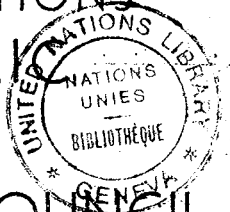


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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1522nd MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 14 March 1979, at 8.30 p.m.

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| <u>Chairman:</u> | Mr. BEAULNE | (Canada) |
| later: | Mr. RIOS | (Panama) |

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GE.79-11651

The meeting was called to order at 8.50 p.m.

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 13) (continued)
(E/CN.4/1324 and Corr.1 and Add.1-4; E/CN.4/L.1418, L.1428, L.1465/Rev.1, L.1468)

1. Mr. VARKONYI (Observer for Hungary) said his delegation considered that the common goal of the international community should be to ensure that young people could grow up in a world at peace. Young people had the task of carrying the world forward, and it was therefore the duty of every society to prepare them for that task and to grant them their rights. Both national measures, such as the Bill on the Rights of Youth adopted in Hungary in 1976, and international efforts were required to ensure that their rights were respected. His Government was organizing an international forum in June in connexion with the International Year of the Child, at which the participants would have an opportunity to review the extent to which the principles laid down in the Declaration on the Rights of the Child were being applied.
2. His Government therefore fully supported the preparation of a legally binding convention on the rights of the child, and whole-heartedly endorsed draft resolution E/CN.4/L.1465/Rev.1. It hoped that the work of preparing the convention would be given priority at the thirty-sixth session of the Commission.
3. The CHAIRMAN invited the Chairman-Rapporteur of the Working Group on agenda item 13 to introduce its report (E/CN.4/L.1468).
4. Mr. LOPATKA (Poland), introducing document E/CN.4/L.1468, said that the report reflected the views that had been expressed in the general discussion and the agreements reached on substance and procedure. A number of amendments to the draft text had been suggested and incorporated, and he hoped that the provisions adopted by the Working Group would be satisfactory to everyone. He also commended draft resolution E/CN.4/L.1465/Rev.1 to the Commission for its approval.
5. Ms. SILVA y SILVA (Peru) said that her delegation endorsed draft resolution E/CN.4/L.1465/Rev.1 and would like to see it adopted by consensus.
6. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/L.1465/Rev.1 by consensus.
7. It was so decided.

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (E/CN.4/1145; E/CN.4/1146 and Add.1-3; E/CN.4/1305 and Add.1-2; E/CN.4/1337; E/CN.4/L.1417 and L.1464; E/CN.4/NGO/228; E/CN.4/NGO/229; E/CN.4/NGO/251; E/CN.4/WG.4/WP.1)

8. The CHAIRMAN drew the Commission's attention to draft resolution E/CN.4/L.1464, and invited the Chairman-Rapporteur of the Working Group on agenda item 18 to present its draft report (E/CN.4/WG.4/WP.1).

9. Mr. ERMACORA (Austria), introducing document E/CN.4/WG.4/WP.1, said that the Working Group had unfortunately been unable to reach agreement on articles I to III of the draft declaration. The main stumbling-block had proved to be the proposed inclusion of the words "theistic, non-theistic or atheistic convictions" in article I. Another difficulty had been whether or not to place certain phrases between brackets. Some representatives had considered that the text submitted to the Commission by the Working Group should be based on a consensus and should not therefore include expressions on which agreement had not been reached. He read out a number of amendments and corrections which had been proposed to the text of the draft report and with which he was in agreement.
10. The CHAIRMAN said that the Secretariat had taken note of the changes concerned and would incorporate them in the final version of the Working Group's report.
11. Mr. BRESSAN (Observer for the Holy See) said that his delegation was keenly interested in the draft declaration and also in a possible convention on the elimination of all forms of intolerance and of discrimination based on religion or belief, since religious freedom made it possible for people to live in harmony with one another while developing fully as individuals in a society that was free of fear. It was therefore with some disillusion that his delegation had followed the discussions in the Working Group during the present session. Despite the fact that there was every possibility of reaching an agreement on the substance of the draft declaration, inexplicable difficulties were being raised after 17 years of discussion, while innumerable people in the world were suffering because of their religion or beliefs.
12. Although it had not been possible to complete the draft declaration, as requested by the General Assembly in its resolution 33/106, his delegation was in favour of adopting the text of the first three articles, as given in draft resolution E/CN.4/L.1464, despite the fact that it would have preferred greater emphasis to have been laid on the question of intolerance and on the need for the political, economic, social and cultural beliefs of the individual to be respected.
13. Mr. MCKINNON (Canada), introducing draft resolution E/CN.4/L.1464, said that the Working Group had agreed on the substance of the first three articles of the draft declaration but had unfortunately been unable to achieve a consensus on their formulation. However, as the whole question had been under discussion in the United Nations for so long, his delegation and several others considered that it was urgently necessary to make some headway. The adoption of the draft resolution would preclude having to start all over again at the next session of the Commission.
14. Mr. LEWIN (Agudas Israel World Organization) said that a declaration to eliminate religious intolerance could do so much good merely by its inherent moral power that it was hard to understand why it had not yet come into being, especially as its existence would have no legal consequences for any nation. It would not, after all, be unique. Many documents proclaiming the principle of tolerance had preceded it, including the Bible, and nothing could be more justifiable than for the world community to uphold the right of every person to live in accordance with his beliefs.

15. It was a source of great concern to his organization there there was opposition to the declaration, since it was inconceivable that any State could disagree with the concept that discrimination on the grounds of religion or belief was an offence to human dignity. Twenty-three non-governmental organizations had urged, in document E/CN.4/NGO/228, that the drafting of the declaration should not be further delayed. The recent religious revolution in an important country was a reminder that such a declaration was timely. He urged the Commission to adopt the first three articles of the draft declaration, in order to show that it was fulfilling the mandate of the General Assembly in part at least. He also appealed to the Commission to place the question on the agenda for its next session.

16. Mr. MANOLOV (Bulgaria) thanked the Chairman-Rapporteur of the Working Group for presenting his delegation's amendments to the Group's report and expressed the hope that those amendments would be reflected in the Commission's report on the item under consideration. Turning to draft resolution E/CN.4/L.1464, he expressed surprise that the Canadian delegation should be proposing the adoption by the Commission of three draft articles which not only had not been adopted by the Working Group but had not even been formally drafted. In his view, the Canadian proposal constituted an act of discrimination against the positions of certain delegations. Moreover, it contravened the Commission's rules of procedure, and was therefore illegal. He would vote against paragraphs 1, 2 and 3 of the draft resolution's operative part and against the annex, but was not opposed to paragraph 5.

17. Mr. LOCHTCHININ (Union of Soviet Socialist Republics) drew attention to an error in paragraph 35 of the Spanish text of the Working Group's report (E/CN.4/WG.4/WP.1) which completely distorted the meaning of the text of the USSR proposal referred to.

18. Mr. HEREDIA PEREZ (Cuba) said that his delegation, which for a number of years had taken an active part in efforts to draft a declaration to which all members of the Commission could subscribe, said he agreed in substance with the articles annexed to draft resolution E/CN.4/L.1464. He sympathized with the draft resolution's aims but was surprised by the method used, which departed from normal practice. The Working Group, like other working groups of the Commission, had always proceeded on the basis of consensus and the submission of reports to the Commission. If the Canadian delegation wanted that practice to be abandoned, it should make a proposal to that effect. The method of asking the Commission to vote on a text on which the Working Group had not reached a consensus, if only for lack of time, was unacceptable.

19. Mr. MEZVINSKY (United States of America) said that the Canadian proposal to adopt at least three articles of the draft declaration seemed eminently reasonable since, as he understood, there had been agreement on those articles in the Working Group. The item under consideration had been on the Commission's agenda for a long time and failure to achieve any substantial progress at the present session would be most regrettable. If the Commission was unable to take even such limited action, it might be best to admit defeat and turn the issue over to the General Assembly. His delegation would support the Canadian draft resolution.

20. Mr. O'DONOVAN (Observer for Ireland) said that, in addition to the amendments to the Working Group's report read out by the Chairman-Rapporteur, his delegation had suggested that paragraph 26 of the report should be drafted to read: "Some representatives emphasized the need to make progress towards an agreement and they recalled General Assembly resolution 33/106, which requested the Commission to strive towards completion of the draft declaration at its thirty-fifth session."

21. In the light of General Assembly resolution 33/106, it was highly important that the Commission should report at least some progress to the General Assembly at its thirty-fourth session. For a number of reasons, including lack of time, the Working Group had failed to adopt the early articles of the draft declaration, but it was evident that agreement on those articles was close at hand. The origin of the three draft articles annexed to draft resolution E/CN.4/L.1464 was as follows: article I consisted of paragraphs 2, 3 and 4 of the compromise text proposed by the Chairman-Rapporteur of the Working Group and referred to in paragraph 12 of the Working Group's report. Article II (1) was based on paragraph 1 of the Soviet proposal referred to in paragraph 9 of the report, the word "beliefs" replacing the words "theistic, non-theistic or atheistic convictions". Article II (2) was based on paragraph 1 of the Soviet text referred to in paragraph 20 of the report and also on article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. Lastly, article III was based on a text suggested by France on the basis of a Netherlands proposal which had received substantial support in the Working Group.

22. In expressing support for the Canadian draft resolution, he emphasized that differences in the Working Group had related to the framework of the draft articles, the placing of particular paragraphs, questions of emphasis and certain proposals remaining from previous years' discussions, but not to the three draft articles whose adoption Canada was proposing.

23. Mr. CHARRY SAMPER (Colombia) endorsed the previous speaker's remarks and said that he not only supported the Canadian draft resolution but wished to become its co-sponsor.

24. Mr. GNONLONFOUN (Benin) said that his country, where some 30 religions coexisted in peace, had no difficulty in endorsing the principle of religious tolerance. His difficulty was with the reference in the Canadian proposal to far-reaching agreement in the Working Group. His impression, supported by the report of the Working Group's Chairman-Rapporteur, was that no consensus had been reached.

25. Mr. CALERO-RODRIGUES (Brazil) said that, much as he sympathized with the Canadian draft resolution, he doubted whether adopting the proposed short cut to general agreement would improve the situation. The only way to make progress was to persevere in trying to achieve a consensus within the Working Group. His delegation would therefore abstain from voting on the Canadian proposal.

26. Mr. SOYER (France) said that, after 17 years of effort, it was time to show some results, at least in the form of three draft articles. He believed that consensus on those articles was within reach and appealed to all delegations to support the Canadian proposal.

27. Mr. LOCHTCHININ (Union of Soviet Socialist Republics) remarked that the frequent references to Soviet proposals in the Working Group's report were proof of the Soviet delegation's spirit of co-operation and desire to reach consensus. Some progress had been made and still more could have been achieved had the Working Group had more time at its disposal; the report clearly showed that a measure of agreement already existed and that only a few steps more were needed to reach the goal. Nevertheless, his delegation considered that adoption of draft resolution E/CN.4/L.1464 would constitute a highly dangerous precedent. He failed to see the grounds for the statement in paragraph 1 that the Working Group had been unable to reach consensus on the question of submission of draft articles to the Commission for adoption. So far as he was aware, the Working Group had never discussed that question. He also failed to see the point of the proposal contained in paragraph 5 for the re-establishment of the Working Group at the Commission's thirty-sixth session if the Working Group was to be by-passed in the manner proposed by Canada. He appealed to the Canadian delegation to reconsider its proposal in view of its dangerous consequences, not only for the Working Group on religious intolerance but also for other working groups of the Commission which operated on the consensus principle. The Canadian proposal was unjust and discriminatory, and the Commission would be making a serious mistake by adopting it.

28. Mr. SOYER (France) said he considered that a concerted effort by the Commission could lead to a successful outcome. Indeed, the Soviet representative had stated that a measure of agreement existed and had gone on to say that only a few issues remained to be resolved. Since there were no major difficulties, it would be unfortunate if the Commission concluded its session without defining the area of agreement. The area of disagreement was clearly centred on draft article III in the annex to the draft resolution proposed by Canada. The Soviet Union had proposed the following text: "Discrimination and intolerance on the grounds of religion or belief are fundamentally unjust and constitute an offence to human dignity" and his delegation did not believe that there could be disagreement on such an obvious truth. There was near unanimity among other delegations to add a statement to the effect that discrimination constituted a violation of the human rights and fundamental freedoms proclaimed in the Charter, the Universal Declaration and in the international covenants relating to human rights. His delegation could not believe that the Soviet delegation was shocked by the reference to fundamental instruments, particularly since the Soviet Union had officially stated that its Constitution enshrined provisions reflecting those of the Charter, the Universal Declaration and the international covenants. His delegation did not understand the Soviet delegation's objections and would like an explanation of why it was opposed to references to international instruments that were accepted in their entirety by the Soviet Union.

29. Mr. LOCHTCHININ (Union of Soviet Socialist Republics) said that his delegation's very important question regarding paragraph 1 of the draft resolution had not been answered. His delegation therefore assumed that the Canadian delegation would be prepared to delete it. It wished to propose the following minor amendment to paragraph 2 of the draft resolution: "Recommends to the Working Group for its prompt consideration and adoption at its next session the draft articles contained in the annex to the present resolution;". The purpose of that amendment was to prevent the work of the Group from being undermined; his delegation believed that it should be possible to arrive at a consensus on those articles in the course of the next session, thus achieving considerable progress.

30. Mr. McKINNON (Canada) inquired whether the Soviet amendment to paragraph 2 of the draft resolution meant that when the Working Group resumed its work, it would adopt the three articles contained in the annex to the draft resolution or resume its study of those articles. He could agree to the Soviet delegation's amendment if its purpose was to overcome the procedural problem to which it had alluded, in that a precedent would be created by adopting articles which had merely been studied and discussed in the Working Group. He could also accept the Soviet amendment if it meant that the Working Group would not resume its study of the three articles but would continue its work on the draft declaration as a whole. However, he could not accept the amendment if its purpose was to re-open the debate on those three articles.
31. Mr. MEZVINSKY (United States of America) said that his delegation considered the amendment submitted by the Soviet delegation to be a delaying device and that it wished the draft resolution to be put to the vote.
32. Mr. RIOS (Panama) said that, unless the Commission took some action on the matter, it would find itself in exactly the same situation in one year's time.
33. Mr. CHARRY SAMPER (Colombia) said that since the Canadian delegation had not accepted the amendment submitted by the Soviet Union, he wished to request that the vote should be taken by roll-call.
34. Mr. ERLACORA (Austria) inquired whether, in the event that the Canadian draft resolution was adopted, delegations would be entitled to make new drafting proposals on the three articles concerned at the Commission's next session.
35. Mr. van BOVEN (Director, Division of Human Rights) said that he could not answer that question. The Commission itself would have to take a decision on the matter at its thirty-sixth session.
36. Mr. LOCHTCHININ (Union of Soviet Socialist Republics), speaking on a point of order, said he thought that some members of the Commission had not fully understood his delegation's intention, namely that the draft articles should be considered and adopted at the Commission's next session.
37. A vote was taken by roll-call on the amendment proposed by the Soviet Union to paragraph 2 of draft resolution E/CN.4/L.1464.
38. Austria, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Bulgaria, Cuba, Iraq, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.
- Against: Australia, Austria, Canada, Colombia, France, Germany, Federal Republic of, Panama, Peru, Portugal, Sweden, United States of America, Uruguay.
- Abstaining: Benin, Brazil, Burundi, Cyprus, Egypt, India, Iran, Ivory Coast, Morocco, Nigeria, Pakistan, Senegal, Uganda, Yugoslavia.
39. The Soviet amendment was rejected by 12 votes to 6, with 14 abstentions.

40. A vote was taken by roll-call on draft resolution E/CN.4/L.1464.
41. Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Canada, Colombia, Cyprus, Egypt, France, Germany, Federal Republic of, India, Ivory Coast, Nigeria, Pakistan, Panama, Peru, Portugal, Senegal, Sweden, United States of America, Uruguay.

Against: None

Abstaining: Benin, Brazil, Bulgaria, Burundi, Cuba, Iran, Iraq, Morocco, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

42. Draft resolution E/CN.4/L.1464 was adopted by 19 votes to none, with 13 abstentions.

43. Mrs. SIBAL (India) said that she hoped that her delegation's vote in favour of the draft resolution would not be taken to mean that India approved the procedure adopted.

44. Mr. HEREDIA PEREZ (Cuba) said that his delegation had abstained in the vote because it could not accept a method of work which was totally different from that normally followed in the Commission.

45. Mr. Rios (Panama) took the Chair.

46. Mr. EL-FATTAL (Syrian Arab Republic) said that his delegation had abstained in the vote because it considered that the three draft articles should have been adopted in the Working Group before being submitted to the Commission for approval. His delegation's vote should not be construed as reflecting its final position on those articles.

47. Mr. LOCHTCHININ (Union of Soviet Socialist Republics) said that his delegation had abstained in the vote because the Commission had been put in the position of having to adopt articles of a draft declaration without having first discussed them. He hoped that the procedure followed would not constitute a precedent for the work of the Commission's working groups.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES
(agenda item 23) (E/CN.4/1298 and Add.1; E/CN.4/L.1467; E/CN.4/NGO/231)

48. Mr. TOŠEVSKI (Yugoslavia), speaking in his capacity as Chairman-Rapporteur of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities, said that shortage of time had prevented the Working Group from adopting the report contained in document E/CN.4/L.1467. He proposed, therefore, that the Commission should adopt, without a vote, the report and the draft resolution contained in paragraph 27 thereof. Since the Working Group had completed its work, he had received two amendments to the report. The first, from the Norwegian delegation, would replace paragraph 8 of the report by the following text:...

"8. The representative of Norway drew attention to the differences in definition of indigenous peoples and persons belonging to national, ethnic, religious and linguistic minorities. His Government had proposed amendments to the draft

declaration so as to make this difference appear clearly in each article, but one might also consider adding a separate article to this effect. In a longer perspective, a separate international instrument ought to be elaborated on the rights of indigenous peoples." Under the second amendment, from the Greek delegation, the words "taking into account all relevant documents" would be added at the end of operative paragraph 2 of the draft resolution.

49. The CHAIRMAN suggested that the Commission should adopt, by consensus, the draft report contained in document E/CN.4/L.1467, as amended, and the draft resolution contained in paragraph 27 of that report, as amended.

50. It was so decided.

51. Mr. Beaulne (Canada) resumed the Chair.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING:

(a) QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) IMPORTANCE OF NATIONAL INSTITUTIONS IN THE FIELD OF HUMAN RIGHTS (agenda item 11) (E/CN.4/1312 and Add.1-2; E/CN.4/1318 and Add.1-3; E/CN.4/1319; E/CN.4/1320; E/CN.4/1321 and Add.1-6; E/CN.4/1322; E/CN.4/L.1459, L.1462 and L.1482; E/CN.4/NGO/246; E/CN.4/NGO/247; E/CN.4/NGO/249; E/CN.4/NGO/254; E/CN.4/NGO/257; ST/HR/SER.A and Add.1)

52. The CHAIRMAN invited the Commission to take up item 11 of its agenda.

53. Mr. MEZVINSKY (United States of America) said that the Commission had already started its consideration of agenda item 10. It would seem proper, therefore, to complete that item before taking up agenda item 11.

54. The CHAIRMAN said that the consultations on the draft resolutions relating to agenda item 10 had not yet been concluded.

55. Mr. EL-FATTAL (Syrian Arab Republic) proposed that the Chairman's suggestion that the Commission should take up item 11 of its agenda should be put to the vote.

56. The Chairman's suggestion was adopted by 13 votes to 4, with 7 abstentions.

57. Mr. DIEYE (Senegal) introduced the report of the Working Group on the questions of further promotion and encouragement of human rights and fundamental freedoms, and of alternative approaches and ways and means for improving the effective enjoyment of human rights (E/CN.4/L.1482). He hoped that the Commission would be able to adopt the report and the draft resolution contained in paragraph 24 thereof without a vote.

58. Mr. LAMB (Australia) said that his delegation had taken part in the Working Group's consultations. Further consultations had been held subsequent to the production of document E/CN.4/L.1482, as a result of which he wished to suggest that the text of operative paragraph 13 of the draft resolution contained in paragraph 24 of that document should be amended to read: "13. Notes General Assembly resolution 33/105 which requested the Commission to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals, including a post of United Nations High Commissioner for Human Rights and that the Commission could not reach an agreement on the latter;". He hoped that, with that amendment, the report and the draft resolution could be adopted without a vote.

59. Mr. MEZVINSKY (United States of America) said that it was his delegation's understanding that the words "in this connexion" should be deleted from operative paragraph 2 of the draft resolution.

60. The CHAIRMAN said that if there was no objection, he would take it that the Commission wished to adopt, without a vote, the report contained in document E/CN.4/L.1482, with the amendment to operative paragraph 2 of the draft resolution referred to by the representative of the United States and the amendment to operative paragraph 13 of the draft resolution suggested by the representative of Australia.

61. It was so decided.

62. Mr. ORTIZ (Cuba) asked whether, as a result of the amendment to operative paragraph 13 of the draft resolution, the Commission would be unable to discuss the matters referred to in that paragraph in the future.

63. Mr. LAMB (Australia), supported by Mr. EL-FATTAL (Syrian Arab Republic), appealed to the representative of Cuba not to press his point. As amended, the paragraph was nothing more than a statement of fact that the question had been discussed but that agreement had not been reached.

64. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt, without a vote, the draft resolution on agenda item 11(a) contained in document E/CN.4/L.1459.

65. It was so decided.

66. The CHAIRMAN said that if there was no objection, he would take it that the Commission wished to adopt, without a vote, the draft resolution on agenda item 11(b) contained in document E/CN.4/L.1462.

67. It was so decided.

68. Mr. MERKEL (Federal Republic of Germany) said that his delegation supported draft resolution E/CN.4/L.1462, but wished to make a number of comments. In the Federal Republic of Germany, national machinery for the promotion and protection of human rights which went far beyond the guidelines had been established. That machinery consisted mainly of an independent judiciary extending up to the Federal Constitutional Court, to which individuals could appeal against

violations of their human rights. His delegation considered that the word "such" in operative paragraphs 2 and 3 of the resolution covered those institutions as well. The high-ranking human rights officer of the Federal Ministry of Justice, who had participated in the Seminar referred to in the first and second preambular paragraphs, had submitted a paper on the system of the Federal Republic of Germany. His delegation hoped that the information he had supplied would be taken into account by the Secretariat under paragraph 5 of the resolution.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 14) (E/CN.4/1316; E/CN.4/1325; E/CN.4/NGO/234; E/CN.4/NGO/245)

69. Ms. BOCEITA (Observer for Spain) introduced the report of the Working Group on measures to improve the situation and ensure the human rights and dignity of all migrant workers (E/CN.4/1316). After long negotiations, the Working Group had approved the draft resolution contained in paragraph 9 of the report. The three questions to which the Working Group considered that priority should be given were listed in operative paragraph 7(b) of the draft resolution.

70. Since it had not been possible, at the current session, to discuss the matter in sufficient detail, she wished to propose, on behalf of her own delegation and the delegations of Portugal, Colombia, Turkey and Yugoslavia, that consideration should be given to the establishment of a new working group on migrant workers - the terms of reference of which would be established by the Economic and Social Council at its next session - to continue the work already begun by the existing Working Group, and that the item on migrant workers should be retained on the agenda for the Commission's next session.

71. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt, without a vote, the report and draft resolution contained in document E/CN.4/1316.

72. It was so decided.

73. Ms. REYES-RETANA (Observer for Mexico) said that despite the work done by the United Nations and other international organizations, particularly ILO, much remained to be done to improve the situation of migrant workers. The fundamental rights of such workers were sometimes violated and they were victims of discrimination. It was for that reason that the Mexican Secretary of State for Foreign Affairs had suggested, at the thirty-third session of the General Assembly, that a code setting forth the rights of such workers should be drawn up. Mexico had co-sponsored General Assembly resolution 33/163, requesting the Secretary-General to examine, with Member States and specialized agencies, the possibility of preparing an international agreement on the rights of migrant workers. In the Working Group established under resolution 1978/22 of the Economic and Social Council, her delegation had been one of those which had recommended that the Commission, in considering the situation of migrant workers, should explore the possibility of preparing a convention on their rights, in order to co-operate with the Secretary-General of the United Nations in the work entrusted to him by the General Assembly in paragraph 7 of resolution 33/163.

PERIODIC REPORTS ON HUMAN RIGHTS (agenda item 19):

(b) PERIODIC REPORTS ON CIVIL AND POLITICAL RIGHTS (E/CN.4/1304; E/CN.4/L.1444)

74. Mr. HOYT (United States of America), Chairman/Rapporteur of the Ad Hoc Committee on Periodic Reports, suggested that the Commission should adopt, without a vote, resolution II (Yearbook on Human Rights) contained in document E/CN.4/1304.

75. Mr. SANON (Deputy Director, Division of Human Rights) said that the financial implications of the decisions contained in the draft resolution were set forth in document E/CN.4/L.1444.

76. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt, without a vote, draft resolution II contained in document E/CN.4/1304.

77. It was so decided.

78. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation attached great importance to all documents on human rights. He therefore considered that the document indicating the status of multilateral international instruments in the field of human rights concluded under the auspices of the United Nations should be maintained and that operative paragraph 4 of draft resolution I contained in document E/CN.4/1304 should be deleted.

79. With regard to resolution II contained in document E/CN.4/1304, he said that funds from obsolete programmes should be used to finance the publication of the Yearbook.

ORGANIZATION OF WORK

80. Mr. McKINNON (Canada), replying to a question put by Mr. ERMACORA (Austria), said that the consultations on the draft resolutions relating to agenda item 10 had not produced any results.

81. The CHAIRMAN said that, if there was no objection, he would take it that the Commission decided to defer, until its thirty-sixth session, completion of agenda items 10 and 19 and consideration of agenda items 15, 17, 25 and 26.

82. It was so decided.

The meeting rose at 11.45 p.m.