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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED  
NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF  
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Third Committee

Rapporteur: Mr. Grzegorz POLOWCZYK (Poland)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-ninth session the item entitled:

"Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms:

"(a) Implementation of General Assembly resolution 38/124;

"(b) National institutions for the protection and promotion of human rights: report of the Secretary-General"

and to allocate it to the Third Committee.

2. The Third Committee considered this item at its 33rd to 36th, 47th, 53rd and 55th meetings, on 7, 8, 12, 21, 28 and 30 November. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/39/SR.33-36, 47, 53 and 55).

3. The Committee had before it the following documentation:

(a) National institutions for the promotion and protection of human rights: report of the Secretary-General (A/39/556 and Add.1);

(b) Letter dated 15 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General, transmitting the resolutions and other documents of the Third Conference of Ministers of Labour of Non-Aligned Countries and Other Developing Countries, held at Managua from 10 to 12 May 1984 (A/39/581-S/16782 and Corr.1);

(c) Letter dated 16 October 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted at the 72nd Inter-Parliamentary Conference, held at Geneva on 29 September 1984 (A/39/590 and Corr.1).

4. At the 33rd meeting, on 7 November, the Under-Secretary-General for Political and General Assembly Affairs made an introductory statement.

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/39/L.39

5. At the 47th meeting, on 21 November, the representative of India introduced a draft resolution (A/C.3/39/L.39) entitled "National institutions for the promotion and protection of human rights", sponsored by Australia, India, Iraq, Morocco, Nigeria, Peru and Sri Lanka, subsequently joined by New Zealand.

6. At its 53rd meeting, on 28 November, the Committee adopted draft resolution A/C.3/39/L.39 without a vote (see para. 13, draft resolution I).

### E. Draft resolution A/C.3/39/L.36

7. At the 47th meeting, on 21 November, the representative of Cuba introduced a draft resolution (A/C.3/39/L.36) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", sponsored by Algeria, Angola, Argentina, Bangladesh, Bolivia, Burkina Faso, Cape Verde, the Congo, Cuba, Democratic Yemen, Ethiopia, Guinea-Bissau, Guyana, India, the Libyan Arab Jamahiriya, Madagascar, Mali, Nicaragua, Nigeria, Pakistan, Panama, Romania, the Syrian Arab Republic, Uganda, Viet Nam and Yugoslavia, as well as Sao Tome and Principe, subsequently joined by Benin, Colombia, Mexico and Mozambique.

8. At the 53rd meeting, on 28 November, the Committee had before it amendments to the draft resolution submitted by Italy (A/C.3/39/L.53) which read as follows:

#### "1. Operative paragraph 6, lines 3-5

For the existing text substitute

and that massive and flagrant violations and all other violations of human rights, wherever they occur, are of concern to the United Nations;

"2. Operative paragraph 13, line 2

After the word "principles", for the existing text substitute

and the massive and flagrant and all other violations of human rights which continue to take place in many parts of the world;".

9. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic orally proposed the following amendment which was subsequently circulated in document A/C.3/39/L.59:

"Insert a new operative paragraph 7, reading

'7. Reaffirms the duty of a State to refrain from the exploitation and the distortion of human rights issues as a means of interference in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or group of States;'

and renumber the remaining paragraphs accordingly."

10. At the 55th meeting, on 30 November, the representative of Cuba, on behalf of the sponsors and following consultations on the proposals made by the delegations of Italy and the Ukrainian Soviet Socialist Republic, orally revised the draft resolution as follows:

(a) In the sixteenth preambular paragraph and operative paragraph 12, after the words "to exercise full sovereignty over its wealth and natural resources", the words "subject to the principles referred to in article 1, paragraph 2, and article 25 of the International Covenant on Economic, Social and Cultural Rights" were inserted;

(b) In operative paragraph 2, before the words "for all people", the words "to promote peace, freedom and dignity" were replaced by the words "a life of freedom, dignity and peace";

(c) In operative paragraph 6, the words "and that consistent patterns of violations of human rights in particular mass and flagrant violations of these rights, wherever they exist, are of concern to the United Nations" were replaced by the words "and expresses its concern at serious violations of human rights, in particular mass and flagrant violations of these rights, wherever they occur";

(d) Operative paragraph 11 which read

"Stresses that the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide;"

was deleted and the remaining paragraphs were renumbered accordingly;

(e) In operative paragraph 18 (now 17), between the words "Requests the Secretary-General to" and "to the General Assembly at its fortieth session", the word "submit" was replaced by the word "transmit", and the words "which will be the Fortieth Anniversary of the United Nations" were deleted.

11. At the same meeting, the representatives of Italy and the Ukrainian Soviet Socialist Republic consequently withdrew the amendments submitted by their delegations (see paras. 8 and 9 above).

12. At the same meeting, the Committee adopted draft resolution A/C.3/39/L.36, as orally revised, by a recorded vote of 118 to 1, with 13 abstentions (see para. 13, draft resolution II). The voting was as follows: 1/

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Austria, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Israel, Japan, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

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1/ The delegation of Mongolia indicated that, due to mechanical failure, its vote had not been recorded and that it had voted in favour of the draft resolution.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

13. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

National institutions for the protection and promotion of human rights

The General Assembly,

Recalling its resolutions 32/123 of 16 December 1977, 33/46 of 14 December 1978, 34/49 of 23 December 1979, 36/134 of 14 December 1981 and 38/123 of 16 December 1983 concerning national institutions for the protection and promotion of human rights,

Mindful of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights, endorsed by the General Assembly in its resolution 33/46,

Mindful also of the need to create conditions, at the national, regional and international levels, for the protection and promotion of human rights,

Emphasizing the importance of the Universal Declaration of Human Rights, 2/ the International Covenants on Human Rights 3/ and other international human rights instruments for promoting respect for and observance of human rights and fundamental freedoms,

Conscious of the significant role which institutions at the national level can play in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness and observance of those rights and freedoms,

1. Takes note with appreciation of the report of the Secretary-General; 4/

2. Emphasizes the importance of the integrity and independence of national institutions for the protection and promotion of human rights, in accordance with national legislation;

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2/ Resolution 217 A (III).

3/ Resolution 2200 A (XXI), annex.

4/ A/39/556 and Add.1

3. Draws attention to the constructive role that national non-governmental organizations can play in the work of such national institutions;

4. Encourages all Member States to take appropriate steps for the establishment or, where they already exist, the strengthening of national institutions for the protection and promotion of human rights;

5. Invites all Member States to take appropriate steps to disseminate the texts of human rights instruments, including international covenants and conventions, in their respective national or local languages, in order to give the widest possible publicity to these instruments;

6. Recommends that all Member States should consider including material relevant to a comprehensive understanding of human rights issues in their educational curriculum;

7. Recommends that all Member States should take appropriate steps to encourage the exchange of experience in the establishment of national institutions;

8. Requests the Secretary-General, in carrying out public information activities in the field of human rights, to give due attention to the role of national institutions and non-governmental organizations concerned with the protection and promotion of human rights;

9. Requests the Secretary-General to provide all necessary assistance to Member States, upon their request, in the implementation of paragraph 5 above, high priority being accorded to the needs of developing countries;

10. Requests the Secretary-General to continue and, as appropriate, enhance assistance in the field of human rights to Governments, at their request, under the programme of advisory services in the field of human rights;

11. Requests the Secretary-General, in the light of his reports and of further information received, to prepare and submit to the General Assembly, through the Commission on Human Rights and the Economic and Social Council, a consolidated report, for eventual publication as a United Nations handbook on national institutions for the use of Governments, including information on the various types and models of national and local institutions for the protection and promotion of human rights, taking into account differing social and legal systems;

12. Also requests the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

DRAFT RESOLUTION II

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that the peoples of the United Nations have, in the Charter of the United Nations, declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purpose and principles of the Charter to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 5/ and of the International Covenants on Human Rights 6/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Recalling also its resolutions 34/46 of 23 November 1979, 35/174 of 15 December 1980, 36/133 of 14 December 1981 and 38/124 of 16 December 1983,

Recognizing that the human being is the main subject of development and that everyone has the right to participate in, as well as to benefit from, the development process,

Reiterating once again that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all,

Reiterating also its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal

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5/ Resolution 217 A (III).

6/ Resolution 2200 A (XXI), annex.

attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political and economic, social and cultural rights,

Reaffirming the importance of furthering the activities of the existing organs of the United Nations system in the field of human rights in conformity with the principles of the Charter,

Underlining the need for the creation of conditions at the national and international levels for the promotion and full protection of the human rights of individuals and peoples,

Emphasizing that Governments have the duty to ensure respect for all human rights and fundamental freedoms,

Taking note of the work done by the Working Group of Governmental Experts on the Right to Development as reflected in its reports to the Commission on Human Rights,

Underlining that the right to development is an inalienable human right,

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

Considering that the resources which would be released by disarmament could contribute significantly to the development of all States, in particular the developing countries,

Recognizing that co-operation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of each people to choose freely its own socio-economic and political system, and to exercise full sovereignty over its wealth and natural resources, subject to the principles referred to in article 1, paragraph 2, and article 25 of the International Covenant on Economic, Social and Cultural Rights, is essential for the promotion of peace and development,

Convinced that the primary aim of such international co-operation must be the achievement by each human being of a life of freedom and dignity and freedom from want,

Acknowledging the progress so far achieved by the international community in the promotion and protection of human rights and fundamental freedoms,

Concerned, however, at the occurrence of violations of human rights in the world,

Reaffirming that nothing in the Universal Declaration of Human Rights and the International Covenants on Human Rights may be interpreted as implying for any State, group or person the right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth therein,



Affirming that the ultimate aim of development is the constant improvement of the well-being of the entire population, on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom,

1. Reiterates its request that the Commission on Human Rights continue its current work on the overall analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of General Assembly resolution 32/130 and other relevant texts;

2. Affirms that a primary aim of international co-operation in the field of human rights is a life of freedom, dignity and peace for all people and for each human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the others;

3. Affirms its profound conviction that equal attention and urgent consideration should be given to the implementation, protection and promotion of both civil and political and economic, social and cultural rights;

4. Reaffirms that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States should undertake specific obligations through accession to, or ratification of, international instruments in this field and, consequently, that the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged;

5. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1(e) of resolution 32/130, paying due attention also to other situations of violations of human rights;

6. Reaffirms its responsibility to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all and expresses its concern at serious violations of human rights, in particular mass and flagrant violations of these rights, wherever they occur;

7. Expresses concern at the present situation with regard to the achievement of the objectives and goals for establishing the new international economic order and its adverse effects on the full realization of human rights and, in particular, the right to development;

8. Reaffirms that the right to development is an inalienable human right;

9. Reaffirms also that international peace and security are essential elements in achieving the full realization of the right to development;

10. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

11. Considers it necessary that all Member States promote international co-operation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of each people to choose freely its own socio-economic and political system, and to exercise full sovereignty over its wealth and natural resources, subject to the principles referred to in article 1, paragraph 2, and article 25 of the International Covenant on Economic, Social and Cultural Rights, with a view to resolving international problems of an economic, social and humanitarian character;

12. Expresses concern at the existing disparity between the established norms and principles and the actual situation of all human rights and fundamental freedoms in the world;

13. Urges all States to co-operate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

14. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;

15. Reaffirms once again that, in order to facilitate the full enjoyment of all rights and complete personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for workers' participation in management, as well as the adoption of measures at the international level, including the establishment of the new international economic order;

16. Requests the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the results of the Working Group of Governmental Experts on the Right to Development, which is engaged in the study of the scope and content of the right to development, and welcomes the decision of the Commission in its resolution 1984/16 of 6 March 1984 <sup>7/</sup> that the Working Group should continue its work with the aim of presenting as soon as possible a draft declaration on the right to development;

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<sup>7/</sup> See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), Chap. II, sect. A.

17. Requests the Secretary-General to transmit to the General Assembly at its fortieth session a report containing information on the progress made by the Working Group of Experts of the Commission on Human Rights in the drafting of a declaration on the right to development;

18. Decides to include in the provisional agenda of its fortieth session the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

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