Group (10th, 12th and 17th meetings); Romani Union (10th meeting).

16. The Sub-Commission adopted resolution 1983/1 to 1983/40 and took 12 decisions. The texts of these resolutions and decisions appear in chapter XXI.
17. Statements of the administrative and programme budget implications of certain resolutions and decisions appear in annex II.
18. A list of studies under preparation drawn up in accordance with Commission resolution 1982/23 appears in annex III.
19. A list of documents submitted to the Sub-Commission for consideration appears in annex IV.

III. REVIEW OF THE WORK OF THE SUB-COMMISSION

20. The Sub-Commission considered agenda item 3 at its 3rd and 4th meetings on 16 and 17 August 1983, and 24th, 25th and 30th meetings on 31 August, and 1 and 5 September 1983.

21. The title of the item as inscribed in the provisional agenda on the basis of the decision taken at the thirty-fifth session, read as follows "Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies". During the discussion on the adoption of its agenda, the Sub-Commission decided without a vote, in the light of the provisions contained in resolution 1983/22 of the Commission on Human Rights, to adopt a new title for the item.

22. Discussion on the item focused on Commission resolution 1983/22 referred to above, which contains a number of directives given to the Sub-Commission by the Commission on Human Rights. The main issues raised during the debate concerned the role of the Sub-Commission, its title and its method of work.

23. With regard to the role of the Sub-Commission, it was generally recognized that the Sub-Commission was a subsidiary organ of the Commission on Human Rights which should continue to report to it, but many members also emphasized the impartial and independent character of the Sub-Commission. In that connection, it was stressed that while the Sub-Commission should not take decisions on its status, as requested by the Commission in its resolution 1983/22, it was not prevented by that resolution from discussing its role and presenting appropriate recommendations and suggestions to the Commission. The view was also expressed by several members that the dialogue undertaken between the Sub-Commission and the Commission since 1980 was useful and desirable. It was also observed that the relationship between the Sub-Commission and the Commission on Human Rights should as a matter of principle be based on mutual co-operation. The Commission's decision to invite the Chairman of the Sub-Commission to be present during the examination of the Sub-Commission's report of the fortieth session of the Commission was welcomed by all speakers.

24. With reference to the title of the Sub-Commission, most speakers felt that the question was not very important and that the title could remain unchanged. Other speakers suggested that the title should reflect the expert character and dimensions of the work with which the Sub-Commission was entrusted.

25. With regard to methods of work, it was noted that studies were one of the most important means through which the Sub-Commission performed its task. It was generally agreed that efforts should be made with a view to ensuring that the time for their preparation should be kept within reasonable limits. It was also stated, in connection with the studies prepared by Special Rapporteurs that efforts should be made with a view to ensuring that such studies reflected the views of the Sub-Commission. To that effect, it was suggested that a Working Group composed of experts representing the various regions might be established in order to review the studies for their examination by the Sub-Commission. Many members felt that the work of the Sub-Commission needed to be streamlined. Suggestions made included the establishment of the Sub-Commission's own system of visiting missions in order to ensure the effective performance of its tasks, the reduction in the number of items inscribed on its agenda, the selection at each session of the Sub-Commission, of a lesser number of important items to be discussed in depth. Some members were of the opinion that the Commission on Human Rights resolution 1983/22 was not negative in character, for it helped the Sub-Commission to evaluate its own limitations.

26. With regard to the question of the designation of alternates, speakers generally welcomed the decision of the Economic and Social Council relating to the question. The decision would reinforce the independent character of the membership of the Sub-Commission.

27. On 31 August 1983 at its 24th meeting, the Sub-Commission had before it draft resolution E/CN.4/Sub.2/1982/L.6 submitted to it by Mr. Akram and Mrs. Embarek Warzazi and an amendment thereto E/CN.4/Sub.2/1982/L.31 submitted by Mr. Whitaker at its thirty-fifth session.

28. At the same meeting the Sub-Commission decided with the agreement of the sponsors of the draft resolution and the amendment thereto to postpone consideration of the drafts to its thirty-seventh session.

29. On 23 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.5) was submitted by Mr. Whitaker.

30. At its 25th meeting, on 1 September 1983, the draft resolution was rejected by 10 votes to 8 with 3 abstentions.

31. On 31 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.33) was submitted by Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Eide and Mr. Ferrero. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983, when Mr. Ferrero introduced and drew the attention of the members of the Sub-Commission to a minor correction to be made in operative paragraph 2 which should have read "Requests the Economic and Social Council" instead of "Requests the Sub-Commission".

32. At the same meeting a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

33. Also at the same meeting, the draft resolution was adopted by 12 votes to 1 with 6 abstentions.

34. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/21.

IV. ELIMINATION OF RACIAL DISCRIMINATION

- A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION.
- B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission.

35. The Sub-Commission considered agenda item 5 (a), together with agenda item 5 (b) entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa", at its 5th to 7th meeting, 23rd and 24th meetings held on 17 and 18 August 1983, and 31 August 1983.

36. The Sub-Commission had before it a note by the Secretary-General on the immigration laws of Member States (E/CN.4/Sub.2/1983/5). It also had before it a report prepared by the Secretary-General E/CN.4/Sub.2/1982/8 and Add.1 which were before it at its thirty-fifth session in connection with the same item, and E/CN.4/Sub.2/1982/8/Add.2 updating that report.

37. The Deputy Director, Centre for Human Rights, introduced the item. Mr. A. Eide, reporting on the Second World Conference to Combat Racism and Racial Discrimination, at which he represented the Sub-Commission, said that he had pointed out in his address to the Conference that problems of racial discrimination were still the subject of discussion in the Sub-Commission. He distinguished between systematic discrimination which amounted to apartheid and non-systematic discrimination. He informed the Conference of the lessons learned by the Sub-Commission in the course of its efforts to explore all possible avenues for the elimination of racial discrimination. He emphasized, in regard to the second United Nations Decade to Combat Racism and Racial Discrimination, the importance of collaboration between Governments and the United Nations for effective implementation of the relevant resolutions of the United Nations, particularly in respect of bringing the system of apartheid to an end.

38. In the discussion which followed, a member of the Sub-Commission suggested that Mr. Eide should be requested to undertake a comprehensive study of the World Conferences to Combat Racism and Racial Discrimination and to evaluate the practical results from both Conferences and to submit a report on the matter to the Sub-Commission at its thirty-seventh session. Other members of the Sub-Commission supporting this suggestion proposed that the study should include proposals devising new formulae that would bring renewed enthusiasm to public and international organizations in their fight against racism and racial discrimination. In this regard, it was emphasized that the media had an important role to play since they formed public opinion. They stated that, though United Nations organs and bodies adopted numerous resolutions on apartheid, racism and racial discrimination, these evils continued to persist. The said report could help the Sub-Commission in its consideration of effective measures to ensure effective implementation of such resolutions.

39. Contributing to the general discussion, all the speakers condemned the various manifestations of racial discrimination wherever they existed. They condemned in particular the racist regime in South Africa and the collaboration of certain

powers with that regime. In that regard, references were also made to certain practices against the African peoples in South Africa and Namibia, the population in the occupied Arab territories, and indigenous populations in certain parts of Central America.

40. In discussing the Declaration and Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination, speakers underlined certain measures to combat racism, racial discrimination and apartheid. They, inter alia, emphasized the importance of ensuring effective implementation of United Nations resolutions on apartheid and racial discrimination; dismantling the apartheid system; the full realization of the right of peoples to self-determination; accession to or ratification of relevant international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination; granting appropriate assistance to migrant workers, minority groups and indigenous populations; national laws and recourse procedures; inculcating the principle of equality in the minds and spirits of youth throughout the world through education. They further stressed that education on the evils of racism should commence at the elementary level and that the media at the international, regional and national levels together with the United Nations information system should play a greater role in the dissemination of information on the subject, ensuring equal civil, political, social and economic rights and outlawing any dissemination of ideas based on racial superiority or hatred, as well as organizations based on racial hatred and prejudice, such as neo-Nazi and Fascist organizations. One member suggested that the elimination from textbooks of a racial outlook based on ethnic assumptions should be a part of the educational programme as a remedial measure against racism.

41. Certain speakers welcomed the recommendation of the Second World Conference to Combat Racism and Racial Discrimination concerning the elaboration and adoption of an international instrument on migrant workers. It was also suggested that the Sub-Commission might contribute to its elaboration by inscribing an item on that subject on its agenda.

42. With regard to the documentation on immigration laws, one member stated that information requested on the subject matter should include statistics and any other relevant material.

43. Statements were made by observers for Argentina, the Islamic Republic of Iran (5th meeting) and India (6th meeting). At the 6th meeting, the observer for the African National Congress made a statement. At the 5th meeting, the observers for the Baha'i International Community, a non-governmental organization in consultative status with the Economic and Social Council (category II), and the Minority Rights Group, a non-governmental organization in consultative status with the Economic and Social Council (roster), made statements.

44. On 24 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.7) was submitted by Mr. Whitaker, Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mrs. Odio-Benito and Mr. Yimer. At the 23rd meeting, on 31 August 1983, Mr. Chowdhury and Mr. Ismail requested to be included among the sponsors. The Sub-Commission considered the draft resolution at its 23rd meeting on 31 August 1983. Mr. Bossuyt introduced an oral amendment to replace "race relations" in the second preambular paragraph of the draft resolution recommended to the Commission on Human Rights for adoption with the words "with a view to the elimination of racism and racial discrimination", and Mrs. Embarek Warzazi proposed the insertion of the words "the respect for" in the third preambular paragraph before the words "the equality of".

45. At the same meeting, the Sub-Commission adopted the draft resolution as amended without a vote.

46. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/3.

47. On 25 August, a draft resolution (E/CN.4/Sub.2/1983/L.10) was submitted by Mr. Khalifa.

48. The Sub-Commission considered the draft at its 23rd meeting on 31 August 1983. At the same meeting, Mr. Khalifa introduced changes to the draft. At the end of paragraph 4, the following words were added: "taking into account also the resolutions, the General Assembly might adopt on the report of the World Conference and the first stage of implementation for the second Decade". The words "thirty-seventh" in the seventh operative paragraph were replaced by "thirty-eighth".

49. On the basis of the discussions which took place at the 23rd meeting, a revised version of the draft resolution (E/CN.4/Sub.2/1983/L.10/Rev.1) was submitted on 2 September 1983. On 5 September, at the 30th meeting, Mrs. Daes requested to be included among the sponsors. During the discussions Mr. Carey requested a separate vote on operative paragraph 1 of the revised draft. The paragraph was retained by 17 votes to none with 2 abstentions.

50. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

51. Also at the same meeting, the Sub-Commission adopted the revised draft resolution by 19 votes to 1, with 3 abstentions.

52. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/10.

53. On 25 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.12) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Hadi, Mr. Joinet, Mr. Martínez-Baez and Mr. Masud.

54. The Sub-Commission considered the draft at its 24th meeting on 31 August 1983. At the same meeting, Mr. Masud pointed out that after the words "the Sub-Commission" in the draft decision included in the draft resolution, the words "including chapter I (document E/CN.4/Sub.2/L.766)" should be added.

55. At the same meeting, the Sub-Commission adopted the draft resolution as rectified without a vote.

56. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/4.

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

57. The Sub-Commission considered agenda item 5 (b) together with item 5 (a) at its 5th to 7th meetings and at its 24th meeting held on 17, 18 and 31 August 1983.

58. The Sub-Commission had before it a report prepared by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1983/6 and Add.1-2) which contained an updated comprehensive list of banks, insurance companies, firms and other organizations

assisting South Africa, either directly or indirectly by providing such assistance to the illegal regime in Namibia. More detailed information and comments on the type and extent of assistance given to the racist regime by entities mentioned in the comprehensive list were also provided.

59. The item was introduced by the Deputy Director of the Centre for Human Rights at the Sub-Commission's 5th meeting.

60. In introducing his report at the 7th meeting, the Special Rapporteur pointed out that the new format of the updated list, which for the first time had been prepared with the assistance of computer services, was an improved version which provided a more adequate, clear-cut and comprehensive picture of assistance given to the racist regime, incorporating in a single document all entries mentioned in previous reports as well as more recent additions.

61. The Special Rapporteur stated that a positive correlation existed between the volume of assistance provided to the South African regime and the amount and intensity of human rights violations perpetrated by that regime. He added that no precise line could be drawn between the various types of assistance to the apartheid regime. In that connection, he pointed out, that for instance, the supply of equipment and transfer of technological know-how were very often used for military purposes. Therefore, in his opinion, the imposition of a strict economic embargo was necessary in order to make the military embargo against South Africa effective.

62. The Special Rapporteur referred to the flagrant role of transnational corporations, which in many cases were master-minding the policies of the Governments, in helping South Africa perpetuate its racist practices, thus sacrificing the cause of human rights and dignity to profit-making and economic considerations. Some members suggested that any assistance to South Africa meant assistance to perpetuate the illegal occupation of Namibia.

63. All speakers expressed their appreciation of the valuable work accomplished by Mr. Khalifa.

64. The necessity to impose comprehensive mandatory sanctions against South Africa was stressed and deep concern was expressed about the persisting reluctance of some countries to agree to such sanctions, in spite of numerous United Nations resolutions to that effect.

65. The comprehensive list prepared by the Special Rapporteur, it was argued, brought clear evidence of the increasing amount of collaboration between foreign firms, particularly transnational corporations, and the apartheid regime; such collaboration, it was said, enabled the racist regime to persist in its inhumane practice of apartheid and the shameful exploitation of the blacks in South Africa and the illegal occupation of Namibia. Some members stated that most firms did not know that their names were on the United Nations list and, therefore, they proposed that the Governments concerned should circulate the list to those firms.

66. Some speakers welcomed the reference to Mr. Khalifa's report and to the necessity of updating it in the Programme of Action of the Second World Conference to Combat Racism and Racial Discrimination.

67. Reference was also made to a number of countries which had decided to ban all links with South Africa. Such action should set a valuable example for the international community. One member expressed regret that the International Atomic Energy Agency did not supply any information on the subject.

68. The necessity to give wide publicity and dissemination to the report was pointed out by many speakers, and a number of other suggestions were formulated. It was for example proposed that firms which had taken or contemplated taking action to put an end to their assistance to the racist regime should be identified and cited. Another proposal was to invite the United Nations University to send a representative to the sessions of the Commission on Human Rights and of the Sub-Commission, and to request the University to undertake a study on the problem of apartheid. One member suggested that a round-table conference in all the universities of the world on the evils of apartheid to be sponsored by the United Nations would be helpful. Another member was of the opinion that publicity of the report through media agencies would be useful. Another member pointed out that the report should indicate whether the firms assisting South Africa were private or public corporations. One member proposed that either the report or extracts of it should be communicated to corporations concerned for their comments.

69. Statements were made by the observers for Argentina (5th meeting), Brazil (7th meeting), India (6th meeting), Islamic Republic of Iran (5th meeting), and Japan (7th meeting). Statements were also made by the observers from the African National Congress (6th meeting) and from the following non-governmental organizations in consultative status: (category II) Baha'i International Community, (5th meeting); World Council for Religion and Peace, (5th meeting); International Federation of Human Rights, (7th meeting); International Federation of Women of Legal Careers, (7th meeting); International Indian Treaty Council, (7th meeting); (roster) Minority Rights Group, (5th meeting).

70. In his concluding remarks, the Special Rapporteur expressed his gratitude for the interest shown in his report, and for the various suggestions made by members and observers. He said that he would take these suggestions into account in the elaboration of future reports.

71. On 25 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.6) was submitted by Mr. Carey.

72. At the 24th meeting, on 31 August 1983, Mr. Carey withdrew the draft resolution.

73. On 26 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.15) was submitted by Mr. Chowdhury, Mr. Eide, Mr. Foli, Mr. Hadi, Mr. Mahdi, Mr. Mubanga-Chipoya, Mr. Saker, Mr. Tosevski and Mr. Yimer. At the 24th meeting, on 31 August 1983, Mr. Sofinsky, Mrs. Odio Benito and Mr. Joinet requested that their names be added to the list of sponsors.

74. At the same meeting, a statement of the administrative and programme budget implications was read out by the Deputy Director of the Centre for Human Rights.

75. Also at the same meeting, the Sub-Commission adopted the draft resolution without a vote.

76. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/6.

V. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

77. The Sub-Commission considered item 6 of its agenda at its 8th, 9th, 10th and 11th, 23rd, 24th, 30th and 31st meetings held on 18, 19, 22 and 31 August, 5 and 6 September 1983.

78. The Sub-Commission had before it the following documents in connection with its consideration of the item: a note by the Secretary-General submitted pursuant to Sub-Commission resolution 1982/17, concerning the situation of human rights in Guatemala (E/CN.4/Sub.2/1983/7); a note by the Secretary-General submitted pursuant to Commission on Human Rights resolution 1983/3 which concerned studies and publications prepared by the Division for Palestinian Rights (E/CN.4/Sub.2/1983/8); a note by the Secretary-General submitted pursuant to Sub-Commission resolution 1982/21 pertaining to the use of illegal weapons in Afghanistan or against the Afghan people (E/CN.4/Sub.2/1983/9); a note by the Secretary-General submitted pursuant to Sub-Commission resolution 1982/26, concerning the situation of human rights in El Salvador (E/CN.4/Sub.2/1983/10); a note by the Secretary-General submitted pursuant to Sub-Commission resolution 1982/1 concerning disabled persons (E/CN.4/Sub.2/1983/36); a note by the Secretary-General submitted pursuant to Sub-Commission resolution 1982/1 which contained a summary of replies received from Governments and non-governmental organizations and described the activities of various United Nations bodies and specialized agencies concerning disabled persons (E/CN.4/Sub.2/1983/36/Add.1); summaries of the replies received from Governments: India, Union of Soviet Socialist Republics and United States of America, respectively (E/CN.4/Sub.2/1983/36/Add.2-3); a letter dated 18 August 1983 from the Permanent Mission of Guatemala addressed to the Chairman of the thirty-sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities which concerned the report of the Special Rapporteur on Guatemala (E/CN.4/Sub.2/1983/37); a written statement submitted by the International Federation of Human Rights (E/CN.4/Sub.2/1983/NGO/1) and a written statement submitted by the International Federation of Human Rights (E/CN.4/Sub.2/1983/NGO/2).

79. At its 8th meeting, on 18 August 1983, the Sub-Commission designated Mr. Benjamin Whitaker as Special Rapporteur to revise, as a whole, and update, the study on the Question of the Prevention and Punishment of the Crime of Genocide.

80. At the same meeting, a procedural question was raised concerning Commission on Human Rights resolution 8 (XXIII). Some members were of the opinion that paragraph 2 of that resolution called upon the Sub-Commission to present a report containing information on violations of human rights and fundamental freedoms from all available sources. A member referred to Sub-Commission resolution 3 (XX) as illustrating one way of presenting such a report, namely in an appendix to any resolution referring to particular alleged violations. It was suggested that one possible way to meet that obligation would be to select a Sub-Commission member to prepare such a report, upon the conclusion of the consideration of each case of human rights violations. Other members expressed the view, that pursuant to paragraph 6 of the same resolution, the Commission on Human Rights also invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights in any country.

81. During the debate, members of the Sub-Commission referred to particular cases of alleged violations of the principle of self-determination. Citing the situation in southern Africa, many speakers spoke of the policy of apartheid as a crime against humanity, the illegal occupation of Namibia by South Africa, the occupied Arab territories, the invasion of Lebanon by Israel and the massacres at Sabra and Chatila refugee camps. The view was expressed that an investigation of the killings at Sabra and Chatila should be undertaken and the actual perpetrators brought to trial. A member stated that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories were commended for their objectivity and impartiality, and Israel's persistent refusal to co-operate with the Special Committee was deplored. He added that the Israeli invasion of Lebanon as well as Israeli policy of repression manifested by the destruction of homes, introduction of collective punitive measures, deportation of citizens, and the establishment of settlements were condemned. In that connection, peace-loving peoples were asked to persuade Israel to stop its aggression and help the Palestinian people gain their national rights in particular the right to return to their homeland, the right to self-determination and the right to establish their independent and sovereign State. Another member expressed the view that he was opposed to any foreign intervention, whether in Chad, Central America or Afghanistan.

82. While several speakers acknowledged the improvement in the human rights situation in some Latin American countries which were preparing for the return to civilian rule, others referred to the grave situation in some countries in the region. It was pointed out that gross violations of human rights, including the crime of genocide, were being committed in certain countries. Several speakers referred to the situation in Sri Lanka.

83. At the 9th meeting, one speaker proposed that the Sub-Commission should appoint a special rapporteur to outline appropriate means of assistance to the Government of Sri Lanka in order to prevent future violations of human rights. Other members expressed different views about current violations of human rights in different countries, such as Czechoslovakia, Indonesia, Saudi Arabia, Suriname, the United Kingdom, the Soviet Union and the United States. The situation in East Timor was also mentioned by several speakers. With reference to fundamental freedoms, it was also suggested that refugees should not be sent back involuntarily to Ethiopia.

84. Many speakers deplored the death in detention of Mr. Diallo Telli, former Secretary-General of the Organization of African Unity, and referred to the deteriorating conditions of health of Professor José Luis Massera, the 67-year-old mathematician, prisoner in Uruguay since 1975.

85. Several speakers mentioned the situation in the Islamic Republic of Iran as grave and expressed their hope that there would be no further delays in the designation of a representative who would undertake a mission to that country.

86. At the 10th meeting, the attention of the Sub-Commission was drawn to the fact that Mr. Benigno S. Aquino Jr., opposition leader in the Philippines, had been assassinated in the Philippines. Also at the 10th meeting, a proposal was made to the effect that a special rapporteur should be named to investigate the situation in Afghanistan. Reference was made to a document "Baha'ism, its origin and its role" and to the situation of members of the Baha'i faith in the Islamic Republic of Iran.

87. Some speakers observed that gross and systematic violations of human rights such as torture and imprisonment occurred in Albania in respect of the Greek national minority and that religious rights of both Christians and Muslims were affected.

88. The Sub-Commission heard statements by observers for the following Member States: Argentina (10th meeting); Cuba (11th meeting); El Salvador (11th meeting); Ethiopia (11th meeting); India (11th meeting); Indonesia (11th meeting); Islamic Republic of Iran (11th meeting); Israel (11th meeting); Japan (11th meeting); Pakistan (11th meeting); Portugal (11th meeting); and Sri Lanka (10th meeting).

89. The Sub-Commission also heard a statement by the observer for the Republic of Korea (10th meeting), a non-member State.

90. At its 11th meeting, the Sub-Commission heard a statement by the observers for the Palestine Liberation Organization, Pan African Congress and SWAPO.

91. At its 8th and 9th meetings, the Sub-Commission heard statements by the observers of the following non-governmental organizations in consultative status with the Economic and Social Council: Anti-Slavery Society for the Protection of Human Rights; Baha'i International Community; Disabled Peoples International; International Commission of Jurists; International Federation of Women in Legal Careers; International Indian Treaty Council; International League for Human Rights; International League for the Rights and Liberation of People; Pax Christi; Pax Romana; and World Conference for Religion and Peace (category II); Minority Rights Group; Procedural Aspects of International Law Institute - International Human Rights Law Group; and Union Romani (roster).

92. At its 9th meeting the Sub-Commission heard a statement made by the observer for the Office of the United Nations High Commissioner for Refugees.

93. On 23 August 1983, a draft resolution E/CN.4/Sub.2/1983/L.4/Rev.1 was submitted by Mr. Chowdhury, Mr. Ferrero, Mr. Martínez-Baez, Mr. Masud, Mr. Mubanga-Chipoya and Mrs. Odio Benito.

94. The Sub-Commission considered the draft resolution at its 23rd meeting on 31 August 1983 but decided to request the Secretary-General to forward to the Chairman of the Commission on Human Rights for transmission to the Government of Uruguay, the following text:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities, gravely concerned by reports on the state of health of the eminent mathematician, José Luis Massera, respectfully requests the Government of Uruguay to show a measure of clemency in favour of Professor Massera and to terminate his detention on humanitarian grounds".

95. At the same meeting the Sub-Commission adopted the decision without a vote in view of the inclusion of the reservations of various members in the summary records.

96. The text of the decision, as adopted appears in chapter XXI, section B as decision 1983/1.

97. On 25 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.9) was submitted by Mr. Chowdhury, Mr. Ferrero, Mr. Hadi, Mr. Khalifa, Mr. Mahdi, Mr. Saker, Mr. Sofinsky, Mr. Toševski and Mr. Yimer.

98. The Sub-Commission considered the draft resolution at its 24th meeting, on 31 August 1983, when it was introduced by Mr. Chowdhury. At the same meeting, Mrs. Odio Benito and Mr. Mubanga-Chipoya requested that their names be added to the list of sponsors.

99. At the same meeting the draft resolution was adopted by 15 votes to 1 with 5 abstentions.

100. The text of the resolution as adopted appears in chapter XXI, section A as resolution 1983/9.

101. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.16/Rev.1) was submitted by Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Martínez-Baez and Mr. Toševski.

102. At the 24th meeting, on 31 August 1983, Mr. Bossuyt requested that his name be added to the list of sponsors.

103. At the same meeting, the Sub-Commission considered the draft resolution when it was introduced by Mr. Carey. Mr. Carey proposed to replace the first word of operative paragraph 1 "Approves" by "Endorses", and Mr. Bossuyt proposed the deletion of the words "to have" in the fourth line of operative paragraph 1. Both amendments were accepted by the sponsors.

104. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights. In that connection, Mrs. Daes said that funds should not be allocated for special assistance to rapporteurs since members of the Sub-Commission were experts in the matter and as such capable of preparing their own reports. Another member considered that such a matter should be discussed under agenda item 3, entitled "Review of the work of the Sub-Commission".

105. At its 24th meeting, on 31 August 1983, the draft resolution, as amended, was adopted by 18 votes to 2, with no abstentions.

106. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/5.

107. On 29 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.17) was submitted by Mrs. Daes, Mr. Joinet, Mrs. Odio Benito and Mr. Whitaker.

108. The Sub-Commission considered the draft resolution at its 31st meeting on 6 September 1983 when it was introduced by Mrs. Odio Benito.

109. At the same meeting, the draft resolution, as a whole, was adopted by 10 votes to 7, with 8 abstentions.

110. The text of the resolution, as adopted, appears in chapter XXI, section A as resolution 1983/26.

111. On 29 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.19) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Joinet, Mr. Martínez-Baez, Mrs. Odio Benito and Mr. Whitaker.

112. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983, when it was introduced by Mr. Eide who said that the sponsors wished to revise the draft resolution, the revised version of which appeared in document E/CN.4/Sub.2/1983/L.19/Rev.1. Mr. Khalifa proposed to replace the word "communal" by "national" in the fourth line of operative paragraph 1, which was accepted by the sponsor.

113. At the same meeting, the draft resolution, as amended, was adopted by 10 votes to 8 with 4 abstentions.

114. The text of the resolution as adopted appears in chapter XXI, section A as resolution 1982/16.

115. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.21) was submitted by Mr. Eide, Mr. Ferrero, Mr. Hadi, Mr. Joinet, Mr. Masud, Mr. Martínez-Baez, Mr. Ritter, Mr. Toševski, Mr. Whitaker and Mr. Yimer.

116. In connection with the draft resolution the Government of Guatemala submitted a letter (E/CN.4/Sub.2/1983/40) to the Chairman of the Sub-Commission protesting against the consideration of the situation of human rights in Guatemala by the Sub-Commission at its current session. The Delegation of Guatemala rejected the draft resolution in its entirety, since it was incompatible with the mandate given to the Special Rapporteur by the Commission on Human Rights.

117. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983, when it was introduced by Mr. Toševski.

118. At the same meeting, the Sub-Commission adopted the draft resolution by 17 votes to none with 3 abstentions.

119. The text of the resolution, as adopted, appears in chapter XXI, section A as resolution 1983/12.

120. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.25) was submitted by Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Martínez-Baez, Mr. Ritter and Mr. Whitaker.

121. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983. At the same meeting, Mrs. Odio Benito requested that her name be added to the list of sponsors.

122. At the same meeting, the Sub-Commission adopted the draft resolution by 13 votes to 1 with 7 abstentions.

123. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/14.

124. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.26) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Ismail, Mr. Joinet, Mr. Khalifa, Mr. Martínez-Baez, Mr. Mubanga-Chipoya, Mr. Ritter and Mr. Yimer.

125. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983.

126. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

127. The text of the resolution, as adopted, appears in chapter XXI, section A as resolution 1983/15.

128. On 30 August 1983, a draft decision (E/CN.4/Sub.2/1983/L.28) was submitted by Mr. Carey. At the 30th meeting, on 5 September 1983, he revised it by adding at the end of the paragraph the following words "and to present to the Sub-Commission at its thirty-eighth session the recommendations referred to in its resolution 1983/5".

129. At the same meeting, the Sub-Commission considered the draft decision when it was introduced by Mr. Carey.

130. At the same meeting the draft decision was rejected by 10 votes to 6 with 4 abstentions.

131. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.30) was submitted by Mr. Eide, Mr. Ferrero, Mr. Joinet, Mr. Toševski and Mr. Whitaker.

132. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983, when it was introduced by Mr. Ferrero. At the same meeting, Mr. Saker requested to be included in the list of sponsors.

133. Mr. Ferrero stated that the sponsors wished to delete the sixth preambular paragraph and to insert a new eighth preambular paragraph which read "Calling on all parties to participate in the effort to move the country towards democracy".

134. Mr. Carey requested separate votes on the new sixth and the last preambular paragraphs of draft resolution E/CN.4/Sub.2/1983/L.30.

135. At its 30th meeting, on 5 September 1983, the sixth preambular paragraph was retained by 15 votes to none with 4 abstentions and the last preambular paragraph was retained by 18 votes to 1 with 1 abstention.

136. At the same meeting the draft resolution as a whole was adopted without a vote.

137. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/18.

138. In connection with the adoption of the resolution the observer for El Salvador made a statement.

139. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.31) was submitted by Mrs. Daes, Mr. Eide, Mr. Joinet and Mr. Martínez-Baez.

140. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983. The following members requested that their names be added to the list of sponsors: Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Sofinsky and Mr. Whitaker.

141. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

142. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/19.

143. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.32) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Martínez-Baez and Mr. Whitaker.

144. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983, when it was introduced by Mr. Eide, Mr. Carey requested that his name be added to the list of sponsors and he proposed to replace in the last sentence of operative paragraph 1 the word "following" by "before, during and after", which was accepted by the sponsors..

145. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

146. Also at the same meeting, the Sub-Commission adopted the draft resolution by 14 votes to 2, with 3 abstentions. Two members later announced that if they had been present during the voting, they would have voted against.

147. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/20.

148. In connection with the adoption of the resolution, the observer of Afghanistan made a statement.

VI. THE EFFECTS OF GROSS VIOLATIONS OF HUMAN RIGHTS ON
INTERNATIONAL PEACE AND SECURITY

149. The Sub-Commission considered agenda item 7 at its 8th, 9th, 24th, 32nd, 33rd and 34th meetings on 18, 19 and 31 August and 6 and 7 September 1983.
150. The Sub-Commission had before it draft resolution E/CN.4/Sub.2/1982/L.22 and amendments thereto (E/CN.4/Sub.2/1982/L.56), the consideration of which had been deferred at the Sub-Commission's thirty-fifth session to its present session.
151. The Assistant Secretary-General, Centre for Human Rights, introduced the item.
152. Some speakers underlined the crucial importance of the subject as well as its various dimensions and complexity. Some members also pointed to the fact that the observance of human rights and the maintenance of peace were inextricably interwoven.
153. With regard to the title of the item, the view was expressed that it might have been more topical to examine the effects of threats to international peace and security on human rights. In that regard, it was said that the existing tensions in the world, the arms race and the nuclear menace were seriously limiting social and economic progress and endangering the right to life.
154. It was stressed that the non-observance of collective rights could lead to situations affecting international peace and security. Mention was made of the denial of the right to self-determination through foreign domination, military occupation, aggression, colonial rule, apartheid and racism, which were said to be among the main causes of armed struggle, conflict escalation, foreign intervention and even worldwide conflagrations. In that connection, the situations in South Africa and in the Middle East were mentioned as striking contemporary examples of the non-observance of collective rights. Questions concerning the exercise of sovereignty over natural resources were mentioned by some members as frequent sources of conflict.
155. Among civil and political rights, the suppression of the rights to free expression and association, free press and free elections were mentioned as examples of gross violations which could endanger international peace and security. Some members pointed to the need for effective control of citizens over their Governments as an essential means of avoiding abuses of power.
156. Several members pointed to the dangers stemming from denials of economic and social rights and emphasized in particular the right to development. The link between human rights and the New International Economic Order was also referred to. Reference was made to General Assembly resolution 37/199 which emphasized that economic and political stability at the national and international levels would contribute to the full enjoyment, promotion and observance of human rights of peoples and individuals. It was observed, in that connection, that while it was obvious that international economic and political stability would bring peace and consequently respect for human rights, at the national level, the question was more complicated, inasmuch as there were countries where political stability had not resulted in respect for human rights.
157. In the course of the debate the point was made that the maintenance of peace and security in this or that region of the world sometimes served as a pretext to justify violations of the rights of a people. Another point made during the discussion was that human rights arguments might sometimes be used as pretexts for foreign interference and intervention. It was also stated that since the

establishment of the United Nations and the adoption of a number of international instruments, the use of force had been regulated by international law and there were strict limitations on the use of force by individual Governments.

158. The question was raised as to how the work of the Sub-Commission under this item should be pursued and some expressed the view that the item should remain every year on the agenda of the Sub-Commission. It was suggested that the Sub-Commission should elaborate specific criteria for determining gross violations, should identify concrete situations where such violations occurred and give consideration to those crimes which had already been identified by the United Nations as constituting threats to peace and security, such as aggression, military invasion and military occupation by one State of another State or crimes against humanity. One speaker stated that military Governments could not be the proper authority to decide matters relating to social justice.

159. The view was also expressed that the Sub-Commission should not adopt any decision on the matter until thorough consultations were held between Governments, interested United Nations bodies, specialized agencies and non-governmental organizations, on the one hand, and the Sub-Commission, on the other. In that connection, it was suggested by several speakers that the Secretary-General should be asked to get in touch with all Governments, specialized agencies and non-governmental organizations and request them to submit detailed observations on the subject.

160. Various means to deal with gross violations of human rights were also discussed. Some speakers emphasized in that regard the need to strengthen the machinery provided by the United Nations and felt that the Sub-Commission should pay particular attention to that aspect of the question. It was also stressed that the efforts by the international community to bring about peaceful settlements of disputes should always be guided by the principle of respect for all human rights.

161. At the 8th meeting, statements were made by the observer for the International Commission of Jurists and by the observer for the International League for Rights and Liberation of Peoples, non-governmental organizations in consultative status.

162. On 24 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.8) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Gomensoro, Mr. Hadi, Mr. Joinet, Mr. Mahdi, Mr. Martínez-Baez, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Saker, Mr. Toseski, Mr. Whitaker and Mr. Yimer. Mr. Sofinsky joined the sponsors.

163. At its 24th meeting, on 31 August 1983, the Sub-Commission considered the draft resolution which was introduced by Mrs. Daes.

164. At the same meeting the Sub-Commission adopted the draft resolution by 18 votes to 1 with 1 abstention.

165. For the text of the resolution see chapter XXI, section A, resolution 1983/8.

166. On 25 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.13) was submitted by Mrs. Daes, Mr. Eide and Mr. Foli.

167. At its 24th and 32nd meetings on 31 August and 6 September 1983, the Sub-Commission considered this draft resolution which was introduced by Mrs. Daes.

168. Draft resolution E/CN.4/Sub.2/1982/22 and amendments thereto contained in document E/CN.4/Sub.2/1982/L.56, consideration of which had been deferred by the Sub-Commission at its thirty-fifth session, were withdrawn by the sponsors, as both drafts were partly reflected in draft resolution E/CN.4/Sub.2/1983/L.13.

169. At its 32nd meeting, on 6 September 1983, the Sub-Commission adopted the draft resolution without a vote.

170. For the text of the resolution, see chapter XXI, section A, resolution 1983/32.

VII. SLAVERY AND SLAVERY-LIKE PRACTICES:

- A. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM;
- B. EXPLOITATION OF CHILD LABOUR.

171. The Sub-Commission considered item 13 at its 3rd, 11th, 12th, 23rd, 25th, 30th and 31st meetings held on 16, 22, 23 and 31 August and 5 and 6 September 1983.

172. The Sub-Commission had before it a note by the Secretary-General on the mission to Mauritania (E/CN.4/Sub.2/1983/26/Rev.1) and the report of the Working Group on Slavery on its ninth session (E/CN.4/Sub.2/1983/27 and Corr.1).

Report of the Working Group on Slavery

173. Introducing the report of the Working Group on Slavery, the Chairman-Rapporteur of the Working Group pointed out that the Working Group had received disturbing evidence of the continuation of slavery-like practices in many parts of the world. He said that it was expected that the United Nations would redouble its efforts to contribute to the abolition of slavery and slavery-like practices. The Working Group had considered information on slavery and slave trade; the Sub-Commission's mission to Mauritania; female circumcision; debt bondage; traffic in persons and the exploitation of the prostitution of others; exploitation of child labour and the sale of children; apartheid and colonialism. The Chairman-Rapporteur expressed his deep appreciation to the Government of Mauritania for its noble and exemplary attitude towards the forthcoming mission to Mauritania. Finally, he expressed the hope that the conclusions and recommendations contained in the Working Group report, particularly those relating to co-ordinated legal, technical, economic and other practical assistance of competent United Nations bodies which should be given to Member States concerned, would be adopted by the Sub-Commission.

174. Members who spoke on the item congratulated the Chairman-Rapporteur and the members of the Working Group on their work and on the quality of the report. Slavery and slavery-like practices, it was said, had their roots in economic underdevelopment, human exploitation and profiteering. However, these abuses were not limited to developing countries but existed in many developed countries. The view was expressed that urgent and speedy measures should be carried out to eliminate slavery and slavery-like practices wherever they existed, in particular debt bondage, exploitation of child labour and female sexual mutilation. A number of proposals on concrete measures which should be carried out by the United Nations family had been made. In particular, it was stressed, legal, educational, economic and other practical assistance should be offered to Member States concerned from relevant United Nations bodies and agencies to help them to eradicate such abuses. Urgent action was needed to broaden the co-operation among the United Nations organs and bodies in this field. Furthermore, it was suggested that a study on debt bondage should be prepared and a seminar on female sexual mutilation and related subjects should be organized. One member suggested that the Working Group could meet once every three years. That would enable it to study in depth a particular aspect of the types of slavery identified by the Working Group.

175. Another member was of the opinion that the Sub-Commission, having extensively dealt with the study of debt bondage, should turn its attention to other forms of slavery-like practices, such as immoral traffic and prostitution, and other important issues, the problems of migrant workers, unmarried mothers and the question of uncontrolled polygamy.

176. Many speakers felt that the Sub-Commission, in its future work, should give more attention to the exploitation of child labour and the situation of children particularly of migrant workers. Various suggestions were made as regards the future name of the Working Group. Some members reiterating that apartheid was a modern form of collective slavery which derived directly from colonial rule, said that the Working Group should be described as "The Working Group on Apartheid and Slavery-like Practices". Other members expressed the opinion that the name of the Working Group should be "The Working Group on Gross Human Exploitations".

177. There was broad agreement on the conclusions and recommendations contained in the report of the Working Group. The view was expressed, however, that more concrete measures could have been proposed with a view to finding practical solutions to the problems of debt bondage, female circumcision, exploitation of child labour and prostitution.

178. During the debate, a non-governmental organization drew the attention of the Sub-Commission to the situation of children used as soldiers in the war between Iraq and the Islamic Republic of Iran. Following a statement of the observer for the Islamic Republic of Iran, two members, referring to that statement, requested that it should not be reflected in the records because positions had been expressed which were contrary to the Charter of the United Nations and the Geneva Conventions of 1949. The Sub-Commission so decided.

179. The Chairman-Rapporteur of the Working Group, in reply, thanked the members of the Sub-Commission and the observers for their comments. He was of the opinion that the energy of the Working Group should be directed towards the study of pressing problems such as the problem of child labour.

Mission to Mauritania to be undertaken under Economic and Social Council resolution 1982/29

180. At its 3rd meeting, the Sub-Commission heard a statement by the observer for Mauritania, in which he recalled that slavery in Mauritania was not fundamentally different from what had taken place in other Sudano-Sahelian societies during the past. Mauritania being situated on the commercial axis linking the Mediterranean and European countries to Africa, was for a long time a transit zone for all trade including the slave trade.

181. He pointed out that in Mauritania slavery never had, as it was often said, a racial aspect, and the colour of the skin was not a criterion. Slavery was in fact a historical phenomenon known in all societies of the subregion but was never practised on as big a scale as it had been during the slave trade.

182. When the colonial period arrived, nothing had really changed and although in 1905 a law abolishing slavery had been passed, it never had any effect on that practice.

183. In 1960, Mauritania became independent and the promulgation of the new constitution in 1961 recognized the equality of all citizens. In reality nothing had changed. Nevertheless, the socio-economical changes in the country entailed a complete degradation of the economic basis of the system of slavery and fundamentally altered the old social structure and concepts. The old socio-economical system based on slavery was replaced by a new one based on wage-earning. That tendency was strengthened by the "new emerging social elite" bringing new ideas of progress and justice. The opening of the country to the outside world, the dissemination of modern education as well as the struggle of the live forces inside the country (youth, trade unions, etc.) played a central role in the course of that evolution.

184. Under the combination of all these factors, the practice of slavery lost ground; since 1960 no public sale of slaves had been registered. Actually, slavery had become an intolerable institution for large sectors of the public opinion. Slave sales occurred secretly, not so much because of fear of reprisals from the administrative and judicial authorities, but because of the pressure of public opinion.

185. That was the situation up to July 1980 when the Mauritanian authorities decided definitely to abolish slavery in all its forms and practices.

186. In taking that decision, the Mauritanian Government was perfectly aware of the difficulties it would have to face because of the particularly serious economic situation Mauritania was going through after so many years of drought, which had destroyed a large part of the rural economy from which 80 per cent of the population of the country gained its livelihood. In that connection, the observer for Mauritania appealed to all countries, all organizations and all persons devoted to justice to make their contribution to the noble task of emancipation.

187. Finally, the observer for Mauritania stated that his Government would welcome the visit of Mr. Bossuyt and Mr. Mudawi, and would fully collaborate with them.

188. At the 11th meeting, the Assistant Secretary-General, Centre for Human Rights, informed the Sub-Commission that final arrangements for the visit had been determined in consultation with the Government of Mauritania and that the mission would take place from 14 to 24 January 1984.

189. A number of speakers expressed their gratitude to the Government of Mauritania for its constructive and instructive position in the matter. One member felt that the case of Mauritania should serve as a "matrix" for future United Nations endeavours in the area of slavery.

190. The Sub-Commission heard statements by the observers for the Federal Republic of Germany, India, Iraq and the United States.

191. The observer for the African National Congress also made a statement.

192. The following non-governmental organizations in consultative status with the Economic and Social Council made statements on the item: Anti-Slavery Society for Protection of Human Rights, International Abolitionist Federation, International Commission of Jurists, International Human Rights Law Group, International Indian Treaty Council and World Conference on Religion and Peace.

193. On 22 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.1) was submitted by Mr. Whitaker.

194. The Sub-Commission considered the draft resolution at its 23rd meeting on 31 August 1983, when it was introduced by the sponsor.

195. A statement of the administrative and programme budget implications of the draft resolution was read out by the Assistant Director of the Centre for Human Rights.

196. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

197. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/1.

198. On 23 August, a draft resolution (E/CN.4/Sub.2/1983/L.2) was submitted by Mr. Whitaker.

199. At its 25th and 31st meetings on 1 and 6 September 1983 the Sub-Commission considered the draft resolution.

200. Following a discussion in which Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mr. Eide, Mr. Foli, Mr. Gomensoro, Mr. Hadi, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Saker, Mr. Sofinsky and Mr. Yimer took part, the sponsor revised the draft resolution as follows: (a) the first preambular paragraph was deleted; (b) the first operative paragraph was revised to read: "Authorizes the Sub-Commission to appoint a Special Rapporteur to carry out and present a study of gross exploitation of labour which leads to slavery-like practices in any part of the world and to make recommendations on appropriate solutions to remedy the situation;" (c) the second operative paragraph was revised to read: "Requests the Secretary-General to give the Special Rapporteur all necessary assistance in his/her work;" and (d) in operative paragraph 3 the words "Mrs. Odio Benito" were deleted and replaced by "the Special Rapporteur".

201. At its 31st meeting on 6 September 1983, on the proposal of Mr. Foli, the Sub-Commission decided by 17 votes to 4, with 1 abstention, to postpone further consideration of this draft resolution to its thirty-seventh session.

202. On 22 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.3) was submitted by Mr. Whitaker.

203. At its 23rd meeting on 31 August 1983 the Sub-Commission considered the draft resolution when it was introduced by the sponsor.

204. A statement of the administrative and programme budget implications was read out by the Assistant Director of the Centre for Human Rights.

205. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

206. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/2.

207. On 29 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.20) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Khalifa and Mr. Whitaker.

208. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983, when it was introduced by Mrs. Daes.

209. At the same meeting the Sub-Commission adopted the draft resolution by 12 votes to none, with 6 abstentions.

210. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/11.

211. On 29 August 1983 a draft resolution (E/CN.4/Sub.2/1983/L.22) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Hadi, Mr. Joinet, Mr. Martínez Baez, Mr. Pirzada, Mr. Toševski, Mr. Yimer and Mr. Whitaker.

212. At its 30th meeting, on 5 September 1983 the Sub-Commission considered the draft resolution when it was introduced by Mr. Whitaker who revised operative paragraph 10 as follows: the words "press items" were replaced by "information".

213. At the same meeting, at the request of Mr. Carey, a separate vote was taken on the words in operative paragraph 1 of the draft resolution recommended for adoption by the Commission on Human Rights which read "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". The Sub-Commission decided to retain the words by 19 votes to 1, with no abstentions.

214. The draft resolution as a whole and as amended was adopted without a vote.

215. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/13.

VIII. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

216. The Sub-Commission considered item 4 of its agenda at its 12th, 14th, 24th and 32nd meetings on 23, 24 and 31 August and 6 September 1983.

217. The Sub-Commission had before it: (a) a note by the Secretary-General relating to developments between 16 June 1982 to 15 June 1983 in the field with which the Sub-Commission had been concerned (E/CN.4/Sub.2/1983/2 and Corr.1); (b) a memorandum summarizing the recent activities of the International Labour Office in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/1983/3); (c) a report summarizing the recent activities of the United Nations Educational, Scientific and Cultural Organization relating to the prevention and protection of minorities (E/CN.4/Sub.2/1983/4).

218. The discussion centred on the question of the establishment of the post of High Commissioner. While for some members the discussion at the present session should deal only with proposals to be addressed to the Commission on Human Rights others felt that important questions relating to the necessity and nature of the post should continue to be considered. In that connection, it was said that a broad agreement had not yet been reached in the Sub-Commission. However the view was also strongly expressed that a unanimous decision on the matter could not be expected. It was furthermore stressed that a decision on the question was long overdue.

219. With regard to the mandate of the High Commissioner, some members felt that he/she should be in a position to address himself/herself in a speedy manner to any urgent human rights problem. According to another view, the High Commissioner would be also called upon to fulfil tasks carried out at the present time by various Working Groups, Special Rapporteurs and the Secretary-General himself. One member stated that it would be premature to take any position on that aspect. A High Commissioner working full time would be in a position to streamline the activities of the United Nations in the field of human rights, and, in particular, act quickly on cases demanding urgent action, such as assistance to victims of torture. It was further stated in that connection that the creation of the post of High Commissioner would complete and strengthen the United Nations system for the promotion and protection of human rights. Others were of the opinion that it would involve not only high expenditure but also duplication of work.

220. Another view was that the High Commissioner should carry out only specific assignments given to him/her by the political organs and bodies of the United Nations, in particular, the General Assembly, the Economic and Social Council and the Commission on Human Rights. It was observed that Governments would be reluctant to see the High Commissioner intervening endlessly in the domestic affairs of States.

221. With regard to the appointment of the High Commissioner, some members felt that he/she should be elected by the General Assembly in order to enhance the prestige of the post and allow the High Commissioner to pursue a fruitful dialogue with Governments. One speaker stressed the fact that the appointment should be made on the principle of rotation on the basis of geographical region.

222. In the general discussion of the item which followed, reference was made to the celebration of International Youth Year. It was said that while the Sub-Commission could contribute to the Year it should nevertheless not deal with the problem of unemployment of youth as this was a matter which fell within the competence of ILO.

223. The question of Cyprus was also a question referred to during the discussion. It was said that it should remain on the agenda of the Sub-Commission. Comments were also made on the memoranda submitted by ILO and UNESCO. It was said in that connection that closer collaboration between the Sub-Commission and those agencies was needed.

224. On 29 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.18) was submitted by Mrs. Daes and Mr. Whitaker.

225. At its 24th meeting, on 31 August 1983, the Sub-Commission considered the draft resolution. The fourth preambular paragraph was revised orally.

226. At the same meeting the draft resolution was adopted without a vote.

227. On 7 September, at its 32nd meeting, the Sub-Commission considered the draft resolution (E/CN.4/Sub.2/1983/L.14) submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Joinet, Mr. Martinez-Baez, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Ritter and Mr. Whitaker, when it was introduced by Mrs. Odio Benito.

228. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/7.

229. At the same meeting the Sub-Commission considered two amendments contained in document E/CN.4/Sub.2/1983/L.46 submitted by Mr. Ceausu on 2 September.

230. Also at the same meeting, the Sub-Commission rejected the amendments by 8 votes to 8, and by 12 votes to 9, with 1 abstention respectively.

231. The Sub-Commission also considered at the same meeting amendments 1 to 9 contained in document E/CN.4/Sub.2/1983/L.72 submitted by Mr. Mahdi.

232. Amendments 1, 3, 4 and 8 were adopted by 10 votes to 9, with 3 abstentions, 10 votes to 9, with 2 abstentions, 12 votes to 6, with 2 abstentions and 20 votes to none, with 1 abstention.

233. Amendment 5 was adopted without a vote and amendment 6 as orally amended by Mr. Chowdhury was also adopted without a vote.

234. Amendment 2 was rejected by 8 votes to 6 with 2 abstentions and amendments 7 and 9 were withdrawn by Mr. Mahdi.

235. At the same meeting, the draft resolution as a whole as amended was adopted by the Sub-Commission by 16 votes to 3 with 3 abstentions.

236. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/36.

237. The Sub-Commission had also to consider at the same meeting a draft decision (E/CN.4/Sub.2/1983/L.38) submitted on 2 September by Mr. Toševski.

238. At the same meeting, the draft decision was rejected by 15 votes to 3, with 4 abstentions.

IX. ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

239. The Sub-Commission considered item 15 of its agenda at its 14th, 30th and 31st meetings on 24 August and 5 and 6 September 1983.

240. The Sub-Commission had before it a note by the Secretary-General prepared in accordance with resolution 1982/28 of the Sub-Commission (E/CN.4/Sub.2/1983/29).

241. Members who spoke on the item underlined the importance of the adoption by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief for promoting understanding, tolerance and respect in matters relating to freedom of religion or belief. As manifestations of intolerance and even persecution on grounds of religion or belief continued to occur in many parts of the world, it was stressed that it was urgent for States to take effective measures with a view to eliminating any form of discrimination based on religion or belief. In that connection, the role of education was emphasized.

242. Many speakers felt that the General Assembly should undertake to elaborate a convention now that the Declaration had been adopted. There was a common feeling that a study on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, as requested by the Commission on Human Rights in its resolution 1983/40, should be carried out by the Sub-Commission. Many members supported the suggestion contained in the above-mentioned resolution that a seminar to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief should be organized. It was also suggested that a special rapporteur should be appointed to undertake a study on the subject.

243. The Sub-Commission heard a statement by the observer for the Islamic Republic of Iran. Statements were also made by the observers of a number of non-governmental organizations in consultative status with the Economic and Social Council.

244. On 30 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.27) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Gomensoro, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mr. Ritter, Mr. Tosevski, Mr. Whitaker and Mr. Yimer.

245. The Sub-Commission considered the draft resolution at its 30th and 31st meetings on 5 and 6 September 1983, when it was introduced by Mrs. Daes who proposed on behalf of the sponsors to appoint Mrs. Odio Benito as Special Rapporteur.

246. Following a discussion in which Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Ferrero, Mr. Saker, Mr. Sofinsky and Mr. Whitaker took part, the sponsors agreed to amend the agenda item in operative paragraph 6 to read "Elimination of all forms of intolerance based on religion and belief".

247. At its 31st meeting on 6 September 1983, Mr. Sofinsky proposed that in the seventh preambular paragraph the words "and atheists" should be inserted after the words "religious minorities" and that the phrase "freedom of atheistic belief" should be added at the end of operative paragraph 1. The amendments were adopted by 15 votes to 1 with 5 abstentions, and by 14 votes to 1, with 5 abstentions respectively.

248. A statement on the administrative and programme budget implications of the draft resolution was read out by the Assistant Secretary-General, Centre for Human Rights.

249. At the same meeting, the Sub-Commission adopted the draft resolution as amended without a vote.

250. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/31.

X. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

251. The Sub-Commission considered item 16 of its agenda at its 15th and 30th meetings held on 24 August and 5 September 1983.

252. The Sub-Commission had before it the report (E/CN.4/Sub.2/1983/30) prepared by Mr. Eide and Mr. Mubanga-Chipoya, in accordance with Sub-Commission resolution 1982/30 of 10 September 1982.

253. In introducing the report, Mr. Eide referred to the concept of conscientious objection, which was more comprehensive than the purely pacifist attitude. He then mentioned relevant international standards and several existing resolutions, decisions and recommendations on the matter. Turning to the analysis of the actual situation with respect to conscientious objection, he referred to the various approaches followed by States in that regard. In closing, he referred to a set of recommendations suggested in the report in order to bring national law and practice into conformity with international standards.

254. Mr. Mubanga-Chipoya made some additional introductory comments, concerning in particular the question of asylum for persons who had fled their country because of their objection to military service. He recalled the provisions of General Assembly resolution 33/165 of 1978, in which specific reference was made to the right of persons refusing service in forces used to enforce apartheid.

255. All speakers thanked Mr. Eide and Mr. Mubanga-Chipoya for their excellent work. A number of comments were made on the recommendations contained in the report, concerning in particular valid grounds for the granting of conscientious objection status, and the right of asylum for persons fleeing their country because of their objection to military service. One speaker suggested that in the event of a country refusing asylum, such persons should be granted safe transit, which was a human right. It was also stated that the question of conscientious objection was a very complex issue, and that State requirements in the field of national defence should be taken into account while dealing with it.

256. The Sub-Commission heard statements by the observer from the Islamic Republic of Iran, and by the representatives from the Office of the United Nations High Commissioner for Refugees, and the Pan Africanist Congress of Azania, as well as observers from the following non-governmental organizations in consultative status (category II): Amnesty International, Friends World Committee for Consultation, International Commission of Jurists, and War Resisters International.

257. On 31 August 1983, a draft resolution (E/CN.4/Sub.2/1983/L.39) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. Foli, Mr. Joinet, Mr. Martínez-Baez, Mrs. Odio Benito, Mr. Ritter, Mr. Whitaker and Mr. Yimer.

258. The Sub-Commission considered the draft resolution at its 30th meeting on 5 September 1983, when it was introduced by Mr. Foli.

259. At the same meeting, Mr. Sofinsky proposed to add, at the end of the sixth and seventh preambular paragraphs, the words "taking into account the internal law in force in the countries". The Sub-Commission rejected that proposal by 10 votes to 7, with 2 abstentions.

260. Also at the same meeting, the draft resolution was adopted by 14 votes to none, with 5 abstentions.

261. The text of the resolution as adopted appears in the chapter XXI, section A, as resolution 1983/22.

XI. THE STATUS OF THE INDIVIDUAL AND CONTEMPORARY
INTERNATIONAL LAW

262. The Sub-Commission considered item 17 of its agenda at its 16th and 30th meetings held on 25 August and 5 September 1983.

263. The Sub-Commission had before it a preliminary report by Mrs. E.-I. Daes on the study concerning "The status of the individual in contemporary international law", contained in document E/CN.4/Sub.2/1983/3.

264. In presenting her report, the Special Rapporteur stressed her conviction that the study she had undertaken would in practice strengthen the foundation on which the effective protection of the human rights of the individual at national and international level would rest. With reference to the outline she intended to follow for the elaboration of the study, the Special Rapporteur pointed out that in order to achieve its basic objectives the study would comprise two parts. The first part would, inter alia, concentrate on the problem of the international personality of the individual with a brief historical and comparative analysis of the problem of the recognition of the individual in various legal systems and would review the attitudes of the basic dualistic and monistic theories and events of international law regarding the international personality of the individual and the correlation between national and international law.

265. The second part would focus on the individual as the concern of the United Nations and the specialized agencies and the individual as the concern of regional organizations. She emphasized that this part of the study would give a reasonably comprehensive examination of the question whether the individual in the contemporary international community enjoyed in practice any specific international rights or was subject to any obligations. She stated that she would devote a chapter to her conclusions, the final evaluation of the subject and her basic recommendations. Finally, she stated that the study would include a chapter containing a select bibliography of the most important works of recognized scholars and scientists in the field.

266. Bearing in mind the importance of the subject of the study and the limited number of replies to the questionnaire received from Governments, specialized agencies, regional organizations, non-governmental organizations and national liberation movements, she felt that no hasty conclusion should be drawn. In that connection, she stated that perhaps it would be useful, at this stage to send a reminder to Governments and organizations concerned which had not yet replied to the questionnaire.

267. Members who spoke congratulated the Special Rapporteur for her preliminary report and highly commended her for the work she had always carried out successfully for the Sub-Commission. It was generally recognized that the study to be prepared by the Special Rapporteur would constitute a valuable undertaking in the field of human rights. It was pointed out that since the setting up of the Nuremberg Tribunal there had been a trend towards the recognition of the individual's responsibility at the international level. It was also said that the increasing utilization of the procedure set forth in Economic and Social Council resolution 1503 (XLVIII) indicated that the individual was a beneficiary of direct application of international law.

268. As regards the title of the study, it was said that the word "status" was too broad in its scope. It was therefore suggested that the title should be amended so that the study would concentrate more on the rights of the individual as a subject of international human rights law.

269. With regard to the content of the report, clarification was sought concerning the proposed first part of the study and its references to the basic dualistic and monistic theories as well as the Soviet theory of international law. One member added that principles of sovereignty of States should be emphasized in relation to individuals in international law. It was also suggested that the interlocking of rights and duties should not be overlooked.

270. With reference to the questionnaire and in particular to the comments which Governments were invited to submit on the status of groups, one member observed that the study should be confined to individuals and should not include groups of individuals or organizations; others however expressed the contrary view. The view was also expressed that the study should contain a brief chapter on the obligations of the individual. One speaker stated that international law was not applicable in domestic law unless it was transformed into international law. In that connection, reference was made to the recognition in some countries of the rights of groups of individuals to petition for a single individual who had been a victim of violations of human rights. It was also noted that while non-governmental organizations were not considered subjects of international law in some countries, some liberation movements which had achieved a certain degree of organization had been recognized as legitimate representatives of people fighting for their right to self-determination.

271. On the substance of the study, it was suggested that in the elaboration of the study, the Special Rapporteur should examine the extent to which international treaties could prevail over national laws and the restrictions and constraints imposed by Governments or society which affected the human rights and fundamental freedoms of the individual as well as the role of ethics, religion and religious practices for individuals. The view was also expressed that the Special Rapporteur might take into account the institution of amparo which existed in various Latin American countries and which aimed at protecting the human rights of the individual against any violations of those rights. Further, it was pointed out that consideration might also be given by the Special Rapporteur to the extent to which issues such as racial discrimination, apartheid and foreign occupation could affect the human rights of the individual as well as the necessity of adopting effective measures to ensure the full participation of women in the defence of human rights. The attention of the Special Rapporteur was drawn to the conclusions and recommendations of the Seminar on the experiences of different countries in the implementation of international standards on human rights held in Geneva, Switzerland, from 20 June to 1 July 1983, in connection with the observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights in accordance with General Assembly resolution 36/169.

272. The Special Rapporteur, in reply, expressed her gratitude for the attention given to her report and said that she would take into account all the relevant suggestions made in the course of the discussions. Regarding the suggestions made on the title and the questionnaire, she observed that her initial title for the study had already been amended by the Commission on Human Rights and that the questionnaire had been approved by the parent bodies of the Sub-Commission. She also explained that she was preparing a comparative study since her mandate requested her to take into account the doctrines and practices existing in various legal systems in the world.

273. At its 30th meeting, on 5 September 1983, the Sub-Commission considered a draft resolution (E/CN.4/Sub.2/1983/L.29), submitted by Mr. Bossuyt, Mr. Chowdhury, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Martinez Baez, Mr. Masud, Mr. Mubanga-Chipoya and Mr. Yimer.

274. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

275. For the text of the resolution, see chapter XXI, section A, resolution 1983/17.

XII. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:

- A. QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT;
- B. INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES;
- C. STUDY ON THE INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

276. The Sub-Commission considered item 9 of its agenda at its 17th, 18th, 19th, 30th, 31st and 32nd meetings held on 25, 26 and 29 August 1983 and 5 and 6 September 1983.

277. It had before it the following documents: a report by the Secretary-General containing information communicated by Governments, specialized agencies and regional intergovernmental organizations, in accordance with Sub-Commission resolutions 7 (XXVII) and 1982/10 (E/CN.4/Sub.2/1983/11 and Add.1); a report of the Secretary-General containing a preliminary survey of maximum periods of detention (E/CN.4/Sub.2/1983/12); a synopsis of material received from non-governmental organizations (E/CN.4/Sub.2/1983/13); the study by the Special Rapporteur, Mrs. Questiaux, on the implications for human rights of recent developments concerning situations known as states of siege or emergency (E/CN.4/Sub.2/1982/15); a report by the Secretary-General containing the comments received on the above-mentioned study (E/CN.4/Sub.2/1983/15); document E/CN.4/Sub.2/1983/38 containing comments by the Special Rapporteur on the reply of the Uruguayan authorities; the progress report of the Special Rapporteur, Mr. Singhvi on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1983/16); and the report of the sessional Working Group on detention (E/CN.4/Sub.2/1983/14).

(a) Question of the human rights of persons subjected to any form of detention or imprisonment

278. At its 4th meeting held on 16 August, the Sub-Commission had decided to establish a Working Group under agenda item 9. The Working Group consisted of five members: Mr. Carey, Mr. Martínez-Baez, Mr. Masud, Mr. Toševski and Mr. Yimer. Mr. Carey was elected Chairman/Rapporteur of the Group.

279. Mr. Carey introduced the report of the Working Group (E/CN.4/Sub.2/1983/14) and drew attention to the Group's recommendations which, he said, were mostly based on the proposals contained in Mrs. Questiaux's study on human rights and states of siege or emergency. Those recommendations, would require the Sub-Commission to draw up and update a list of countries which proclaim or terminate a state of emergency each year; and submit an annual special report to the Commission on Human Rights containing reliably attested information in compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. Moreover, the Working Group would be seized of a number of proposals concerning the period of imprisonment, the right to a fair trial, capital punishment and penal procedure. The Working Group would also be requested to prepare a draft declaration against disappearances, which was included in the report.

280. The report of the Working Group was highly commended. Several members supported specific recommendations of the Working Group. With respect to the recommendations based on the study by Mrs. Questiaux concerning states of siege or emergency, a member expressed the opinion that the Sub-Commission should not pass judgement concerning the proclamation of states of siege as such, but should instead confine itself to drawing up a list of States that had declared a state of siege or emergency. Any violations of human rights in such situations could, of course, also be discussed. Another member suggested that a study might be undertaken concerning the preparation of a list of countries under a state of siege or emergency and a report might be made in that respect to the Working Group and the Sub-Commission in 1984.

281. Various speakers stressed that in several countries, states of siege or emergency appeared to be unnecessarily prolonged and tended to become the rule in the political life of those countries, serving as the pretext for numerous violations of human rights.

282. It was further suggested that the Sub-Commission should: (a) recommend police restraint in states of emergency, and the prohibition of the use of bullets, including plastic bullets, by police forces; (b) establish a Working Group or designate a Rapporteur to study the situations of state of emergency in Latin America; and (c) study a mechanism for strengthening the guarantees concerning rights which precluded derogation during states of siege or emergency.

283. As regards the problem of enforced disappearances, several members supported the recommendation of the Working Group that a Declaration be prepared on the subject. A suggestion was made by a member that enforced or involuntary disappearances should be declared a crime against humanity and a number of arguments of a juridical nature were put forward in support of the suggestion.

284. In the opinion of some members, the Sub-Commission should encourage the adoption of certain measures by States in order to prevent and remedy violations of human rights. Among the measures suggested were anticipatory bail, legal aid for detainees in financial need, public interest litigation providing the possibility of remedy for victims, the application of international human rights norms in cases where judges were called to exercise the element of discretion. Detailed reference was made to safeguards which should apply during detention, including safeguards against torture. Emphasis was put on the need to stop incommunicado detention and summary and arbitrary executions. With regard to amnesty laws, a member stated that, despite weaknesses, such laws contributed towards the restoration of human rights. The Sub-Commission could, in that respect, play an advisory role for States which were interested in engaging in a process of amnesty.

285. The following observers for States made statements: Argentina (18th meeting), Brazil (19th meeting), Canada (18th meeting), Islamic Republic of Iran (18th meeting), Iraq (19th meeting), Japan (19th meeting), Syrian Arab Republic (19th meeting) and United Kingdom of Great Britain and Northern Ireland (19th meeting).

286. The following observers for non-governmental organizations in consultative status with the Economic and Social Council (category II) made statements: Amnesty International (18th meeting), International Commission of Jurists (17th meeting), International Federation of Human Rights (17th meeting), International League for Human Rights (18th meeting), International Movement for Fraternal Union among Races and Peoples (18th meeting), Pax Christi (18th meeting) and Pax Romana (18th meeting). The observer for the International

Human Rights Law Group (Roster) also made a statement (17th meeting). Statements were also made by observers for the following organizations: South West Africa People's Organization (17th meeting), and African National Congress (18th meeting).

287. The representatives of the Office of the United Nations High Commissioner for Refugees (17th meeting) and the United Nations Centre for Social Development and Humanitarian Affairs (18th meeting) referred to relevant activities and future plans of their respective Offices concerning some of the issues under review.

288. Concern was expressed at the fact that the Commission on Human Rights had requested the Sub-Commission to defer the implementation of its resolution 1982/10, according to which the Working Group on Detention should give special attention to hearing and receiving information concerning inhuman and degrading treatment or punishment, unless the Commission established a system for examining such information.

(b) Individualization of prosecution and penalties and repercussions of violations of human rights on families

289. The opinion was expressed that the term "individualization of penalty" might create a certain misunderstanding. It was also suggested that the subitem should not be discussed at the present stage. One member referred to "individualization" in connection with the Declaration mentioned above in paragraph 283.

(c) Study of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

290. The Sub-Commission took note with interest of the progress report (E/CN.4/Sub.2/1983/16) of Mr. Singhvi, Special Rapporteur. The Chairman of the Sub-Commission, in a cable dated 22 August 1983, informed Mr. Singhvi that, in view of the heavy workload of the Sub-Commission and the preliminary stage of his report, it was felt that consideration of his report should be deferred for consideration by the Sub-Commission at its thirty-seventh session.

291. On 1 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.40) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Martínez Baez, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Toševski and Mr. Whitaker.

292. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983, when it was introduced by Mr. Whitaker.

293. At its 30th meeting, on 5 September 1983, the Sub-Commission adopted the draft resolution without a vote.

294. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/23.

295. On 1 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.41) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide and Mr. Whitaker.

296. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983. At the same meeting Mrs. Odio Benito requested that her name should be added to the list of sponsors. In introducing the draft resolution,

Mr. Carey revised it by adding the words "and military personnel" after the words "enforcement officials" in the last preambular paragraph, and both operative paragraphs.

297. At the same meeting, the Sub-Commission adopted the draft resolution, as revised, without a vote.

298. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/24.

299. On 1 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.42) was submitted by Mr. Foli, Mr. Hadi and Mr. Mubanga-Chipoya.

300. The Sub-Commission considered the draft resolution at its 30th meeting, on 5 September 1983, when it was introduced by Mr. Mubanga-Chipoya.

301. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

302. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/25.

303. On 2 September 1983, a draft decision (E/CN.4/Sub.2/1983/L.44) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mr. Eide, Mr. Ferrero, Mr. Hadi, Mr. Joinet, Mr. Martínez Baez, Mr. Masud, Mrs. Odio Benito, Mr. Saker, Mr. Toševski and Mr. Whitaker.

304. The Sub-Commission considered the draft decision at its 31st meeting, on 6 September 1983. Mr. Carey introduced the draft resolution and revised it by adding at the end the words "and to express to him the sincere gratitude of the Sub-Commission for his thorough and complete work to date".

305. At its 31st meeting, on 6 September 1983, the Sub-Commission adopted the draft decision without a vote.

306. The text of the decision as adopted appears in chapter XXI, section B, as decision 1983/6.

307. On 2 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.45) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Martínez Baez, Mrs. Odio Benito, Mr. Saker, Mr. Sofinsky, Mr. Toševski, Mr. Whitaker and Mr. Yimer.

308. At its 31st meeting, on 6 September 1983, the Sub-Commission considered the draft resolution when it was introduced by Mrs. Odio Benito.

309. At the same meeting, on 6 September 1983, the Sub-Commission adopted the draft resolution without a vote.

310. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/27.

311. On 2 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.47) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Joinet, Mr. Martínez Baez, Mr. Masud, Mrs. Odio Benito, Mr. Toševski, Mr. Whitaker and Mr. Yimer.

312. At its 31st meeting, on 6 September 1983, the Sub-Commission considered the draft resolution when it was introduced by Mr. Carey.

313. A separate vote was requested by Mr. Sofinsky on paragraph 1 without its subparagraphs and by Mr. Khalifa on subparagraph (b) of paragraph 1 and on paragraph 2. The Sub-Commission maintained the first part of paragraph 1, as well as subparagraph (a) of paragraph 1, by 15 votes to 1, with 5 abstentions. The Sub-Commission maintained subparagraph (b) of paragraph 1 by 19 votes to 3, with no abstentions. The Sub-Commission maintained paragraph 2, by 17 votes to 3, with 3 abstentions.

314. At its 31st meeting, on 6 September 1983, the Sub-Commission adopted the draft resolution as a whole by 19 votes to 1, with 3 abstentions.

315. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/32.

316. On 2 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.49) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Joinet, Mr. Khalifa, Mr. Martínez Baez, Mrs. Odio Benito and Mr. Whitaker.

317. The Sub-Commission considered the draft resolution at its 32nd meeting, on 6 September 1983. In introducing the draft resolution, Mr. Bossuyt orally revised it.

318. At the same meeting, the Sub-Commission adopted the draft resolution as revised by Mr. Bossuyt, without a vote.

319. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/34.

XIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE
WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION
RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND
SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

320. The Sub-Commission considered agenda item 8 at its 19th to 22nd closed meetings, held between 29 and 30 August 1983.

321. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Government thereon, with a view to bringing to the attention of the Sub-Commission those communications, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

322. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

323. The Sub-Commission had before it a confidential report on the work of the twelfth session of the Working Group, held from 1 to 12 August 1983 (E/CN.4/Sub.2/1983/R.1 and addenda). The Chairman-Rapporteur of the Working Group, Mr. Fisseha Yimer, introduced the report. A detailed discussion of the report followed.

324. At the closed part of the 33rd meeting on 7 September 1983 the Sub-Commission adopted a confidential report, by which it communicated its findings to the Commission on Human Rights. Many members emphasized the importance and necessity of the presence of all the members of the Working Group.

325. At its 19th and 22nd closed meetings on 29 and 30 August 1983 some members expressed the view that the composition of the Working Group on Communications should be announced before the end of its session. The Sub-Commission decided in accordance with Sub-Commission resolution 2 (XXIV) on the provisional composition of its Working Group on Communications, which would meet prior to its thirty-seventh session. For the provisional composition of the Working Group, see chapter XXI, section B, decision 1983/12.

XIV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

326. The Sub-Commission considered agenda item 14 at its 25th and 31st meetings on 1 and 6 September 1983.

327. The Sub-Commission had before it the following documentation: (a) a note of the Secretary-General containing a summary of the information submitted by Governments, in accordance with Sub-Commission resolution 1 B (XXXII) and 1982/3 (E/CN.4/Sub.2/452/Add.3 to 5 and E/CN.4/Sub.2/1983/33 and Add.1-2); (b) a note of the Secretary-General containing additional information from Governments in accordance with Sub-Commission resolution 19 (XXXIV) and 1982/3 (E/CN.4/Sub.2/1983/34); (c) a report of the Secretary-General containing a concise analysis of replies received from Governments and prepared in accordance with Sub-Commission resolution 1982/3 (E/CN.4/Sub.2/1983/35); and (d) the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments (E/CN.4/Sub.2/1983/28).

328. At its 4th meeting, on 16 August 1983, in accordance with its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission established a sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments. The Working Group consisted of five members: Mr. M. Bossuyt, Mr. J.K.D. Foli, Mr. J.F. Gomonoro, Mr. S.S.A. Masud and Mr. I. Toševski. Mr. Bossuyt was elected Chairman/Rapporteur of the Group.

329. At the 25th meeting, Mr. Bossuyt, Chairman-Rapporteur of the sessional Working Group, introduced the report of the Group. He said that the Working Group had examined all the replies received from Governments to date and drew attention to the recommendations adopted by the Group. According to those recommendations: (a) Governments which had not yet submitted replies, or the replies of which were incomplete, would be requested to submit information or additional comments concerning their difficulties in adhering to human rights instruments; (b) Governments would also be invited to submit information concerning the difficulties involved in their not having made the declarations under article 41 of the International Covenant on Civil and Political Rights and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, although they had already become parties to those instruments; (c) the Convention on the Elimination of All Forms of Discrimination against Women would be added to the list of human rights instruments under the purview of the Working Group's mandate. Moreover the Chairman-Rapporteur of the Working Group was requested to prepare, with the assistance of the Secretariat, a discussion paper for the next session of the Group analysing types of difficulties which might prevent States from becoming parties to human rights instruments and submitting possible suggestions for overcoming such difficulties.

330. Besides members of the Sub-Commission, the observer for the Islamic Republic of Iran and the observer for Amnesty International a non-governmental organization in consultative status (category II) made statements.

331. The report of the Working Group was commended by members. Particularly welcome was the decision concerning the drafting of a discussion paper by the Chairman-Rapporteur. That procedure, it was said, would help avoid the expenses involved in the appointment of a Special Rapporteur and could serve as an example in other fields of the Sub-Commission's activity. As regards the inclusion of the Geneva Conventions of 1949 and the two Additional Protocols thereto in the list of Instruments under its consideration, the opinion was expressed that the Sub-Commission should not delay such a decision for too long.

332. At its 25th meeting, without a vote, the Sub-Commission took note of the report of the Working Group.

333. On 1 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.43) was submitted by Mr. Bossuyt, Mr. Foli, Mr. Gomensoro, Mr. Masud and Mr. Toševski.

334. The Sub-Commission considered the draft resolution at its 31st meeting, on 6 September 1983:

335. In introducing the draft resolution, Mr. Bossuyt orally revised it.

336. A separate vote was requested by Mr. Sofinsky on paragraphs 4, 5, 6 and 7. The Sub-Commission maintained the paragraphs by 17 votes to 1 with 2 abstentions.

337. Mr. Saker proposed that the word "furnish" in paragraph 9 should be replaced by the words "submit any" and that the words "they may wish to furnish" be added after the word "information". Mr. Saker's proposal was accepted by the sponsors.

338. At its 31st meeting, on 6 September 1983, the Sub-Commission adopted the draft resolution, as revised by Mr. Bossuyt and amended by Mr. Saker without a vote.

339. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/27.

XV. THE NEW INTERNATIONAL ECONOMIC ORDER AND
THE PROMOTION OF HUMAN RIGHTS

340. The Sub-Commission considered agenda item 12 at its 27th, 28th, 31st and 32nd meetings held on 2 and 6 September 1983.

341. The Sub-Commission had before it the final report by the Special Rapporteur, Mr. Ferrero, on the new international economic order and the promotion of human rights (E/CN.4/Sub.2/1983/24 and Add.1-2); the preliminary report of the Special Rapporteur, Mr. Eide, on the right to adequate food as a human right (E/CN.4/Sub.2/1983/25); and the report of the Secretary-General, pursuant to Sub-Commission resolution 1982/6, on technical assistance currently available to States to enable them to strengthen their legal institutions (E/CN.4/Sub.2/1983/23).

342. In introducing his final report Mr. Ferrero stated that it reflected many of the views expressed by members of the Sub-Commission at recent sessions. Referring to the fact that 40 per cent of the population of developing countries live in absolute poverty, he stated that the existing international economic order represents a serious obstacle to the realization of human rights and particularly the right to an adequate standard of living. The Special Rapporteur drew attention to the range of recommendations suggested in the report, and in particular that concerning the need for a more detailed examination of the human rights impact of the policies and practices of the major international financial institutions. He also laid stress on the establishment of a new economic order at both national and international levels. In concluding, he reiterated that the ultimate objective in establishing a new international economic order must be the realization of full respect for human rights.

343. Mr. Eide, in introducing his preliminary report on the right to adequate food as a human right, noted that many economic, social and cultural rights, including the right to food, were not yet defined with the degree of precision desirable. That led to their status as enforceable human rights being questioned and also threatened to undermine the principle that all human rights were interdependent and indivisible.

344. In commenting on Mr. Ferrero's final report, all speakers expressed their deep appreciation for the valuable and comprehensive work which he had accomplished. Most speakers agreed with the Special Rapporteur that his study had laid the essential groundwork, on the basis of which more specific analysis could be undertaken in the future. In that regard, many speakers noted the importance of studying the human rights impact of the activities of the international financial institutions, in particular the International Monetary Fund and the World Bank. In the course of the debate several speakers referred to specific aspects of the report which, in their view, were of particular importance. Those aspects included the role of transnational corporations, the need for a massive transfer of resources, the importance of peace and disarmament, the problems of protectionism, the need to study legal aspects of the new economic order and of issues relating to resources of the sea-bed and ocean floor, planets, satellites etc., and the importance of popular participation through exercise of the right to freedom of association. Reference was also made to the negative aspects of international aid. It was stressed by a number of speakers that the existing international economic order constituted a serious obstacle to the full enjoyment of human rights, particularly in developing countries. It was said that consideration must be given to the existence of inequitable national, as well as international, economic and political structures.

345. Appreciation was expressed by all speakers for Mr. Eide's preliminary report. The subject was said to be of fundamental importance and the hope was expressed that the final report would deal with a wide range of issues including: condemnation of the use of food as a political weapon; access to basic resources and the enjoyment of adequate purchasing power as prerequisites to the realization of the right to food; the structural inequities which facilitate unequal distribution of food; and the need for a greater commitment by Governments to achieve increased production and improved distribution of food. Several speakers referred to relevant national experience in seeking to promote realization of the right to adequate food.

346. The report of the Secretary-General on technical assistance currently available to States to enable them to strengthen their legal institutions was said by one speaker to be valuable as an indication of what had been done to date in that field. It was suggested that the next step would be to analyse what forms of technical assistance should in the future be made available and how those could best be developed so as to promote respect for human rights. In concluding, both Special Rapporteurs indicated their appreciation for the comments which had been made on their respective reports. Mr. Ferrero said that he would take into consideration the observations made by the members of the Sub-Commission when revising the final version of his conclusions and recommendations.

347. At the 28th meeting statements were made by the observers for the following non-governmental organizations in consultative status: the Institute for Policy Studies, the International Commission of Jurists and the International Federation of Women Lawyers.

348. On 5 September 1983 a draft resolution (E/CN.4/Sub.2/1983/L.52) was submitted by Mr. Bossuyt, Mr. Chowdhury, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Joinet, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Toševski, Mr. Whitaker and Mr. Yimer.

349. The Sub-Commission considered the draft resolution at its 31st meeting, on 6 September 1983, when it was introduced by Mr. Ferrero.

350. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy-Director of the Centre for Human Rights.

351. Also at the same meeting, the Sub-Commission adopted the draft resolution without a vote.

352. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/29.

353. On 5 September 1983 a draft resolution (E/CN.4/Sub.2/1983/L.59) was submitted by Mr. Bossuyt, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Hadi, Mr. Joinet, Mr. Khalifa, Mr. Martínez Baez, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Pirzada, Mr. Ritter, Mr. Toševski and Mr. Whitaker. In order to remedy an omission in the draft resolution, a draft decision (E/CN.4/Sub.2/1983/L.71) was submitted at the 33rd meeting.

354. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1983 and the draft decision at its 33rd meeting on 7 September 1983, when they were both introduced by Mrs. Daes.

355. At the 32nd and 33rd meetings respectively a statement of the administrative and programme budget implications of the draft resolution and draft decision was read out by the Deputy-Director of the Centre for Human Rights.

356. At the 32nd meeting Mr. Carey indicated that he did not entirely agree with operative paragraph 2 of the draft resolution but would accept its adoption by consensus. Mr. Saker and Mr. Sofinsky proposed that paragraph 2 should be shortened so as to end after the word "session". As a compromise, Mrs. Daes proposed that the paragraph should end after the word "recommendations".

357. At the same meeting the Sub-Commission adopted the draft resolution, as orally revised by Mrs. Daes, without a vote.

358. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/35.

359. At the 33rd meeting, on 7 September 1983, the Sub-Commission adopted the draft decision without a vote.

360. The text of the decision, as adopted, appears in chapter XXI, section B, as decision 1983/11.

361. On 5 September 1983 a draft resolution (E/CN.4/Sub.2/1983/L.62) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Ceausu, Mr. Chowdhury, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Masud, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Pirzada, Mr. Saker, Mr. Toševski and Mr. Whitaker.

362. At its 32nd meeting, on 7 September 1983 the Sub-Commission considered the draft resolution when it was introduced by Mr. Bossuyt.

363. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

364. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/38.

XVI. STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST
INDIGENOUS POPULATIONS

365. The Sub-Commission considered item 11 of its agenda at its 28th, 29th and 32nd meetings held on 2, 5 and 6 September 1983.

366. The Sub-Commission had before it (a) the Final Report of the Special Rapporteur, Mr. José R. Martínez Cobo, on the "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/476 and Add.1-6, E/CN.4/Sub.2/1982/2 and Add.1-7, E/CN.4/Sub.2/1983/21 and Add.1-8); (b) the report of the Working Group on Indigenous Populations on its Second Session (E/CN.4/Sub.2/1983/22); (c) a note by the Secretary-General containing suggestions as to how the fund for the purpose of allowing representatives of indigenous populations to participate in the work of the Working Group may be administered (E/CN.4/Sub.2/1983/20); (d) a written statement submitted by the International Indian Treaty Council, (category II) (E/CN.4/Sub.2/1983/NGO/6); (e) a written statement submitted by the International League for Human Rights (category II) and the Indian Law Resource Centre (roster), non-governmental organizations in consultative status (E/CN.4/Sub.2/1983/NGO/13).

367. In introducing the last part of his Final Report, the Special Rapporteur observed that, through the activity of the United Nations in this field, it had become possible for the international community to realize that millions of individuals belonging to indigenous populations suffer not only from want, but also from discrimination. Indigenous persons had themselves become more aware of their rights in recent years. The establishment of the Working Group on Indigenous Populations was a very important development and the presence at its recent session of numerous non-governmental organizations representing indigenous populations demonstrated the need for a permanent forum within the United Nations where they could voice their grievances. The Study had addressed 10 main spheres of interest, including political, cultural and economic discrimination. The Special Rapporteur regretted that the document containing his recommendations, which he had strived to place before the Sub-Commission at least in English and in Spanish, had not been available to the Sub-Commission and suggested that the Sub-Commission should consider the final report as received and that further discussion on the subject should be held after the relevant document had been considered. He also thanked the Secretariat for its valuable work concerning the study and recommended that the study be given the widest publicity possible. He requested that the documents required to complete the study should be issued and sent to the members of the Sub-Commission as soon as possible.

368. The Chairman-Rapporteur of the Working Group on Indigenous Populations, Mr. Asbjørn Eide, introduced the report of the Working Group at its second session. Speaking of the Group's work he stated that an open and flexible method had been followed so that the organizations of indigenous populations, other organizations as well as Governments could hold a meaningful dialogue. The Working Group had reviewed developments concerning the situation of indigenous populations and discussed the evolution of standards regarding those populations. He drew attention to the "Plan of Action from 1984 onwards" adopted by the Working Group which listed areas of interest to be discussed in future sessions. At its third session the Working Group would discuss the issues of land and other natural resources as well as the definition of indigenous populations. An interesting question which had arisen, in that respect, was

whether there were indigenous populations in Asia. With respect to the question of establishing a Fund for allowing indigenous populations to participate in the work of the Working Group, he said that the Working Group had not yet been able to formulate a proposal which would be acceptable to all interested parties.

369. The "Study of the problem of discrimination against indigenous populations" was highly commended as a monumental work of an almost encyclopaedic character which had helped put indigenous populations so clearly on the map of international affairs. A suggestion was made that the Study be published and given the widest possible publicity.

370. Members also commended the report of the Working Group on Indigenous Populations both for its form and for its substance, including its Plan of Action for future sessions. It was pointed out that the Working Group had gained increasing importance as regards the protection and promotion of the rights of indigenous populations. A suggestion was made that the Working Group, at its third session, should start discussing the recommendations contained in the "Study of the problem of discrimination against indigenous populations".

371. A request was made by the observer for India, that a recent written submission of her Government should be reflected in any revised version of the Final Report of the Special Rapporteur.

372. The observers for Australia (28th meeting), Canada (28th meeting) and India (28th meeting) made statements. The observers for the following non-governmental organizations in consultative status with the Economic and Social Council (category II) also made statements: International Indian Treaty Council (29th meeting) and Pax Christi (28th meeting).

373. On 5 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.60) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli and Mr. Martínez Baez.

374. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1983. Mr. Gomensoro and Mr. Sofinsky requested that their names should be added to the list of sponsors. Mr. Ferrero introduced the draft resolution.

375. The Sub-Commission adopted the draft resolution at its 32nd meeting, on 7 September 1983, without a vote.

376. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/33.

377. On 5 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.61) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Ferrero, Mr. Hadi, Mr. Martínez Baez, Mr. Mubanga-Chipoya, Mrs. Odio Benito, Mr. Saker, Mr. Toševski and Mr. Whitaker.

378. At its 32nd meeting, on 7 September the Sub-Commission considered the draft resolution.

379. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

380. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1983/37.

XVII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

381. The Sub-Commission considered agenda item 10 at its 29th and 33rd meetings on 5 and 7 September 1983.

382. The Sub-Commission had before it the following documents in connection with its consideration of this item: (a) the report (E/CN.4/Sub.2/1983/17) entitled "Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder" prepared by the Special Rapporteur, Mrs. Erica-Irene Daes; (b) a compilation of replies by Governments, specialized agencies and intergovernmental organizations to the Special Rapporteur's questionnaire on the subject matter of the study (E/CN.4/Sub.2/1983/17/Add.1); (c) the report of the sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/19); (d) the final report prepared by Mr. Louis Joinet on the relevant guidelines in the field of computerized personnel files (E/CN.4/Sub.2/1983/18); and (e) a written statement (E/CN.4/Sub.2/1983/NGO/14) submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II).

383. The above-mentioned sessional Working Group was established by the Sub-Commission at its second meeting on 15 August 1983. It was composed of five members as follows: Mrs. Erica-Irene Daes (Chairman/Rapporteur), Mrs. E. Odio Benito, Mr. R. Mahdi, Mr. C.L.C. Mubanga-Chipoya and Mr. V.N. Sofinsky.

384. In introducing his final report, Mr. Joinet pointed out that his mandate was to highlight recent steps and developments in the area of safeguarding the rights of individuals with regard to computerized personal data files. He referred to the various human rights affected by the computerization of personal data, and to the measures taken at international, regional and national levels for the establishment of standards in this field. He then briefly mentioned specific problems caused by the use of computerized personnel files by international, intergovernmental, regional and other organizations. He finally referred to a set of proposals suggested in connection both with domestic law and with the files of international organizations and agencies.

385. In introducing her report, as well as that of the Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder, Mrs. Daes pointed out that the objective of her study was to make a contribution towards the protection of fundamental freedoms and rights of mental patients; the abolition of psychiatric and psychological abuses; the promotion of mental health law and medical practice; and the improvement of mental health care and mental institutions. She stated that the wide range of replies she had received to her questionnaire was clear evidence of the importance of the subject and the interest it raised. She added that the problem of mental ill-health and mental care was a universal one, but that it was dealt with in quite different ways from country to country depending on the criteria used. She referred to the fact that various forms of psychiatric abuses were taking place in several parts of the world. She finally drew special attention to the recommendations contained in her report.

386. All speakers who intervened on the subject thanked Mr. Joinet for his excellent work. The necessity to protect the privacy of individuals against eventual threats resulting from scientific and technological developments was

stressed. The recommendations formulated by Mr. Joinet were considered as useful proposals for the safeguard of human rights and freedoms against such threats. A number of additional suggestions were made regarding such recommendations.

387. Mrs. Daes was congratulated by all speakers for her excellent and comprehensive work on such a complex issue. The report, it was stated, was a valuable contribution to the protection of the rights of persons suffering from mental ill-health. It was suggested that the study by Mrs. Daes should be submitted to the Commission on Human Rights, and further printed and disseminated. A number of suggestions were also made as regards the draft body of principles, guidelines, procedures and guarantees as contained in annex II to document E/CN.4/Sub.2/1983/17, and the amendments thereto suggested so far by the Working Group during its first reading of the draft.

388. At the 29th meeting, statements were made by the following non-governmental organizations in consultative status (category II): Friends World Committee for Consultation, International Association of Penal Law, International Commission of Jurists and International Federation of Women in Legal Careers.

389. On 5 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.65) was submitted by Mr. Carey, Mr. Eide and Mr. Ferrero.

390. The Sub-Commission considered the draft resolution at its 33rd meeting, on 7 September 1983, when it was introduced by Mr. Eide.

391. A statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

392. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

393. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1983/39.

394. On 6 September 1983, a draft decision (E/CN.4/Sub.2/1983/L.67) was submitted by Mr. Eide.

395. The Sub-Commission considered the draft decision at its 33rd meeting, on 7 September 1983, when it was introduced by the sponsor.

396. At the same meeting, the Sub-Commission adopted the draft decision without a vote.

397. The text of the decision as adopted appears in chapter XXI, section B, as decision 1983/8.

XVIII. 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

398. The Sub-Commission considered agenda item 18 at its 30th and 33rd meetings held on 5 and 7 September 1983.

399. In presenting an oral report on the progress of her work in preparing 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, the Special Rapporteur, Mrs. Erica-Irene Daes referred to some of the elements which she felt would have to be reflected in the draft principles. She observed that the ideal of a free person, as presented in the Universal Declaration of Human Rights, rested on the assumption that all human beings were endowed with reason and conscience and were required to act towards one another in a spirit of brotherhood.

400. The Special Rapporteur emphasized the view that individuals, groups and organizations especially concerned with the protection of human rights were valuable complements to the existing system of international protection of human rights and were entitled to special protection by the international community.

401. Members who spoke on the item congratulated Mrs. Daes on her preliminary report and noted the importance of the subject under consideration. One speaker noted that the phenomena of terrorist and counter-terrorist activities warranted examination by the Sub-Commission. Reference was made to the role and responsibility of man in society. It was also said that conflict sometimes arose between the interests of the individual and the local and international communities and that a balance had to be sought in order to respect the various rights involved. Another speaker expressed the hope that the draft principles would reflect the interdependence of the two sets of human rights and would take account of the importance of the realization of the right of peoples to self-determination.

402. Mrs. Daes, in reply, expressed her gratitude for the attention given to her oral report and indicated that she would take full account of all the relevant suggestions made by members of the Sub-Commission. She stated that the final report would, in accordance with the request of the Commission on Human Rights, be submitted to the Sub-Commission at its thirty-seventh session.

403. On 6 September 1983, a draft resolution (E/CN.4/Sub.2/1983/L.69) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Odio Benito and Mr. Yimer.

404. At the 33rd meeting, on 7 September 1983, the draft resolution was introduced by Mr. Carey. At the same meeting, the Sub-Commission considered and adopted the draft resolution without a vote.

405. The text of the resolution appears in chapter XXI, section A, as resolution 1983/40.

XIX. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION
AND OF THE DRAFT PROVISIONAL AGENDA FOR THE
THIRTY-SEVENTH SESSION OF THE SUB-COMMISSION

406. The Sub-Commission considered its agenda item 19 at its 32nd meeting on 6 September 1983.

407. The Sub-Commission had before it the following documentations: (i) a note by the Secretariat (E/CN.4/Sub.2/1983/L.50) relating to the schedule for the thirty-seventh session of the Sub-Commission; (ii) a note by the Secretariat (E/CN.4/Sub.2/1983/L.51) prepared in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) containing a draft provisional agenda for the thirty-seventh session of the Sub-Commission and listing the documents to be submitted under each item and the legislative authority */ for their preparation.

408. The Assistant Secretary-General briefly outlined the present difficulties and those which lay ahead for the Sub-Commission. The discussion centred, inter alia, on the type of assistance given to Special Rapporteurs by the Secretariat (see E/CN.4/Sub.2/1983/SR.32).

409. The question of the dates for the holding of the thirty-seventh session of the Sub-Commission was raised. According to the provisional schedule, the last two days of the session would fall on official holidays in Geneva. At the 33rd meeting, the Sub-Commission therefore decided without a vote to adopt a new schedule.

410. The text of the decision as adopted appears in chapter XXI, section B, as decision 1983/7.

411. With regard to the draft provisional agenda, some members expressed the view that efforts should be made to streamline the work of the Sub-Commission at its thirty-seventh session. Some members thought, in that connection, that combining items would help to reduce the overloaded agenda of the Sub-Commission. It was also suggested that too many studies should not be recommended in one session. Some speakers were of the opinion that less important subjects should not be dealt with every year.

412. The draft provisional agenda (E/CN.4/Sub.2/1983/L.51) as amended by the Sub-Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Review of the work of the Sub-Commission

Report by the Secretary-General

Report of the Working Group

Legislative authority: Sub-Commission decision 2 (XXXIV) and Sub-Commission resolution 1983/21.

*/ All reports indicated by an asterisk are subject to approval by the Economic and Social Council.

4. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO

Legislative authority: Sub-Commission resolution 5 (XIV)

5. Elimination of racial discrimination

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Reports by the Secretary-General

Report by Mr. Eide */

Legislative authority: General Assembly resolution 3377 (XXX); Economic and Social Council resolution 1980/28; Sub-Commission resolutions 3 (XXXIII) and 1983/10

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

Report by Mr. Khalifa

Legislative authority: Economic and Social Council decisions 1980/131 and 1981/414; Commission resolution 1982/12 and 1983/11; Sub-Commission resolution 1982/16 and 1983/6

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

(a) Report of the Sub-Commission established under Commission resolution 8 (XXIII)

Report by Mr. Mubanga-Chipoya

Legislative authority: Economic and Social Council resolution 1235 (XLII), Commission resolution 8 (XXIII) and Sub-Commission resolution 1983/5

(b) The effects of gross violations of human rights on international peace and security

Report by the Secretary-General

Legislative authority: Sub-Commission resolution 1983/32

7. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers.

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV)

8. The administration of justice and the human rights of detainees

- (a) Question of human rights of persons subjected to any form of detention and imprisonment

Reports by the Secretary-General

Report by Mr. Joinet

Legislative authority: Commission resolution 1982/24; Sub-Commission resolutions 7 (XXVII), 18 (XXXIII), 1982/10 and 1983/24 and 1983/34.

- (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families
- (c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Report by Mr. Singhvi.

Legislative authority: Economic and Social Council decision 1980/124; Commission resolution 16 (XXXVI); Sub-Commission resolutions 16 (XXXIII), 21 (XXXIV) and decision 1982/1.

- (d) Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights

Legislative authority: Sub-Commission resolution 1983/30

9. Human Rights and scientific and technological developments

Report of the Working Group

Legislative authority: Sub-Commission resolution 1983/39

10. Study of the problem of discrimination against indigenous populations

Report by Mr. Martinez Cobo

Report of the Working Group

Legislative authority: Economic and Social Council resolutions 1589 (L) and 1982/34; Sub-Commission resolution 8 (XXIV) and 1983/33

11. The New International Economic Order and the promotion of human rights

Report by Mr. Eide

Report by the Secretary-General

Legislative authority: Economic and Social Council decision 1983/140;
Sub-Commission resolution 1983/29

12. Slavery and slavery-like practices

- (a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Report by the Working Group on Slavery on its tenth session

Reports by the Secretary-General

Report by Mrs. Warzazi and Mr. Mudawi */

Report by Mr. Bossuyt and Mr. Mudawi

Legislative authority: Economic and Social Council decision 16 (LVI);
Commission resolution 13 (XXIII) and 1982/20; and Sub-Commission
resolutions 11 (XXVII), 5 (XXIX), 8 (XXXIII) 1982/15, and 1983/13

- (b) Exploitation of child labour

Legislative authority: Sub-Commission resolution 7 B (XXXII)

13. Encouragement of Universal Acceptance of Human Rights Instruments

Reports by the Secretary-General

Report of the Sessional Working Group on the encouragement of
universal acceptance of human rights instruments

Legislative authority: Sub-Commission resolutions 1 B (XXXII) and
19 (XXXIV) 1982/2 and 1983/27; Sub-Commission decision 2 (XXXIII)

14. Elimination of all forms of intolerance and of discrimination based on religion or belief

Report by Mrs. Odio Benito */

Legislative authority: Sub-Commission resolution 1983/31

15. Promotion, protection and restoration of human rights at national, regional and international level

- (a) The status of the individual and contemporary international law

Report by Mrs. Daes

Legislative authority: Economic and Social Council decision 1981/142;
Commission resolution 18 (XXXVII); Sub-Commission
resolution 6 (XXXIII) 1982/35 and 1983/17

- (b) 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

Report by Mrs. Daes.

Legislative authority: Commission resolution 1982/30; Sub-Commission resolutions 1982/24 and 1983/40.

- (c) Other matters: Prevention of discrimination and protection of minorities

16. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-eighth session of the Sub-Commission

A note by the Secretary-General.

Report by Mr. Toševski.

Legislative authority: Economic and Social Council resolution 1894 (LVII) and Sub-Commission decision 1983/9.

17. Report of the thirty-seventh session

Report of the Sub-Commission on its thirty-seventh session.

413. At the 33rd meeting, the Sub-Commission considered and adopted a draft decision (E/CN.4/Sub.2/1983/L.68) submitted by Mr. Eide.

414. The text of the decision as adopted appears in chapter XXI, section B, as decision 1983/9.

XX. ADOPTION OF THE REPORT

415. At its 33rd meeting, on 7 September 1983, the Sub-Commission considered the draft report on the work of its thirty-sixth session. The draft report, as a whole as amended during the course of the discussion, was adopted without a vote at the 34th meeting on 9 September 1983.

XXI. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION
AT ITS THIRTY-SIXTH SESSION

A. Resolutions

1983/1. Question of slavery and the slave trade in all their practices and manifestations 37/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Having examined the report of the Working Group on the work of its ninth session,

Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/2. Exploitation of child labour 38/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Recalling its resolution 18 (XXXIV) of 10 September 1981 and 1982/33 of 10 September 1982 on the exploitation of child labour,

Further recalling Economic and Social Council decision 1982/130 of 7 May 1982 authorizing the widest possible distribution of the study prepared by the Special Rapporteur, Mr. A. Bouhdiba,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/3. Measures to combat racism and racial discrimination 39/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Recommends to the Commission on Human Rights the adoption of the following resolution:

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

37/ Adopted at the 23rd meeting on 31 August 1983, without a vote. See chap. VII.

38/ Adopted at the 23rd meeting on 31 August 1983, without a vote. See chap. VII.

39/ Adopted at the 23rd meeting on 31 August 1983, without a vote. See chap. IV.

1983/4. Measures to combat racism and racial discrimination 40/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 4 A (XXXIII) on measures to combat racism and racial discrimination and the role of the Sub-Commission;

Bearing in mind the appreciation of the Report by Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels of administration of criminal justice, as noted in paragraphs 67 and 69 of the Report of the Sub-Commission on its thirty-fifth session;

Noting a number of statements made in the present session of the Sub-Commission appreciating the utility of the said Report;

Further recalling resolution 1982/4 of the Sub-Commission expressing its thanks to the Special Rapporteur for his excellent Report;

Recommends to the Commission on Human Rights the adoption of the following draft decision:

[For the text, see chap. I, sect. B, draft decision I]

1983/5. Question of the violation of human rights and fundamental freedoms: study of the right of everyone to leave any country, including his own, and to return to his country 41/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1982/23.

Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa 42/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

40/ Adopted at the 24th meeting on 21 August 1983, without a vote. See chap. IV.

41/ Adopted at the 24th meeting on 31 August 1983 by 18 votes to 2. See chap. V.

42/ Adopted at the 24th meeting on 31 August 1983 without a vote. See chap. IV.

Having noted with satisfaction the updated report 43/ submitted by the Special Rapporteur, Mr. Ahmed Khalifa,

1. Invites, in accordance with resolution 8 (XXXVII) of the Commission on Human Rights and decision 1981/141 of the Economic and Social Council of 8 May 1981, the Special Rapporteur, Mr. Ahmed Khalifa:

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

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations, and other relevant sources in order to indicate the volume and nature of the assistance given to the racist regime in South Africa; and in particular to define, as far as possible in each case, the detrimental effects of this assistance.

2. Requests the Secretary-General to give the Special Rapporteur all the assistance, including adequate funds, that he may require in the exercise of his mandate, with a view in particular to expand his work on the annotation of certain selected cases as reflected in his present list 44/ and the use of computerized assistance in the preparation of future updated reports;

3. Invites the Secretary-General to give the updated report of the Special Rapporteur the widest publicity and dissemination and to issue it as a United Nations publication;

4. Welcomes the General Assembly resolution 37/39 which affirmed that the updating of this report is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa and Namibia;

5. Decides further to consider the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa" as a matter of high priority at its thirty-seventh session.

1983/7. Review of further developments in fields with which the Sub-Commission has been concerned: Report on the Exploitation of Labour through Illicit and Clandestine Trafficking 45/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

44/ Ibid., Add.2.

45/ Adopted at the 24th meeting on 31 August 1983 without a vote. See chap. VIII.

Bearing in mind the importance of the work undertaken in connection with the human rights of migrant workers and their families by the General Assembly, other organs of the United Nations, and the specialized agencies, including resolution 34/172 of 17 December 1979, in which the General Assembly created a working group to elaborate an international convention on the rights of all migrant workers and their families,

Taking note of resolutions 1983/16 of 26 May 1983 and 1983/40 of 27 May 1983 of the Economic and Social Council, which express concern over the conditions of migrant workers,

Noting that the General Assembly, in resolutions 35/199 of 15 December 1980, 36/165 of 16 December 1981, and 37/169 of 17 December 1982, endorsed an open-ended working group for the purpose of concluding the elaboration of a draft declaration on the human rights of individuals who are not citizens of the country in which they live,

Noting also with interest the comments made by the Sub-Commission at its thirty-sixth session on the plight of migrant workers, which has dramatically worsened in recent years, and on the need to help protect those workers' rights,

1. Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/8. The effects of gross violations of human rights on international peace and security 46/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that on 19 July 1979 the people of Nicaragua in their exercise of the right of self-determination put an end to several decades of tyranny,

Noting with satisfaction that despite the difficulties encountered, one of the first concerns of the new authorities was to abolish the death penalty and adhere to or ratify the main international instruments relating to human rights,

Seriously concerned by the numerous deadly incursions by armed groups coming from a neighbouring country and sustained by an external force, as well as by the wide scope of the manifestations of this force which are not commensurate with the alleged danger invoked,

Considering that this situation is a source of interference, which seriously threatens the right to self-determination of the Nicaraguan people,

Recommends to the Commission on Human Rights the adoption of the following resolution:

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

46/ Adopted at the 24th meeting on 31 August 1983 by 18 votes to 1, with 1 abstention. See chap. VI.

1983/9. Question of the violation of human rights and fundamental freedoms:
The situation in the Arab territories occupied by Israel-47/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the United Nations, and in particular respect for the principle of equal rights and self-determination of all peoples,

Mindful of the humanitarian principles and provisions of the Geneva Conventions of 1949 and the Additional Protocols, and of the obligations arising from the regulations annexed to the Fourth Hague Convention of 1907,

Recalling the General Assembly resolutions ES-7/2 of 29 July 1980, 37/88 of 10 December 1982, 37/123 of 16 and 20 December 1982 and all relevant General Assembly resolutions on Israeli violations of the human rights of the population of the occupied Arab territories,

Recalling the Commission on Human Rights resolutions 1983/1, 1983/2, 1983/3, of 15 February 1983, and 1983/27 of 7 March 1983,

Also recalling its resolution 1982/18 of 8 September 1982,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories 48/ submitted to the General Assembly at its thirty-seventh session,

Also taking note of the report of the Seminar on Violations of Human Rights in the Palestinian and Other Arab Territories Occupied by Israel, 49/ held in Geneva from 29 November to 3 December 1982,

1. Strongly affirms that the perpetuation of the Israeli occupation of the Palestinian and other Arab territories, including Jerusalem, can only be a source of increasing violations of the human rights of the populations of these territories and of increasing tension in the region;
2. Reiterates that the inalienable rights of the Palestinian people include:
 - (a) their right to self-determination without external interference;
 - (b) their right to return to their homes and property from which they have been displaced and uprooted by Israel;
 - (c) their right to the establishment of a fully independent and sovereign State of Palestine;

47/ Adopted at the 24th meeting on 31 August 1983, by 15 votes to 1, with 5 abstentions. See chap. V.

48/ A/37/485.

49/ ST/HR/SER.4/14.

3. Reaffirms the basic principle that the future of the Palestinian people can only be decided with its full participation, through its representative organ, the Palestine Liberation Organization;
4. Affirms that the Palestinian and other freedom fighters detained by Israel are entitled to benefit of the status of prisoner of war, according to the Third Geneva Convention;
5. Affirms that the Palestinian and other civilians arbitrarily detained by Israel should be immediately released;
6. Strongly reaffirms that the Geneva Convention Relative to the Protection of Civilian Persons in Time of War is fully applicable to the Palestinian and other Arab territories occupied by Israel, including Jerusalem and the Syrian Golan Heights;
7. Expresses its deep concern at the consequences of Israel's systematic refusal to apply the Geneva Convention Relative to the Protection of Civilian Persons in Time of War in all its provisions to these territories;
8. Expresses its deep 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 massacres perpetrated in Sabra and Shatila refugee camps, which have been qualified as an act of genocide, and for which the responsibility of the Israeli Government has been established;
9. Requests the Secretary-General of the United Nations to supply the Sub-Commission, at its thirty-seventh session with a list of the latest reports, studies, documents, statistics and with the texts of relevant decisions and resolutions adopted by the United Nations concerning Palestine and other Arab occupied territories, including Lebanon.
10. Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/10. Measures to combat racism and racial discrimination 50/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that a priority task of the Sub-Commission is to submit proposals to the Commission on Human Rights on principles and measures for the elimination of racial and ethnic discrimination,

Conscious of the discussions and conclusions of the Second World Conference to Combat Racism and Racial Discrimination,

Having heard the report from that Conference by its appointed representative Mr. Asbjørn Eide,

50/ Adopted at the 30th meeting on 5 September 1983, by 19 votes to 1, with 3 abstentions. See chap. IV.

Noting that many points contained in the adopted Programme of Action have a direct bearing on the work of the Sub-Commission,

1. Expresses its appreciation for the holding of the Second World Conference and the adopting of a Declaration and a Programme of Action by the Conference;
2. Endorses, in particular, the proposed series of studies and seminars contained in the Programme of Action of the Conference;
3. Thanks Mr. Asbjørn Eide who represented the Sub-Commission at the Conference for his report thereon;
4. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/11. Exploitation of child labour 51/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling article 3 of the Universal Declaration of Human Rights regarding the right to life, liberty and security of the person,

Recalling also article 24 of the International Covenant on Civil and Political Rights concerning the child's right to protection by family, society and the State,

Further recalling the General Assembly's Declarations on the Protection of Women and Children in Emergency and Armed Conflict, resolution 3318 (XXIX) of 14 December 1974, and on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, resolution 2037 (XX) of 7 December 1965,

Recalling finally the Geneva Conventions of 1949 and the Protocols of 1977 additional thereto,

Recommends to the Commission on Human Rights adoption of the following draft resolution:

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

1983/12. Question of the violation of human rights and fundamental freedoms:
The situation in Guatemala 52/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

51/ Adopted at the 30th meeting on 5 September 1983, by 12 votes to none, with 6 abstentions. See chap. VII.

52/ Adopted at the 30th meeting on 5 September 1983 by 17 votes to none, with 3 abstentions. See chap. V.

Guided by the principles embodied in the Charter of the United Nations, and, in particular, in the Preamble to the Universal Declaration of Human Rights, which calls for the protection of human rights by law,

Recalling decision 12 (XXXV) of 14 March 1979, of the Commission on Human Rights, as well as Commission resolutions 32 (XXXVI) of 17 March 1980; 33 (XXXVII) of 11 March 1981; 1982/31 of 11 March 1982; 1983/37 of 8 March 1983, in which deep concern is reiterated for the persistent reports concerning massive violations of human rights in Guatemala,

Taking into account resolution 37/184 of 17 December 1982, of the General Assembly, and resolution 1982/17 of 7 September 1982, of the Sub-Commission,

Observing with concern that traditionally in Guatemala there has been discrimination in economic, social, political and cultural aspects against the Indian population, who constitute the immense majority of the total population of the country,

Recognizing that today in Guatemala there exists an armed conflict of a non-international character, which stems from economic, social and political factors of a structural nature, and that within that conflict, the security forces and government institutions have not respected the norms of international humanitarian law,

1. Expresses its deep concern that one year after the unanimous adoption of resolution 1982/17 of 7 September 1982, by the Sub-Commission, the situation of human rights in Guatemala may grow worse, and that the persistent and systematic nature of violations of human rights and fundamental freedoms have made impossible the effective exercise of economic, social, cultural, civil and political rights in Guatemala;
2. Calls upon the Government of Guatemala to refrain from forced displacement of the Indian communities, and their confinement in strategic hamlets, as well as massacres, scorched-earth policies, and forced disappearances;
3. Calls upon all parties concerned in the conflict in Guatemala to assure the application of international norms of humanitarian law in war in order to protect the civilian non-combatant population;
4. Insists that the Government take appropriate measures to ensure that the security forces comply with the norms of humanitarian law, applicable to armed conflicts of a non-international character;
5. Urges, in this respect, the Government of Guatemala to facilitate the entrance of international humanitarian bodies into Guatemala, to assist victims of the conflict;
6. Further urges Governments to abstain from providing arms or other kind of military assistance to Guatemala as long as reports of serious violations of human rights in this country continue;
7. Expresses the hope that the Special Rapporteur, in carrying out the mandate of the Commission will take due account of all the information that has been submitted to the Sub-Commission, which it will forward to him, as well as any other relevant data furnished him.

1983/15. Question of slavery and the slave trade in all their practices and manifestations 53/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the report of the Working Group on Slavery on the work of its ninth session,

Gravely concerned at the evidence of the continuation and even increase of slavery-like practices in many parts of the world, and of the emergence of new forms of such practices, contained in the report of the Working Group on Slavery,

1. Notes with appreciation that a number of Governments have submitted comments and information to the Working Group on Slavery in reply to requests made by the Sub-Commission, and that several State observers have participated in the Working Group's session;

2. Considers that it is of extreme urgency for the competent organs of the United Nations to devote special attention to issues relating to violations of women's and children's rights, and to the question of debt bondage;

3. Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/14. Question of the violation of human rights and fundamental freedoms: The situation in the Islamic Republic of Iran 54/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 10 (XXXIII) of 10 September 1980, 8 (XXXIV) of 9 September 1981 and 1982/25 of 8 September 1982,

Noting Commission on Human Rights resolution 1983/34 of 8 March 1983,

Noting further the report of the Secretary-General 55/ on the human rights situation in the Islamic Republic of Iran submitted to the Commission on Human Rights in pursuance of Commission resolution 1982/27,

Alarmed at reports of 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 the evidence of summary and arbitrary executions, torture, detention, without trial, religious intolerance and persecution, and the lack of an independent judiciary and other recognized safeguards for a fair trial,

53/ Adopted at the 30th meeting on 5 September 1983, without a vote. See chap. VII.

54/ Adopted at the 30th meeting on 5 September 1983 by 13 votes to 1, with 7 abstentions. See chap. V.

55/ E/CN.4/1983/19.

Gravely concerned at the persistent reports of continuing persecution of the Baha'is solely on the grounds of their religious beliefs,

Believing that it might be useful for the Commission on Human Rights to recommend to the Economic and Social Council the appointment of a Special Rapporteur to study the human rights situation in the Islamic Republic of Iran and to present a report to the Commission on Human Rights at its forty-first session,

1. Expresses its profound concern at the reports of continuing grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran;
2. Regrets that the Government of the Islamic Republic of Iran has not so far responded to the appeals of the international community;
3. Notes the continuing efforts of the Secretary-General as mandated by the Commission on Human Rights in its resolution 1983/34 to bring about an improvement in the human rights situation in the Islamic Republic of Iran through his direct contacts with the Government concerned, and expresses the hope that the direct contacts of the Secretary-General will be successful.

1983/15. Question of the violation of human rights and fundamental freedoms:
The human rights of disabled persons 56/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 37/52 of 3 December 1982, known as the World Programme of Action concerning Disabled Persons, which provides that United Nations bodies responsible for human rights should take into account the unfortunate situation of most disabled persons,

Recalling also Sub-Commission resolution 1982/1, in which the relation between human rights and disability is recognized,

Lamenting that human rights violations continue to be a substantial cause of disability, and that disabled persons are frequently subjected to intolerable treatment,

1. Requests that the Secretary-General again invite concerned non-governmental organizations, in consultation with disabled persons, to investigate human rights problems of disabled persons and submit the findings to him for his report to the Sub-Commission at its thirty-seventh session;
2. Urges the Secretary-General to continue his efforts to obtain views of United Nations organs, specialized agencies, regional intergovernmental organizations, the International Committee of the Red Cross, and concerned non-governmental organizations on ways and means to prevent violations, especially gross violations, of human rights of disabled persons as well as ways and means of preventing disabilities, especially those caused by violations of humanitarian norms governing armed conflict;

3. Welcomes the decision of the General Assembly, in its resolution 37/53, to proclaim the period 1983-1992 United Nations Decade of Disabled Persons;
4. Requests that the Commission on Human Rights invite Governments, in consultation with disabled persons, to identify human rights problems of disabled persons in their jurisdictions and to provide descriptions of those problems, along with plans to alleviate them, to the Sub-Commission in accordance with Sub-Commission resolution 1982/1, for consideration at its thirty-seventh session;
5. Recommends that the Commission on Human Rights request Governments to pay particular attention to ways and means to strengthen procedures whereby disabled persons may address human rights problems in accordance with Sub-Commission resolution 1982/1;
6. Decides to consider at its thirty-seventh session the question of preparing a thorough study on human rights and disability, beginning with the information submitted in response to requests of the Commission on Human Rights and the Secretary-General.

1983/16. Question of the violation of human rights and fundamental freedoms:
The question of communal violence in Sri Lanka 57/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned about the recent communal violence in Sri Lanka, which cost severe loss of lives and property,

Recalling that Sri Lanka has ratified both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recognizing that the Government of Sri Lanka has sought to reduce ethnic tension and to foster national harmony,

Noting with concern that despite these efforts the relationship between the ethnic communities seems to have deteriorated,

57/ Adopted at the 30th meeting on 5 September 1983 by 10 votes to 8, with 4 abstentions. See chap. V.

1. Requests the Secretary-General to invite the Government of Sri Lanka to submit information on the recent communal violence in Sri Lanka, including its efforts to investigate the incidents and to promote national harmony, and to submit any information received from the Government of Sri Lanka to the Commission on Human Rights at its fortieth session;

2. Recommends to the Commission on Human Rights that it should examine the situation in Sri Lanka in the light of all available information.

1983/17. The status of the individual and contemporary international law 58/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 18 (XXXVII) of the Commission on Human Rights by which the Commission recommended to the Economic and Social Council that it authorize the Sub-Commission to appoint Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the mandate of undertaking a study on the topic entitled "The status of the individual and contemporary international law", and Economic and Social Council decision 1981/142, related thereto,

Recalling also its resolution 1982/35,

Having heard the introductory statement of the Special Rapporteur outlining the study and analysing its basic purpose, usefulness and the provisional table of contents,

Having considered the preliminary report 59/ submitted by the Special Rapporteur Mrs. Erica-Irene A. Daes,

1. Expresses its deep appreciation to the Special Rapporteur for her preliminary report and the excellent work she has so far accomplished;

2. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

58/ Adopted at the 30th meeting, on 5 September 1983, without a vote. See chap. XI.

59/ E/CN.4/Sub.2/1983/31.

1983/18. Question of the violation of human rights and fundamental freedoms:
The situation in El Salvador 60/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, particularly article 1 which concerns the right of a people freely to determine their political status and pursue their economic, social and cultural development,

Recalling that in its resolution 37/185 of 17 December 1982, the General Assembly expresses again its deep concern for the situation of human rights in El Salvador, especially in view of the death of thousands of people and the climate of repression and insecurity prevailing in that country,

Taking note of the decision of the Commission on Human Rights in its resolution 1983/29 to extend for one more year the mandate of its Special Representative,

Having examined carefully the report 61/ of the Special Representative in which the continuance of grave, massive and continuous violations of Human Rights and liberties in El Salvador is confirmed,

Taking note of the information mentioned in the said report that the situation in this country takes its roots from internal political social and deeply unfair factors,

Expressing the view that the situation of armed confrontation in El Salvador must be considered as falling within the scope of article 3 of the Geneva Conventions of 12 August 1949 and the Protocol II to these Conventions, which assure protection to all people, combatants and non-combatants, injured combatants and all civil populations including refugees in the countryside, women and children, and national and international humanitarian bodies,

Calling on all parties to participate in the effort to move the country towards democracy,

Encouraged by efforts in recent months to open ways to peaceful solutions in the Central American Region, in particular, those efforts emanating from the Group "Contadora",

60/ Adopted at the 30th meeting on 5 September 1983 without a vote. See chap. V.

61/ E/CN.4/1983/20.

Believing that efforts to restore a climate of protection of human rights would be more easily obtained if all States abstain from intervention in the internal situation in El Salvador and from supplying weapons or any military assistance to El Salvador,

1. Suggests that the Special Rapporteur, in his report, should also give attention to the respect, or violation, of humanitarian law in armed conflict;
2. Requests the Secretary-General to report to the Sub-Commission at its thirty-seventh session on the work of the special representative of the Commission and on the deliberations of the Commission relating thereto.

1983/19. Question of the violation of human rights and fundamental freedoms:
The situation in Chile 62/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account resolution 1983/38 of the Commission on Human Rights and resolution 1982/19 of this Sub-Commission,

Considering the recent information which confirms the continued existence of systematic violations of human rights in Chile,

Deploring the fact that the peaceful demonstrations undertaken by democratic groups have been brutally repressed, with the loss of many lives, particularly of children,

Seriously concerned about the situation of human rights in general, and the situation of the indigenous peoples in particular,

1. Urges the Chilean authorities to put an end to all repressive measures, to torture and to cruel, inhuman or degrading treatment;
2. Appeals to the Chilean authorities to respect civil, political, economic, social and cultural rights, especially those of the indigenous peoples;
3. Recommends to the Commission on Human Rights that it urge the Chilean authorities to respect and promote human rights, in accordance with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

1983/20. Question of the violation of human rights and fundamental freedoms:
The situation in Afghanistan 63/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 11 (XXXIV) of 9 September 1981 and 1982/21 which called for a political settlement on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty and territorial integrity of Afghanistan,

Also recalling resolution 1982/14 and 1983/7 of the Commission on Human Rights, which expressed the view that the withdrawal of foreign forces from Afghanistan is essential for restoring the right to self-determination and the enjoyment of human rights in Afghanistan,

Further expressing its appreciation and support for the efforts and constructive steps taken by the Secretary-General in search for a solution to the problem,

Alarmed by continuing reports of human rights violations and suffering in Afghanistan,

Aware that the efforts made by the Secretary-General in a political settlement should be supplemented by an effort to create a climate of respect and protection of human rights for all,

1. Requests the Secretary-General to collect information on the human rights situation in Afghanistan and to transmit to the Commission on Human Rights at its fortieth session the information thus obtained;
2. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

63/ Adopted at the 30th meeting, on 5 September 1983, by 14 votes to 2 with 3 abstentions. See chap. V.

1983/21. Review of the work of the Sub-Commission 64/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its terms of reference as defined by the Commission at its fifth session and in its resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, and in the relevant resolutions of the Economic and Social Council and of the General Assembly,

Bearing in mind Commission on Human Rights resolution 1983/22 in which the Commission invited the Sub-Commission to proceed to a consideration of a number of aspects of the Sub-Commission's role and activities.

Having had a preliminary exchange of views on activities of the Sub-Commission, taking into account Commission resolution 1983/22,

Believing that these issues are of sufficient importance to warrant an in-depth analysis and further consideration by the Sub-Commission before concrete recommendations, as requested, are submitted to the Commission,

1. Decides to give priority attention to the consideration of these questions at the thirty-seventh session of the Sub-Commission in order to study in-depth the working methods, and the programme of work of the Sub-Commission;

2. Requests the Secretary-General to submit to the Sub-Commission at its thirty-seventh session a background note providing an analytical review of the positions taken and the views expressed in the Sub-Commission and the Commission on these questions from 1981 onwards, as well as an outline of a five-year programme of work for the Sub-Commission;

3. Further decides to establish at its thirty-seventh session, a sessional working group composed of five of its members representing the various regions, to study the note referred to above and other material and to present suggestions for the adoption, by the Sub-Commission, of recommendations to the Commission, including a programme of work for future years;

4. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/22. Conscientious objection to military service 65/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling resolution 38 (XXXVI) of the Commission on Human Rights and especially its resolution 40 (XXXVII) which requested the Sub-Commission to study the question of conscientious objection to military service,

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

Recalling Sub-Commission resolution 14 (XXXIV) in which it recognized the importance of the question of conscientious objection as a human right and the interrelationship of this question with the promotion and protection of other human rights,

Recalling that resolution 14 (XXXIV) also expressed the desire that two members of the Sub-Commission, Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, study the matter and prepare a concise report to be presented at the thirty-fifth session of the Sub-Commission,

Having received with deep appreciation the excellent report 66/ by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service,

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

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights of conscientious objectors,

Recalling articles 3 and 18 of the Universal Declaration of Human Rights, which proclaims the right of everyone to life, liberty and the security of persons and the right to freedom of thought, conscience and religion,

Noting the great potential of destruction and oppression attendant on modern military conflict.

1. Decides to transmit the report to the Commission on Human Rights;
2. Requests the Commission to study the recommendations contained in paragraphs 154 to 168 of that report and to make appropriate recommendations to the Economic and Social Council;
3. Further requests the Commission to recommend to the Economic and Social Council that the report by Mr. Eide and Mr. Mubanga-Chipoya be printed and given the widest possible distribution.

65/ Adopted at the 30th meeting, on 5 September 1983, by 14 votes to none, with 5 abstentions. See chap. X.

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

1983/23. The administration of justice and the human rights of detainees 67/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Universal Declaration of Human Rights, 68/ in particular articles 3, 5, 9, 10 and 11 concerning, inter alia, the right to life, liberty and security of person, freedom from torture, freedom from arbitrary arrest and detention, and the right to a fair and public trial, and the provisions of articles 6, 7, 9 and 10 of the International Covenant on Civil and Political Rights, 69/ which define and establish safeguards for certain of these rights,

Sharing the deep concern expressed by the General Assembly in its resolution 33/173 of 20 December 1978, at reports from various parts of the world of enforced or involuntary disappearances of persons,

Recalling Economic and Social Council resolution 663 C (XXIV) of 31 July 1957, approving the Standard Minimum Rules for the Treatment of Prisoners, paragraphs 37, 44, 92, 93 and 95 of which recognize rights of communication between prisoners (and detainees) and persons at liberty, especially their families,

Reiterating the right of families to know the fate of their relatives,

Having reviewed at its thirty-sixth session developments concerning the human rights of persons subjected to any form of detention or imprisonment,

Conscious of resolution 26 (XXXVI) of the Commission on Human Rights entitled "Individualization of prosecution and penalties and repercussions of violations of human rights on families" and of the Sub-Commission's decision to include this question in its own agenda,

Having in mind Commission resolution 1983/20 in which it reminded the Sub-Commission of its resolution 1982/24, whereby it had requested the Sub-Commission to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons and requested the Sub-Commission to submit general recommendations to the Commission at its fortieth session,

Convinced that unacknowledged detention of persons, whatever their condition, is inadmissible conduct on the part of any State Member of the United Nations and should be the subject of a declaration to be drafted with due attention to all relevant factors such as the scourge of domestic violence, sabotage and terrorism and the duty of Governments to deal adequately with these problems,

67/
chap. XII.

.ng, on 5 September 19

68/ Resolution 217 A (III).

69/ Resolution 2200 A (XXI), annex.

1. Requests the Working Group on Detention of the Sub-Commission to prepare a first draft of a Declaration Against Unacknowledged Detention of Persons, Whatever Their Condition, and to submit the draft to the Sub-Commission for review and possible revision at its thirty-seventh session and for submission to the Commission on Human Rights at its forty-first session;

2. Requests the Secretary-General to provide the Sub-Commission and its Working Group on Detention with any available documentation for the foregoing purpose.

1983/24. The administration of justice and the human rights of detainees 70/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights regarding the right to life, liberty, and security of the person,

Recalling also article 3 of the United Nations Code of Conduct for Law Enforcement Officials regarding restraints on the use of force by law enforcement officials,

Having noted with satisfaction the report 71/ of the Special Rapporteur on the implications of human rights of recent developments known as states of siege or emergency,

Bearing in mind Commission on Human Rights resolution 1983/18 in which the Commission invited the Sub-Commission to propose measures designed to ensure respect for human rights under states of siege or emergency,

Seriously concerned by the numerous occurrences in many countries of excessive and/or completely unwarranted use of force by law enforcement officials and military personnel during public gatherings, resulting in civilian loss of life or injury,

1. Requests the Commission on Human Rights to invite the Committee on Crime Prevention and Control at its eighth session to consider how the question of restraints on the use of force by law enforcement officials and military personnel might be effectively examined by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. Requests the Secretary-General to address a note verbale to Governments and a letter to specialized agencies, regional organizations and non-governmental organizations to ask for their views and comments and to prepare an analysis on the subject of State policies and practices regarding restraints on the use of force by law enforcement officials and military personnel based on these replies which should be presented to the Sub-Commission during its thirty-seventh session.

70/ Adopted at the 30th meeting, on 5 September 1983, without a vote. See chap. XII.

71/ E/CN.4/Sub.2/1982/15.

1983/25. The administration of justice and the human rights of detainees 72/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the relevant resolutions and recommendations of the United Nations General Assembly on the policies of apartheid practised by the South African racist regime,

Viewing with serious concern the continued and mounting persecution of opponents of apartheid by the South African racist regime, under a series of security laws that have already claimed the lives of nearly 60 political detainees and condemned hundreds of others to severe and harsh prison sentences, such as Nelson Mandela and other leaders who have for the past 21 years been languishing in prison,

Alarmed by the deaths in detention of a growing number of political detainees in South Africa as well as the continuing spate of political trials and savage sentences being imposed on opponents of apartheid, including the imposition of death sentences and in particular, the execution in June 1983 of three young militants, members of the military wing of the African National Congress, in violation of the Additional Protocols to the Geneva Conventions of 1949 and in total disregard of world-wide protests and appeals.

Seriously concerned at the widespread use of torture by the South African racist regime under a series of security laws that provide, inter alia, for:

(a) the arrest and detention and interrogation incommunicado of opponents of apartheid for renewable periods of 180-day detentions;

(b) prohibition of gatherings, bannings, banishment, house arrest and other restrictions to silence opposition to apartheid;

1. Notes with particular concern, that the South African constitution, whereby the majority indigenous African population and other sections of the black majority are denied the franchise as well as the right to occupy positions as judges, magistrates and prosecutors, puts the judiciary and the whole judicial system and the impartiality of the judiciary into serious doubt, especially in those cases involving the conflicting interests of the ruling white minority, and the disenfranchised black majority;

2. Notes further that the South African constitution, under these circumstances, cannot be considered as a just basis for a fair and just judicial system;

3. Strongly condemns the South African racist regime's continuing campaign of repressions, detentions and persecution of South African patriots fighting its apartheid policies for the establishment of a just and equitable, non-racial democratic system;

4. Condemns in particular the execution of three young South African militants in June 1983 because of their involvement in the liberation struggle of their people, in violation of the Additional Protocols to the Geneva Conventions of 1949, as well as the continuing spate of political trials and the continued imprisonment of Nelson Mandela and other political prisoners;

5. Calls on the Commission on Human Rights to urgently investigate and study the situation and seek urgent action and intervention by the General Assembly;

6. Reaffirms its complete and total support for the renewed world campaign by the United Nations Special Committee against Apartheid to secure the immediate and unconditional release of Mandela and other political prisoners imprisoned by the regime in South Africa and Namibia.

1983/26. Question of the violation of human rights and fundamental freedoms: the situation in East Timor 73/.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting that, in its resolution 1983/8, the Commission on Human Rights, inter alia, reaffirmed the inalienable right of the people of East Timor to self-determination and independence,

Welcoming, the spirit of co-operation shown by the authorities concerned, in accordance with the wishes of the Sub-Commission, in facilitating the entry into the Territory of international aid to alleviate the suffering of the people of East Timor, in particular by promoting the reunification of families,

Recalling that, in its resolution 1982/20, the Sub-Commission deplored the fact that the gravity of the situation of the people of East Timor was not being given sufficient attention by a large part of the international community,

1. Welcomes, therefore, the fact that, in its resolution 37/30 of 23 November 1982, the General Assembly, referring specifically to the above-mentioned resolution of the Sub-Commission, decided to include the question of East Timor in the agenda of its following session;

2. Requests the Secretary-General to intensify his efforts to promote all contacts calculated to encourage all the parties concerned to arrive at a stable solution, with due regard for the interests of the people of East Timor;

3. Recommends that the Commission on Human Rights, at its fortieth session, should continue to consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor.

73/ Adopted at the 31st meeting, on 6 September 1983, by 10 votes to 7 with 8 abstentions. See chap. V.

1983/27. Encouragement of universal acceptance of human rights instruments 74/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII), 19 (XXXIV), 1982/3 and its decision 2 (XXXIII) on the encouragement of universal acceptance of human rights instruments,

Having considered the report 75/ of the Secretary-General transmitting the information submitted by Governments,

1. Expresses its appreciation to those Governments which have conveyed information to the Sub-Commission;
2. Takes note of the report 76/ of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments;
3. Requests the Secretary-General to renew the invitation communicated by his notes dated 12 December 1979, 29 December 1980, 30 November 1981, and 30 November 1982, to the Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not yet ratified;
4. Requests the Secretary-General to invite the Governments mentioned in paragraph 36 of the 1983 report 77/ of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to submit any information which they may wish to furnish regarding the circumstances which have so far not enabled them to become parties to the human rights instruments referred to by the Working Group during the examination of their replies;
5. Requests the Secretary-General to renew the invitation communicated by his previous notes to the Governments mentioned in paragraph 37 of the 1982 report 78/ of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to submit any information which they may wish to furnish regarding the circumstances which have so far not enabled them to become parties to the human rights instruments referred to by the Working Group during the examination of their replies;

74/ Adopted at the 31st meeting, on 6 September 1983, without a vote.
See chap. XIV.

75/ E/CN.4/Sub.2/1983/35.

76/ E/CN.4/Sub.2/1983/28.

77/ Ibid.

78/ E/CN.4/Sub.2/1982/22.

6. Requests the Secretary-General to renew the invitation communicated by his previous notes to the Governments mentioned in paragraph 38 of the 1981 report 79/ of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to submit any information which they may wish to furnish regarding the circumstances which have so far not enabled them to become parties to the human rights instruments referred to by the Working Group during the examination of their replies;

7. Requests the Secretary-General to invite the Governments which have not yet made the declarations provided for under article 41 of the International Convention on Civil and Political Rights and under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, although they have adhered to the above instruments, requesting them to submit any information they may wish to furnish regarding the circumstances which have so far not enabled them to accept those articles;

8. Decides to include the Convention on the Elimination of All Forms of Discrimination against Women in the list of human rights instruments under paragraph 1 of Sub-Commission resolution 1 B (XXXII), as complemented by resolution 1982/3;

9. Endorses the decision of the Working Group to request its Chairman-Rapporteur to prepare, with the assistance of the Secretariat, a discussion paper for the next session of the Working Group analysing types of difficulties preventing States from becoming parties to the international instruments on human rights, included in its terms of reference, and submitting possible suggestions for overcoming such difficulties.

1983/28. The administration of justice and the human rights of detainees 80/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the conclusions of the Special Rapporteur of the Sub-Commission on the status of human rights in situations of a state of siege or emergency, according to which the permanence of the states of emergency may be an important cause of the degradation of human rights in a country,

Taking note that in Paraguay the state of siege is used on a permanent basis since 1954 through its renewal every three months.

Being aware through recent information of the growing incidence of threats to individual liberty, resulting in the arbitrary detention and cruel treatment of prisoners of opinion, as well as of violations of the right to due and equitable process, and serious limitations to the freedom of expression,

79/ E/CN.4/Sub.2/L.785.

80/ Adopted at the 31st meeting, on 6 September 1983, without a vote.
See chap. XII.

Considering that this situation can be alleviated by ending the current conditions of the permanent state of siege.

Recommends to the Commission on Human Rights the adoption of the following resolution:

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

1983/29. The new international economic order and the promotion of human rights 81/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling resolution 1983/140 of the Economic and Social Council in which it authorized the Sub-Commission to entrust Mr. Asbjørn Eide with the preparation of a study on the right to adequate food as a human right,

Noting further that the Economic and Social Council, in its above-mentioned resolution, calls on the Special Rapporteur to take into account all relevant work being done within the United Nations system and that he should give special attention to the normative content of the right to food and its significance in relation to the establishment of the new international economic order,

Having received the preliminary report 82/ by the Special Rapporteur in which an outline for the planned work is provided,

1. Expresses its profound satisfaction to the Special Rapporteur for the approach chosen in that outline;

2. Requests Mr. Eide to prepare the report in accordance with the outline presented and with the comments made by the members of the Sub-Commission at its thirty-seventh session.

1983/30. The administration of justice and the human rights of detainees 83/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having in mind resolution 1983/20 of the Commission on Human Rights whereby it reminded the Sub-Commission of its resolution 1982/24, which had requested the Sub-Commission to submit to it general recommendations on the most effective means for eliminating enforced or involuntary disappearances of persons,

Having reviewed developments concerning the human rights of persons subjected to any form of detention or imprisonment,

81/ Adopted at the 31st meeting, on 6 September 1983, without a vote. See chap. XV.

82/ E/CN.4/Sub.2/1983/25.

83/ Adopted at the 31st meeting on 6 September 1983, by 19 votes to 1, with 3 abstentions. See chap. XII.

Conscious of resolution 1983/18 of the Commission on Human Rights which requested the Sub-Commission to give further attention to the study 84/ by Mrs. Nicole Questiaux and to propose to the Commission at its fortieth session measures designed to ensure respect for human rights under states of siege or emergency,

1. Decides to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violation of human rights" for the purpose of:

(a) Requesting its Working Group on Detention to draw up and update a list of countries which proclaim or terminate a state of emergency each year;

(b) Submitting an annual special report to the Commission on Human Rights containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. In that connection, reference would be made to the principles defined in the study (proclamation, notification, exceptional threat, proportionality, non-discrimination, inalienability of fundamental rights).

2. Requests the Commission on Human Rights to consider the special report of the Sub-Commission at each of its sessions;

3. Refers the following proposals to its Working Group on Detention:

(a) In regard to the period of imprisonment:

Any arrest followed by remand in custody should be made public without delay or at least be entered in a register;

The time during which a person is held incommunicado should not exceed a short period prescribed by the emergency law itself;

In order to protect life and personal freedom, it should not be possible to suspend the habeas corpus procedure or similar remedies in any situation including a state of siege or emergency.

(b) In regard to the inalienable elements of the right to a fair trial, the following should be guaranteed:

A minimum of communication with defence counsel, who should be freely chosen;

The proceedings should be made public, even if attendance is restricted to the family and, most important, to legal observers who are qualified or appointed by non-governmental organizations.

(c) In regard to sentences:

Capital punishment should be abolished, particularly where political matters are concerned.

(d) In regard to procedure:

Any provision of penal law permitting retroactive changes in jurisdiction or procedure shall be suspended when a state of emergency enters into force.

1983/31. Elimination of all forms of religious intolerance 85/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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,

Taking note of General Assembly resolution 37/187 of 18 December 1982, in which the General Assembly requested the Commission on Human Rights to consider what measures might be necessary to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief,

Recalling its resolution 1982/28 of 10 September 1982, in which it decided to consider, at its thirty-sixth session, the updating of the Study on Discrimination in the Matter of Religious Rights and Practices prepared by its Special Rapporteur, Mr. Arcot Krishnaswami,

Welcoming Commission on Human Rights resolution 1983/40 of 9 March 1983, in which the Commission requested the Sub-Commission to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief, using as its terms of reference the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Having studied the note by the Secretary-General 86/ prepared pursuant to Sub-Commission resolution 1982/28 and Commission on Human Rights resolution 1983/40,

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

Concerned that religious minorities and atheists suffer official discrimination and even persecution in certain countries,

1. Recommends to the Secretary-General that the seminar on the encouragement of understanding, tolerance and respect in matters relating to the freedom of religion and belief, to be held within the framework of the Advisory Services Programme in the period 1984/85, should discuss the development of programmes of education designed to foster religious tolerance which encompass studies reflecting the following elements:

85/ Adopted at the 31st meeting, on 6 September 1983, without a vote. See chap. IX.

86/ E/CN.4/Sub.2/1983/29.

The universal spiritual principles underlying all the major world religions;

The human rights principles underlying all the major world religions;

An appreciation of the different ways in which these universal principles are manifested in different religions and different cultures;

An appreciation of the different social teachings of different religions;

The root causes of intolerance and of discrimination on the grounds of religion or belief and of their contemporary manifestations;

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

Freedom of atheistic belief.

2. Decides to appoint Mrs. Odio Benito as Special Rapporteur to undertake the comprehensive and thorough study requested by the Commission on Human Rights in its resolution 1983/40;

3. Requests the Special Rapporteur to include in her study:

(a) A report on the various manifestations of intolerance and discrimination on the grounds of religion or belief in the contemporary world and on the specific rights violated, using the Declaration as a standard;

(b) The various manifestations of intolerance and discrimination on the grounds of religion or belief, identifying their root causes;

(c) Recommendations as to specific measures that can be adopted to combat intolerance and discrimination on the grounds of religion or belief, with special emphasis on action that can be taken in the field of education;

4. Further requests the Special Rapporteur to include in her study all relevant information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, particularly those in consultative status with the Economic and Social Council;

5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to carry out his study;

6. Decides to inscribe on the agenda of its thirty-seventh session an item entitled "Elimination of all forms of religious intolerance".

1983/32 The effects of gross violations of human rights on international peace and security 87/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

87/ Adopted at the 32nd meeting, on 6 September 1983, without a vote.
See chap. VI.

Mindful of the determination of the people of the United Nations to unite their strength to maintain international peace and security.

Recalling that international peace must be founded upon freedom, equality, justice and respect for fundamental human rights,

Bearing in mind that in the contemporary world, the relationship between human rights and questions of peace and security is emerging into sharper focus,

Being disturbed by the reports that gross violations of human rights take place in several parts of the international community and can constitute a threat to international peace and security,

Taking note of the comments made and the wish expressed by the Commission on Human Rights for further study of this subject, during its thirty-ninth session,

1. Reaffirms the need, in order to obtain peaceful and friendly relations among nations, to create conditions of stability and well-being, promote economic and social progress, find solutions to international problems, achieve universal respect for human rights and establish the principle of equal rights and self-determination of peoples;
2. Further reaffirms the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.
3. Expresses the hope that States will do all in their power to avoid threats to peace and security by promoting and protecting human rights and fundamental freedoms within their borders including releasing all persons detained for their views who have not used or advocated violence;
4. Requests the Secretary-General to address a note verbale to Governments and a letter to specialized agencies, regional organizations and non-governmental organizations to ask for their views and comments and to prepare an analysis on the subject based on these replies which should be presented to the Sub-Commission during its thirty-seventh session;
5. Decides to consider further this item at its thirty-seventh session.

1983/33. Study of the problem of discrimination against indigenous populations ^{88/}

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the parts that were available of the final report ^{89/} of Mr. José R. Martínez Cobo, Special Rapporteur, on the study of the problem of discrimination against indigenous populations,

^{88/} Adopted at the 32nd meeting, on 6 September 1983, without a vote. See chap. XVI.

^{89/} E/CN.4/Sub.2/1983/21 and Add 1-6.

Regretting that various documents forming part of the final report were not yet available to it, mainly for technical reasons,

1. Expresses its appreciation to the Special Rapporteur for his excellent and exhaustive study, which constitutes an extremely valuable contribution to the clarification of the basic legal, social and cultural problems relating to indigenous populations;

2. Requests the Secretary-General to make the necessary arrangements for the few documents that could not be considered at the present session to be transmitted as soon as possible to the members of the Sub-Commission so that they receive them during the remaining months of the current year;

3. Asks the Special Rapporteur to submit to the Sub-Commission at its thirty-seventh session in 1984 the conclusions, proposals and recommendations of the study, which, despite his efforts, could not be considered this year.

1983/34. The administration of justice and the human rights of detainees 90/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having become aware in the course of its work at its thirty-sixth session of the importance that the promulgation of amnesty laws could have for the safeguard and promotion of human rights and fundamental freedoms,

Considering that the preparation of a technical study showing the principal elements of amnesty laws, taking into account the specific characteristics of the various legal systems, could prove very useful for those considering the elaboration of such laws,

1. Requests Mr. Louis Joinet to prepare a general study of a technical nature on amnesty laws and their role in the safeguard and promotion of human rights including the minimum criteria generally accepted in the various legal systems;

2. Requests the Rapporteur to present for consideration by the Sub-Commission at its thirty-seventh session his findings and observations with a view to their transmission to the Commission on Human Rights.

1983/35. The new international economic order and the promotion of human rights 91/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

90/ Adopted at the 32nd meeting, on 6 September 1983, without a vote. See chap. XII.

91/ Adopted at the 32nd meeting, on 6 September 1983, without a vote. See chap. XV.

Having examined the final report 92/ submitted by the Special Rapporteur, Mr. Raúl Ferrero, containing the study on The New International Economic Order and the Promotion of Human Rights,

1. Expresses its grateful appreciation to the Special Rapporteur for his excellent and valuable report, which will be an indispensable work of reference in future consideration of this important subject and which has already generated other studies in this field;
2. Decides to transmit the study to the Commission on Human Rights at that body's fortieth session and to draw the Commission's attention to the Special Rapporteur's conclusions and recommendations;
3. Expresses the view that it would be advisable to undertake in the near future a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank;
4. Accordingly decides to consider at its thirty-seventh session the adoption of a resolution proposing the appointment of a Special Rapporteur to undertake such a study;
5. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/36. Review of further developments in fields with which the Sub-Commission has been concerned 93/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling all relevant General Assembly resolutions,

Bearing in mind Commission on Human Rights resolution 1983/49, in which the Commission invited the Sub-Commission to resubmit its proposals concerning the possible terms of reference for the mandate of a High Commissioner for Human Rights, contained in Sub-Commission resolution 1982/27, together with any further comments and recommendations that it deems appropriate,

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

93/ Adopted at the 32nd meeting, on 6 September 1983, by 16 votes to 3, with 5 abstentions. See chap. VIII.

Taking fully into account the elements of paragraph 1 of Commission resolution 1982/22, the comments made by the Commission at its thirty-ninth session, and Commission resolution 1983/49,

Having held, at its thirty-sixth session, a further discussion on these questions,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/37. Study of the problem of discrimination against indigenous populations 94/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1982/34 of 7 May 1982 of the Economic and Social Council in which it authorized the establishment annually of a working group on indigenous populations,

Further recalling resolution 1983/23 of 4 March 1983 of the Human Rights Commission in which it called on the Sub-Commission to make specific recommendations regarding the possible establishment of a fund allowing representatives of indigenous populations to travel to Geneva,

Having received the report 95/ of the Working Group on its second session, held from 8 to 13 August 1983,

Expressing its great satisfaction to the working group and its Chairman-Rapporteur, Mr. Asbjørn Eide,

Further expressing its appreciation to the observers of Governments, of organizations of indigenous populations and other non-governmental organizations and of specialized agencies, for their active and constructive participation in the discussions of the working group,

1. Endorses the Plan of Action drawn up by the Group for its future work, as contained in annex 1 to the report; .

2. Recommends that the report of the Working Group should be made available to the Human Rights Commission at its fortieth session as well as subsequent sessions;

94/ Adopted at the 32nd meeting, on 6 September 1983, without a vote.
See chap. XVI.

95/ E/CN.4/Sub.2/1983/22.

3. Requests the Working Group, at its third session in 1984, to examine further the question of criteria for the administration of a possible fund to allow representatives of indigenous populations to travel to Geneva for participation in the meeting of the Working Group.

1983/38. The new international economic order and the promotion of human rights 96/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having noted with appreciation the report of the Secretary-General 97/ on technical assistance currently available to States to enable them to strengthen their legal institutions, including relevant educational facilities,

Recalling its resolution 1982/6 in which it emphasized the importance of promoting full respect for human rights by accelerating the development process together with measures designed to strengthen respect for the rule of law and to improve knowledge and understanding of the legal system,

Welcoming Commission on Human Rights resolutions 15 (XXXVII), 30 (XXXVII), 31 (XXXVII), 1982/37, 1983/32, 1983/33 and 1983/47 which recognize the important role of technical assistance in promoting respect for human rights,

1. Requests the Secretary-General to invite Governments to indicate whether they feel the need to receive technical assistance of one kind or another to facilitate their efforts to strengthen their legal institutions with a view to promoting full respect for human rights,

2. Requests the Secretary-General to prepare a report on the basis of the information provided by Governments and to submit the report to the Sub-Commission at its thirty-seventh session,

3. Also requests the Secretary-General, in connection with the preparation of his report, to request Governments providing official development assistance to other States on a bilateral basis, to provide information on the extent to which such development assistance is presently, or could in the future, be used to strengthen legal institutions in recipient countries,

4. Requests the Special Rapporteur, Mr. L.M. Singhvi, to give consideration in his "Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" to the most appropriate means by which the international community could contribute to strengthening legal institutions especially in developing countries, with a view to promoting full respect for human rights,

96/ Adopted at the 32nd meeting, on 6 September 1983, without a vote.
See chap. XV.

97/ E/CN.4/Sub.2/1983/23.

5. Further requests the Secretary-General to include, in the report referred to in paragraph 2 of this resolution, information on the results achieved in response to requests by the Commission on Human Rights that technical assistance be made available to certain States to assist them in ensuring full respect for human rights.

1983/39. Human Rights and scientific and technological developments 98/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 37/188 on "Implications of scientific and technological developments for human rights" by which it, inter alia, urges the Commission on Human Rights and through it, the Sub-Commission to continue and expedite their consideration of this question,

Recalling also Commission on Human Rights resolution 1983/44 by which it, inter alia, requested the Special Rapporteur to supplement her final report 99/ and requested also "the Sub-Commission to establish a sessional Working Group and to allocate to it appropriate time and facilities for a proper examination as a matter of the highest priority, of the draft body of principles, guidelines and guarantees and to submit her final report to the Commission on Human Rights at its fortieth session",

Recalling further its resolution 1982/34 by which it expressed its deep appreciation and gratitude to the Special Rapporteur Mrs. Erica-Irene A. Daes, for her excellent report and the great work she has accomplished, including the above-mentioned draft body of principles, guidelines and guarantees,

Having considered the final report submitted by the Special Rapporteur, Mrs. Erica-Irene A. Daes,

Having also examined the report 100/ of the sessional Working Group on a draft body of principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder,

Having heard the relevant introductory statement of the Special Rapporteur,

1. Expresses its grateful appreciation to the Special Rapporteur for her excellent final and valuable report;
2. Decides to request the Special Rapporteur to present the report to the Commission on Human Rights;

98/ Adopted at the 33rd meeting on 7 September 1983, without a vote.
See chap. XVII.

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

100/ E/CN.4/Sub.2/1983/19.

3. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

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

1983/40. Draft body of principles and guidelines on the rights and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms 101/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 23 (XXXI), 28 (XXXVII) and 1982/30 by which it, inter alia, reiterated the right and responsibility of individuals and organs of society to strive for the promotion and observance of the rights recognized in the Universal Declaration of Human Rights, the International Covenants on Human Rights, without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights and all other relevant international instruments and requested the Sub-Commission to prepare for submission to the Commission a report on the subject matter, taking into account the particular responsibility of States in protecting human rights,

Recalling also Commission on Human Rights resolution 1983/31 on the above-mentioned topic,

Recalling further its resolution 1982/24 by which it requested Mrs. Erica-Irene A. Daes to prepare a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms, taking into account information solicited from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations,

Having heard the oral statement by the Special Rapporteur Mrs. Erica-Irene A. Daes who has, inter alia, presented the outline of the study and the basic elements which she would like to be included in the above-mentioned draft of principles,

Expressing its deep appreciation to the Special Rapporteur for the work she has so far accomplished,

Decides to recommend to the Commission on Human Rights the adoption of the following draft resolution:

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

101/ Adopted at the 33rd meeting, on 7 September 1983, without a vote.
See chap. XVIII.

B. Decisions

1983/1. Adoption of the agenda 102/

The Sub-Commission decided to defer consideration of item 9(c) of the provisional agenda until its thirty-seventh session at which time Mr. Singhvi would submit the final text of his "Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers".

1983/2. Updating of the Study on the Question of the Prevention and Punishment of the Crime of Genocide 103/

At the 8th meeting, on 18 August 1983, in accordance with resolution 1983/33 of the Economic and Social Council, the Sub-Commission appointed Mr. Benjamin Whitaker as Special Rapporteur with the mandate to revise, as a whole, and update the study on the Question of the Prevention and Punishment of the Crime of Genocide (E/CN.4/Sub.2/416).

1983/3. Question of the violation of human rights and fundamental freedoms - the situation in Uruguay 104/

The Sub-Commission decided to request the Secretary-General to communicate the following text without delay to the Chairman of the Commission on Human Rights for transmission by him to the Uruguayan authorities:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities, gravely concerned by information regarding the health of the distinguished mathematician, Professor José Luis Massera, respectfully requests the Uruguayan Government to show an act of clemency on behalf of Professor Massera by ending his detention on humanitarian grounds."

1983/4. Review of the work of the Sub-Commission 105/

The Sub-Commission decided to defer until its thirty-seventh session consideration of the draft resolution contained in document E/CN.4/Sub.2/1982/L.6 and the amendments thereto contained in document E/CN.4/Sub.2/1982/L.31, the texts of which are annexed to the present decision.

102/ Adopted at the 7th meeting, on 18 August 1983, without a vote. See chap. XII.

103/ Adopted at the 8th meeting, on 18 August 1983, without a vote. See chap. V.

104/ Adopted as amended without a vote at the 23rd meeting, on 31 August 1983. See chap. V.

105/ Adopted at the 31st meeting on 6 September 1983, without a vote. See chap. III.

ANNEX

E/CN.4/Sub.2/1982/L.6

Review of the status and activities of the Sub-Commission
and its relationship with the Commission on Human Rights
and other United Nations bodies

Draft resolution submitted by Mr. Akram, Mrs. Warzazi

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 728 F (XXVIII) of the Economic and Social Council entitled
"Communications concerning human rights",

Further recalling resolution 1503 (XLVIII) of the Economic and Social Council,
entitled "Procedure for dealing with communications relating to violations of
human rights and fundamental freedoms",

Also recalling Sub-Commission resolution 1 (XXIV) which approved the provisional
procedures for dealing with the question of admissibility of communications,

Noting the important role played by the Sub-Commission and its Working Group on
Communications in the implementation of the above-mentioned resolutions,

Further noting the vast increase in the number of communications received by
the Secretary-General of the United Nations under the procedure established by
these resolutions,

Having noted the difficulties encountered by its Working Group, consisting of
five of its members, in carefully scrutinizing the growing number of communications,

Underlining the importance of adhering fully to the provisions of the
above-mentioned resolutions of the Economic and Social Council and Sub-Commission
resolution 1 (XXIV),

1. Recommends to the Commission on Human Rights that it request the
Economic and Social Council to authorize the Sub-Commission to appoint a
Working Group consisting of not more than eight of its members, with due regard
to geographical distribution, taking account of the larger number of
States Members of the United Nations from Asia, Africa and Latin America;

2. Requests the Secretary-General to continue fully to discharge the
responsibilities entrusted to him under paragraph 4 of resolution 1503 (XLVIII)
of the Economic and Social Council;

3. Reaffirms the provisional procedures for dealing with the question of
admissibility of communications contained in Sub-Commission resolution 1 (XXIV);

4. Recognizes the importance of taking into account replies submitted by
Governments to communications and of providing adequate and reasonable time for
the submission of such replies;

5. Underlines the importance of strictly preserving the confidential nature
of the above-mentioned procedure for dealing with communications relating to
violations of human rights and fundamental freedoms.

E/CN.4/Sub.2/1982/L.31

Mr. Whitaker: amendment to draft resolution E/CN.4/Sub.2/1982/L.6

1. Delete paragraphs 1 and 3 and substitute:

1. Recommends to the Commission on Human Rights that, in view of the increasing quantity and importance of the work of the Working Group on Communications established under Economic and Social Council resolution 1503 (XLVIII) and the care and success with which that work is carried out, the Working Group on Communications should be empowered to meet twice annually in future;

3. Expresses appreciation of the effectiveness and success of this work and, desiring to increase these yet further, decides that it wishes in future to vote on questions under this item by secret ballot;

2. Add a new paragraph 6 as follows:

6. Decides, in order to reaffirm the independent and impartial nature of the expert members' decisions, that Government employees would be placed in an impossible position if they were required to vote on questions involving their own countries.

1983/5. Exploitation of child labour 106/

The Sub-Commission decided to defer until its thirty-seventh session consideration of the draft resolution contained in document E/CN.4/Sub.2/1983/L.2, the text of which is annexed to the present decision.

ANNEX

E/CN.4/Sub.2/1983/L.2

Slavery and slavery-like practices

Draft resolution submitted by Mr. B. Whitaker

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the report of the Working Group on the work of its ninth session,

Recommends to the Commission on Human Rights the adoption of the following resolution:

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,

1. Recommends to the Economic and Social Council the adoption of the following resolution:

106/ Adopted at the 31st meeting, on 6 September 1983, by 17 votes to 4 with 1 abstention. See chap. VII.

The Economic and Social Council

1. Authorizes the Sub-Commission to appoint a Special Rapporteur to carry out and present a study of gross exploitation of labour which leads to slavery-like practices in any part of the world and to make recommendations on appropriate solutions to remedy the situation;
2. Requests the Secretary-General to give the Special Rapporteur all the assistance he/she may require in his/her work;
3. Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its thirty-seventh session and a final report at its thirty-eighth session.

1983/6. Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 107/

The Sub-Commission, after consideration of the Progress Report of Mr. L.M. Singhvi, Special Rapporteur, on the study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, E/CN.4/Sub.2/1983/16, decided that it broadly approved the tentative synopsis annexed to the Report and decided to request the Secretary-General to so inform Mr. Singhvi and to express to him the sincere gratitude of the Sub-Commission for his thorough and complete work to date.

1985/7. Organization of the work of the session 108/

The Sub-Commission taking into consideration the fact that according to the provisional schedule, the last two days of the session would fall on official holidays in Geneva, decided to adopt a new schedule.

Therefore, the dates for the holding of the thirty-seventh session of the Sub-Commission and its pre-session Working Groups are as follows:

Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Working Group on Communications (Economic and Social Council resolution 1503 (XLVIII))	23 July - 3 August	1984	Geneva
Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Group of Five on Slavery (Economic and Social Council resolution 16 (LVI))	30 July - 3 August	1984	Geneva

107/ Adopted at the 31st meeting, on 6 September 1983, without a vote.
See chap. XII.

108/ Adopted at the 33rd meeting, on 7 September 1983, without a vote.
See chap. XIX.

Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Working Group on Indigenous Populations (Economic and Social Council resolution 1982/34) 30 July - 3 August 1984 Geneva

Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities 6 August - 31 August 1984 Geneva

1983/8. Human rights and scientific and technological developments 109/

After approving at its thirty-sixth session the conclusions and recommendations of the final report on relevant guidelines in the field of computerized personnel files presented by Mr. Louis Joinet (E/CN.4/Sub.2/1983/18) pursuant to its resolution 12 (XXXIII) of 11 September 1980, the Sub-Commission decided, in accordance with the wish expressed by the Commission on Human Rights in its resolution 10 B (XXXIII), to submit Mr. Joinet's report to the Commission at its fortieth session for whatever action it deems appropriate.

1983/9. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-seventh session of the Sub-Commission 110/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Decides to request Mr. Toševski to prepare, for the thirty-seventh session of the Sub-Commission, a discussion paper on how the Sub-Commission best can prepare in future years the report to the Commission on human rights violations as called for in Commission resolution 8 (XXIII).

1983/10. Conscientious objection to military service 111/

The Sub-Commission decided, following its adoption of the draft resolution relating to the final study of the Special Rapporteurs, Mr. Eide and Mr. Mubanga-Chipoya, on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30) to request the Special Rapporteurs to present their report to the Commission on Human Rights at its fortieth session.

1983/11. The new international economic order and the promotion of human rights 112/

The Sub-Commission decided, following its adoption of the draft resolution relating to the final study of the Special Rapporteur, Mr. Ferrero, on the New International Economic Order and the Protection of Human Rights (E/CN.4/Sub.2/1983/L.59), to request the Special Rapporteur to present his report to the Commission on Human Rights at its fortieth session.

109/ Adopted at the 33rd meeting, on 7 September 1983, without a vote. See chap. XVII.

110/ Adopted at the 33rd meeting, on 7 September 1983, without a vote. See chap. XIX.

111/ Adopted at the 33rd meeting, on 7 September 1983, without a vote. See chap. X.

112/ Adopted at the 33rd meeting, on 7 September 1983, without a vote. See chap. XV.

1983/12. Composition of working groups of the Sub-Commission 113/

The Sub-Commission decided that the composition of its Working Groups should be as follows:

<u>Regional Group</u>	<u>Communications</u>	<u>Slavery</u>	<u>Indigenous populations</u>
Africa	Mr. Yimer (Alternate: Mr. Foli)	Mr. Mubanga-Chipoya (Alternate: Mr. Jimeta)	Mr. Mudawi (Alternate: Mr. Mubanga-Chipoya)
Asia	Mr. Masud (Alternate: Mr. Saker)	Mr. Chowdhury (Alternate: Mr. Hadi)	Mr. Hadi (Alternate: Mr. Saker)
Eastern Europe	Mr. Sofinsky	Mr. Ceausu	Mr. Toševski
Latin America	Mr. Martinez-Baez	Mrs. Odio-Benito	Mr. Oyhanarte (Alternate: Mr. Gomensoro)
Western Europe	Mr. Bossuyt (Alternate: Mr. Carey)	Mrs. Daes (Alternate: Mr. Carey)	Mr. Eide (Alternate: Mr. Joinet)

Annex I

ATTENDANCE

Members and Alternates

Mr. Marc Bossuyt	(Belgium)
Mr. John Carey	(United States of America)
Mr. Charles Trimble */	
Mr. Dumitru Ceausu	(Romania)
Mr. Mihai Bichir */	
Mr. Justice Abu Sayeed Chowdhury	(Bangladesh)
Mrs. Erica-Irene A. Daes	(Greece)
Mr. Asbjørn Eide	(Norway)
Mr. Raúl Ferrero	(Peru)
Mr. Jonas K.D. Foli	(Ghana)
Mr. Riyadh Aziz Hadi	(Iraq)
Mr. Ibrahim S. Jimeta	(Nigeria)
Mr. Louis Joinet	(France)
Mr. Nasser Kaddour a/	
Mr. Ahmad Saker */	(Syrian Arab Republic)
Mr. Ahmed Khalifa	(Egypt)
Mr. Mohamed Foda */	
Mr. Antonio Martínez Baez	(Mexico)
Mr. Syed S.A. Masud	(India)
Mr. C.L.C. Mubanga-Chipoya	(Zambia)
Mr. Mohamed Yousif Mudawi a/	(Sudan)
Mr. Yousif E. Ismail */	
Mrs. Elizabeth Odio Benito	(Costa Rica)
Mr. Julio Oyhanarte a/	(Argentina)
Mr. Juan Facundo Gomensoro */	
Mr. Sharifuddin Pirzada	(Pakistan)
Mr. Rafat Mahdi */	
Mr. Jorge Eduardo Ritter	(Panama)
Mr. Vsevolod N. Sofinsky	(Union of Soviet Socialist Republics)
Mr. Ivan Tosevski	(Yugoslavia)
Mrs. Halima Warzazi	(Morocco)
Mr. Benjamin Whitaker	(United Kingdom of Great Britain and Northern Ireland)
Mr. Fisseha Yimer	(Ethiopia)

*/ Alternate.

a/ Not present.

States Members of the United Nations represented by observers

Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Haiti, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Japan, Mauritania, Morocco, Netherlands, New Zealand, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Sri Lanka, Syrian Arab Republic, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yugoslavia.

Non-member States represented by observers

Republic of Korea, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees, Centre for Social Development and Humanitarian Affairs, United Nations Development Programme, United Nations Office of the Disaster Relief Co-ordinator.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization

National liberation movements

African National Congress, Palestine Liberation Organization, Pan-African Congress of Azania, South-West Africa People's Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Federation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Society for International Development, World Federation of United Nations Association, World Veterans Federation

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, Disabled Peoples International, Four Directions Council, Friends World Committee for Consultation, Human Rights Internet, Institute for Policy Studies, International Association for Religious Freedom, International Association of Democratic Lawyers, International Association of Penal Law, International Catholic Child Bureau, International Commission of Jurists, International Committee of the Red Cross, International Co-operation for Development and Solidarity, International Council of Jewish Women,

International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, 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, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana, War Resisters International, World Confederation of Organizations of the Teaching Profession, World Conference on Religion and Peace, World Jewish Congress, World Student Christian Federation, World Young Women's Christian Association.

Roster

Defense for Children International Movement, Indian Council of South America, India Law Resource Center, International Association for the Defense of Religious Liberty, International Humanist and Ethical Union, International Human Rights Internship Programme, International League for the Rights and Liberation of Peoples, International Abolitionist Federation, International Progress Organization, Minority Rights Group (The), Movement Against Racism and for Friendship among Peoples, Procedural aspects of International Law Institute - International Human Rights Law Group, Romani Union, World Association for the School as an Instrument of Peace.

Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS THIRTY-SIXTH SESSION

1. In the course of its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted 16 resolutions and 2 decisions having financial implications. Prior to the adoption of these resolutions and decisions, statements of their administrative and programme implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1984, additional credits, as appropriate would be required for the biennium 1984-1985.

Resolution 1983/1 - Question of slavery and the slave trade in all their practices and manifestations

3. Under the operative paragraph of draft resolution I, the Commission on Human Rights would recommend to the Economic and Social Council that it authorize the Sub-Commission to appoint Mrs. H.E. Warzazi and Mr. Mudawi to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied. It would also request Mrs. Warzazi and Mr. Mudawi to submit a preliminary report to the Sub-Commission at its thirty-seventh session and a final report at its thirty-eighth session.

4. The relevant costs are estimated as follows:

	<u>1984</u>	<u>1985</u>
	US dollars	US dollars
One round-trip of two members for consultations with the Centre for Human Rights and subsistence for 10 working days	5,600	-
Travel to Geneva for thirty-eighth session of the Sub-Commission and subsistence for 5 working days (if no longer members)	-	3,700
Six months of temporary assistance at the P.3 level	28,500	-

Resolution 1983/2 - Exploitation of child labour

5. The operative paragraph of the draft resolution to be recommended by the Commission on Human Rights to the Economic and Social Council for adoption requests 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.

6. On the assumption that the seminar would involve attendance by 32 participants and standard organizations, the relevant standard optimum costs are estimated as follows:

	<u>\$US</u>
Travel and subsistence of 32 participants plus 1 expert member of Sub-Commission and 3 representatives of liberation movements:	
Travel (36 x \$1,500)	54,000
Subsistence (36 x 100 x 5 days)	18,000
Travel and subsistence of staff of the Centre for Human Rights (1 representative of Secretary-General 2 substantive officers; 2 secretaries)	14,500
Consultants (fees for background papers)	3,000
General operating expenses	4,000
Hospitality	500
	<u>94,000</u>

Conference servicing costs, to be financed under Section 29 B, are estimated at \$US 160,000.

Resolution 1983/5 - Question of the violation of human rights and fundamental freedoms; study of the right of everyone to leave any country, including his own, and to return to his country

7. Under the operative paragraph of draft resolution IV the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution authorizing the Sub-Commission to appoint 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. The Rapporteur would also be required to present to the Sub-Commission at its thirty-seventh session for its consideration recommendations for promoting and encouraging respect for an observance of this right.

8. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
One round-trip for consultations with the Centre for Human Rights and subsistence for 10 working days	4,900
Travel: Lusaka/Geneva/Lusaka	\$3,850
Subsistence: \$102 x 10 days:	\$1,020
Travel to Geneva for thirty-seventh session of the Sub-Commission (if no longer a member) and subsistence for 5 working days	4,400
Travel: Lusaka/Geneva/Lusaka	\$3,850
Subsistence: \$102 x 5 days:	\$ 510

Resolution 1983/6 - Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

9. The paragraph 1 invites 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 and colonialist regime of South. The updated report is to be submitted through the Sub-Commission to the Commission on Human Rights.

10. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Travel (Cairo/Geneva/Cairo) of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for 5 working days	1,500
Travel:	\$ 950
Subsistence: \$102 x 5 days:	\$ 510
Travel to Geneva for thirty-seventh session of the Sub-Commission (if no longer a member) and subsistence for 5 working days	1,500

11. Paragraph 2 requests the Secretary-General to give the Special Rapporteur all possible assistance in the exercise of his mandate, including the use of computerized assistance in the preparation of future updated reports. Within existing resources computer services will continue to be made available to the Special Rapporteur. Paragraph 3 invites the Secretary-General to give the updated report of the Special Rapporteur the widest publicity and dissemination and to issue it as a United Nations publication; the updated report would accordingly be submitted as part of the publications programme of the United Nations, to be financed within existing resources.

Resolution 1983/7 - Review of further developments in fields
with which the Sub-Commission has been concerned: Report on
the Exploitation of Labour through Illicit and Clandestine
Trafficking

12. In the operative paragraph of draft resolution V, the Commission on Human Rights would recommend to the Economic and Social Council to decide that the report prepared by Mme Warzazi on the "Exploitation of Labour through Illicit and Clandestine Trafficking" (E/CN.4/Sub.2/L.640) be printed and given the widest distribution.

13. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Editing, reproduction and distribution of the report (on a full cost basis)	27,300

Resolution 1983/10 - Measures to combat racism
and racial discrimination

14. Under the operative paragraph of draft resolution VIII, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution authorizing the Sub-Commission to entrust Mr. Asbjørn Eide with carrying out a study on the achievements made, as well as the shortcomings and obstacles encountered during the First 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 in view of the assessment and evaluation of the work of these conferences.

15. It would also request that the study be presented to the thirty-seventh session of the Sub-Commission.

16. The relevant costs are estimated as follows:

	<u>1984</u> US dollars
One round-trip for consultations with the Centre for Human Rights and subsistence for 10 working days	1,800
Travel: Oslo/Geneva/Oslo \$ 740	
Subsistence: \$102 x 10 days: \$1,020	
Travel to Geneva for the thirty-seventh session of the Sub-Commission (if no longer a member of the Sub-Commission)	1,300
Travel: Oslo/Geneva/Oslo \$ 740	
Subsistence: \$102 x 5 days: \$ 510	

Resolution 1983/17 - The status of the individual and contemporary international law

17. Under the operative paragraph of draft resolution XI the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution, operative paragraph 1 of which requests the Special Rapporteur to continue her work on the study "The status of the individual and contemporary international law" with a view to submitting her final report to the Sub-Commission at its thirty-seventh session.

18. The relevant costs are estimated as follows:

	<u>1984</u> US dollars
One round-trip to Geneva for consultations with the Centre for Human Rights and subsistence for 5 working days	1,200
Travel to Geneva for thirty-seventh session of the Sub-Commission (if no longer a member) and subsistence for 5 working days	1,200
Three months temporary assistance at GS level	8,000

Resolution 1983/20 - Question of the violation of human rights and fundamental freedoms; the situation in Afghanistan

19. Under the operative paragraph of draft resolution XII, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution, the operative paragraphs of which would request 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, after and during the withdrawal of all foreign forces. The Special Rapporteur would be requested to submit a comprehensive report to the Commission at its forty-first session which would include relevant information from intergovernmental organizations, specialized agencies and non-governmental organizations.

20. On a hypothetical basis, pending fuller indications on the mandate to be undertaken by the Special Rapporteur, the costs which can be tentatively foreseen are as follows:

	<u>1984</u>	<u>1985</u>
	US dollars	US dollars
Travel to Geneva for consultations with the Centre for Human Rights and subsistence for 10 working days	3,700	-
<u>Field mission to Afghanistan</u>		
Travel and subsistence of Special Rapporteur (15 working days)	3,500	-
Travel and subsistence of 2 substantive officers (15 working days)	4,500	-

Resolution 1983/21 - Review of the work of the Sub-Commission

21. Under paragraph 4 the Sub-Commission recommends a draft resolution to the Commission on Human Rights by which the Commission would, in operative paragraph 1, authorize 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. Under operative paragraph 2, the Sub-Commission would be requested to hold an intersessional meeting of five working days in Geneva during the forty-first session of the Commission, reporting back to the Sub-Commission at its thirty-eighth session for the final consideration of its methods and programme of work.

22. The relevant costs are estimated as follows:

	<u>1985</u>
	US dollars
Travel to Geneva and subsistence of five members of Working Group to attend intersessional meeting of five working days at forty-first session of the Commission	16,300

Resolution 1983/22 - Conscientious objection to military service

23. Under paragraph 3, the Sub-Commission requests the Commission on Human Rights to recommend to the Economic and Social Council that the report by Mr. Eide and Mr. Mubanga-Chipoya be printed and given the widest possible distribution.

24. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Editing, reproduction and distribution of the report (on a full cost basis)	27,700

Resolution 1983/31 - Elimination of all forms of
religious intolerance

25. Paragraph 2 appoints a Special Rapporteur to undertake the comprehensive and thorough study requested by the Commission on Human Rights in its resolution 1983/40.

26. While a time-table of preparation and presentation of the study is not specified, paragraph 6 would include on the agenda of the Sub-Commission at its thirty-seventh session an item entitled "Elimination of all forms of religious intolerance".

27. On the basis of the indications contained in the operative paragraphs, tentative costs are as follows:

	<u>1984</u>
	US dollars
One round-trip to Geneva for consultations with the Centre for Human Rights and subsistence for 10 working days	2,800
Travel to thirty-seventh session of the Sub-Commission and subsistence for 10 working days	2,800
Four months of temporary assistance at the P.3 level (\$19,000) and three months at the GS level (\$8,000)	27,000

Resolution 1983/33 - Study of the problem of
discrimination against indigenous populations

28. Paragraph 3 requests the Special Rapporteur to present the conclusions, proposals and recommendations of his study which, despite his efforts, could not be considered this year, at the thirty-seventh session of the Sub-Commission in 1984.

29. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Travel (Mexico City/Geneva/Mexico City) by Special Rapporteur to thirty-seventh session of the Sub-Commission and subsistence for 5 working days	3,800

Resolution 1983/34 - The administration of justice
 and the human rights of detainees

30. Paragraphs 1 and 2 request a rapporteur to prepare a general study of a technical nature on amnesty laws and their role in the safeguard and promotion of human rights including the minimum criteria generally accepted in the various legal systems. The rapporteur would be requested to present for consideration by the Sub-Commission at its thirty-seventh session his findings and observations with a view to their transmission to the Commission on Human Rights.

31. On a tentative and hypothetical basis, the relative costs are estimated as follows:

	<u>1984</u>	<u>1985</u>
	US dollars	US dollars
One round-trip for consultations with the Centre for Human Rights and subsistence for 10 working days	2,100	
Travel to Geneva for thirty-seventh session of the Sub-Commission (if no longer a member) and subsistence for 5 working days	1,800	
General operating expenses: local transportation, communications and rental of office space	1,000	
Travel to Geneva to finalize report and subsistence for 10 working days		4,300
Travel to submit comprehensive report to the Commission at its forty-first session and subsistence for 15 working days		4,800
Six months of temporary assistance at the P.3 level (\$28,500) and three months at GS level (\$8,000)	24,200	12,300

Resolution 1983/35 - The new international economic order and the promotion of human rights

32. Under paragraph 5, the Sub-Commission recommends a draft resolution to the Commission on Human Rights, by which the Commission would recommend to the Economic and Social Council to arrange for the study on the New International Economic Order and the Promotion of Human Rights (E/CN.4/Sub.2/1983/2 and Add.1 and 2) to be published and given the widest distribution in all the official languages of the United Nations.

33. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Editing, reproduction and distribution of the study (on a full cost basis)	44,600

Resolution 1983/39 - Human Rights and scientific and technological developments

34. In the operative paragraph of draft resolution XVII, the Commission on Human Rights would recommend to the Economic and Social Council to decide that the study on "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" be published and given the widest possible distribution in all the official languages of the United Nations.

35. The relevant costs, on a tentative basis, are estimated as follows:

	<u>1984</u>
	US dollars
Editing, reproduction and distribution of the study (on a full cost basis)	147,400

Resolution 1983/40 - Draft body of principles and guidelines on the rights and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

36. Under the operative paragraph of draft resolution XVIII, the Commission on Human Rights would recommend to the Economic and Social Council that it adopt a draft resolution requesting 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, if possible, her final report to the Sub-Commission at its thirty-seventh session.

37. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
One round trip of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for 5 working days	1,200

Decision 1983/10 - Conscientious objection to military service

38. The Sub-Commission decided, following its adoption of resolution 1983/22 relating to the final study on the question of conscientious objection prepared by Mr. Eide and Mr. Mubanga-Chipoya to request the Special Rapporteurs to present their report to the Commission on Human Rights at its fortieth session.

39. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Travel (Lusaka/Geneva/Lusaka and Oslo/Geneva/Oslo) to fortieth session of the Commission on Human Rights and subsistence for 5 working days	5,600

Decision 1983/11 - The new international economic order
and the promotion of human rights

40. The Sub-Commission decided, following the adoption of its resolution 1983/35 relating to the final study on the New International Economic Order and the Protection of Human Rights prepared by Mr. Ferrero, to request the Special Rapporteur to present his report to the Commission on Human Rights at its fortieth session.

41. The relevant costs are estimated as follows:

	<u>1984</u>
	US dollars
Travel (Lima/Geneva/Lima) to fortieth session of the Commission on Human Rights and subsistence for 5 working days	4,000

ANNEX III

LIST OF STUDIES UNDER PREPARATION DRAWN UP IN ACCORDANCE WITH COMMISSION RESOLUTION 1982/23

Title of Study	Entrusted to	Legislative authority	Time-table for completion
Study on all aspects of the problem of female sexual mutilation. */	Mr. Mohamed Yousif Mudawi Mrs. Halima Embarek Warzazi	Sub-Commission resolution 1983/1	Preliminary report to be submitted to the Sub-Commission at its thirty-seventh session and final report at its thirty-eighth session
Updating of the Study on Prevention and Punishment of the Crime of Genocide	Mr. Benjamin Whitaker	ECOSOC resolution 1983/33 and Sub-Commission decision 1983/?	Report to be submitted to Commission at its fortieth session
Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	Mr. L.M. Singhvi	Sub-Commission decision 1983/1	Final report to be submitted to the Sub-Commission at its thirty-seventh session
Study on the right to food as a human right	Mr. Asbjorn Eide	ECOSOC resolution 1983/40 and Sub-Commission resolution 1983/29	Final report to be submitted to the Sub-Commission at its thirty-seventh session
Study on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief */	Mr. Odio Benito	Commission on Human Rights resolution 1983/40 and Sub-Commission resolution 1983/31	No date set
Study on amnesty laws and their role in the safeguard and promotion of human rights	Mr. Louis Joinet	Sub-Commission resolution 1983/34	Final report to be submitted to Sub-Commission at thirty-seventh session

*/ All studies indicated by asterisk are subject to approval by the Economic and Social Council.

Title of Study	Entrusted to	Legislative authority	Time-table for completion
Study of the problems of discrimination against indigenous populations	Mr. Jose R. Martinez-Cobo	Sub-Commission resolution 1983/33	Final parts of report to be submitted to the Sub-Commission at its thirty-seventh session
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	Mrs. Erica Irene Daes	Sub-Commission resolution 1983/40	Final report to be submitted to the Sub-Commission at its thirty-seventh session
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 */	Mr. C.L.C. Mubanga-Chipoya	Sub-Commission resolution 1983/5	Final report to be submitted to the Sub-Commission at its thirty-seventh session
Annual up-date of the list of banks, transnational corporations and other organizations assisting the colonial and racist regime in South Africa	Mr. Ahmed Khalifa	Sub-Commission resolution 1983/6	Thirty-seventh of Sub-Commission (annual review)
Study on the status of the individuals and contemporary international law	Mrs. Erica I. Daes	Sub-Commission resolution 1983/17	Final report to be submitted to the Sub-Commission at its thirty-seventh session

ANNEX IV

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-SIXTH SESSION
OF THE SUB-COMMISSION

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/Sub.2/1983/1	Agenda: Note by the Secretary-General	2
E/CN.4/Sub.2/1983/1/Rev.1	Agenda	2
E/CN.4/Sub.2/1983/1/Rev.1/Corr.1	Agenda	2
E/CN.4/Sub.2/1983/1/Add.1	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1983/1/Add.2	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1983/2 and Corr.1	Note by the Secretary-General	4
E/CN.4/Sub.2/1983/3	Memorandum submitted by the International Labour Office	4
E/CN.4/Sub.2/1983/4	Report on UNESCO's activities relating to the prevention of discrimination and the protection of minorities	4
E/CN.4/Sub.2/1983/5	Note by the Secretary-General	5
E/CN.4/Sub.2/1983/6 and Add.1-2	Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur	5 (b)
E/CN.4/Sub.2/1983/7	Note by the Secretary-General	6
E/CN.4/Sub.2/1983/8	Note by the Secretary-General	6
E/CN.4/Sub.2/1983/9	Note by the Secretary-General	6
E/CN.4/Sub.2/1983/10	Note by the Secretary-General	6
E/CN.4/Sub.2/1983/11 and Add.1	Report by the Secretary-General	9
E/CN.4/Sub.2/1983/12	Report by the Secretary-General prepared pursuant to resolution 1982/10	9 (a)
E/CN.4/Sub.2/1983/13	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat	9 (a)

		<u>Agenda item</u>
E/CN.4/Sub.2/1983/14	Report of the Working Group on the question of the human rights of persons subjected to any form of detention or imprisonment	9
E/CN.4/Sub.2/1983/15 and Add.1	Report by the Secretary-General prepared in accordance with resolution 1983/18 of the Commission on Human Rights	9 (a)
E/CN.4/Sub.2/1983/16	Progress report of Mr. L.M. Singhvi, Special Rapporteur	9
E/CN.4/Sub.2/1983/17 and Add.1	Report by the Special Rapporteur: Mrs. Erica-Irene Daes	10
E/CN.4/Sub.2/1983/18	Final report prepared by Mr. Louis Joinet	10
E/CN.4/Sub.2/1983/19	Report of the Sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder, by Mrs. Erica-Irene Daes	10
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