

the report of the working group that met prior to and during the forty-fifth session of the Commission,¹³⁶ together with the annexes thereto, to all Member States in advance of the next meeting of the working group.

*16th plenary meeting
24 May 1989*

1989/81. International Covenants on Human Rights

The Economic and Social Council.

Bearing in mind its important responsibilities in relation to the co-ordination of activities to promote the International Covenants on Human Rights.⁸¹

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,¹⁰⁶ form the core of the International Bill of Human Rights.

Recalling the International Covenant on Economic, Social and Cultural Rights,¹⁰⁷ the International Covenant on Civil and Political Rights,¹⁰⁷ and the Optional Protocol to the International Covenant on Civil and Political Rights, and reaffirming 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 other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its third session,¹³⁷ as well as the general comments of the Human Rights Committee on article 24 of the International Covenant on Civil and Political Rights, adopted by the Committee at its thirty-fifth session,¹³⁸

Emphasizing the importance of General Assembly resolution 43/128 of 8 December 1988, by which the Assembly decided to launch a World Public Information Campaign on Human Rights,

Convinced of the continuing need to promote the universal observance and enjoyment of human rights, which contributes to peaceful and friendly relations among nations,

1. *Reaffirms* the central importance of the International Covenants on Human Rights in international efforts to promote universal respect for and observance of human rights and fundamental freedoms, and recognizes these instruments as a basis for any standard setting and codification in the field of human rights, bearing in mind General Assembly resolution 41/120 of 4 December 1986;

2. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocol to the International Covenant on Civil and

Political Rights, so that those instruments may acquire genuine universality;

3. *Emphasizes* the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

4. *Invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

5. *Stresses* the importance of avoiding the erosion of human rights by derogation, and the necessity for strict observance of all the agreed conditions and procedures for derogation, under article 4 of the International Covenant on Civil and Political Rights;

6. *Reaffirms* the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with respect to the implementation by States parties of the International Covenants on Human Rights, and expresses its satisfaction with the serious and constructive manner in which those Committees are carrying out their functions;

7. *Welcomes* the general comments of the Human Rights Committee on article 24 of the International Covenant on Civil and Political Rights;¹³⁸

8. *Also welcomes* the decision of the Committee on Economic, Social and Cultural Rights to consider articles 22 and 23 of the International Covenant on Economic, Social and Cultural Rights, as well as to continue to focus on article 11, with a view to developing general comments at its fourth session, so as to encourage States parties to the Covenant to take appropriate steps to ensure the implementation of that article;

9. *Further welcomes* the relevant activities of the Commission on Human Rights in the field of effective implementation of economic, social, cultural, civil and political rights, and the promotion of universal adherence to the International Covenants on Human Rights;

10. *Urges* the Secretary-General, in conjunction with the World Public Information Campaign on Human Rights, to publicize the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to ensure sufficient administrative and related support of their meetings and activities to enable them to carry out their respective functions effectively;

11. *Encourages* all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

12. *Decides* to include in the agenda of its first regular session of 1990 an item entitled "International Covenants on Human Rights" and to consider under that item the general comments of the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights on its fourth session;

¹³⁶E/CN.4/1989/45.

¹³⁷Official Records of the Economic and Social Council, 1989, Supplement No. 4 (E/1989/22).

¹³⁸E/1989/57, annex.

13. *Also decides* to transmit the report of the Committee on Economic, Social and Cultural Rights on its third session to the General Assembly at its forty-fourth session for consideration under the agenda item entitled "International Covenants on Human Rights".

*16th plenary meeting
24 May 1989*

1989/82. Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1988/41 of 27 May 1988.

Having examined the relevant section of the report of the *Ad Hoc* Working Group of Experts on southern Africa of the Commission on Human Rights¹³⁹ and having considered the complaint made by the Congress of South African Trade Unions against the South African régime concerning the infringement of the right of freedom of association, referred to the Council in accordance with its resolution 277 (X) of 17 February 1950 and contained in annex II to the note by the Secretary-General on allegations regarding infringements of trade union rights.¹⁴⁰

Noting that the reply from the Government of South Africa addressed to the Secretary-General and contained in annex III to the note by the Secretary-General pre-dates the enactment of the legislation which constitutes the subject of the complaint,

Gravely concerned at the further deterioration of the situation as a result of the enactment of new legislation placing drastic restrictions on the exercise of trade union rights.

Noting with indignation that dehumanizing conditions imposed on black workers by the Government of South Africa and police intervention in industrial disputes, including mass arrests, banning and harassment of trade unionists, continue.

Aware of the ever-growing importance of the role of the independent black trade union movement in the struggle against *apartheid*.

1. *Takes note* of the relevant section of the report of the *Ad Hoc* Working Group of Experts on Southern Africa of the Commission on Human Rights;¹³⁹

2. *Condemns* the increased repression of the independent black trade union movement by the Government of South Africa;

3. *Demands once again* that the persecution of trade unionists and the repression of the independent black trade union movement cease;

4. *Requests once again* immediate recognition of the right of the entire population of South Africa to exercise freedom of association and to form and join trade unions without impediment or discrimination of any kind;

5. *Demands* the immediate unconditional release of all trade unionists imprisoned for exercising their legitimate trade union rights;

6. *Requests* the *Ad Hoc* Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Council;

7. *Also requests* the *Ad Hoc* Working Group of Experts, in the discharge of its mandate, to consult

with the International Labour Organisation and the Special Committee against *Apartheid*, as well as with international and African trade union confederations;

8. *Decides* to consider at its first regular session of 1990 the question of allegations regarding infringements of trade union rights in South Africa as a sub-item of the item entitled "Human rights";

9. *Requests* the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation.

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1989/83. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Economic and Social Council,

Reaffirming the purpose set forth in the Charter of the United Nations of achieving 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 fundamental freedoms for all without distinction as to race, sex, language or religion.

Recalling the proclamation by the General Assembly, in its resolution 38/14 of 22 November 1983, of the Second Decade to Combat Racism and Racial Discrimination,

Recalling also the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, approved by the General Assembly in its resolution 38/14 to which it is annexed, to achieve the objectives of the Second Decade,

Reaffirming the plan of activities for the periods 1985-1989 and 1990-1993, to be implemented by the Secretary-General in accordance with General Assembly resolutions 39/16 of 23 November 1984 and 42/47 of 30 November 1987,

Conscious of the responsibility conferred upon it by the General Assembly for co-ordinating and, in particular, evaluating the activities undertaken in the implementation of the Programme of Action for the Second Decade,

Bearing in mind, in particular, its mandate under General Assembly resolution 41/94 of 4 December 1986 to submit to the Assembly, during the period of the Second Decade, annual reports on the activities undertaken or contemplated to achieve the objectives of the Second Decade,

Having examined the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade,¹⁴¹

Noting that, despite the efforts of the international community, the principal objectives of the first Decade for Action to Combat Racism and Racial Discrimination and the first years of the Second Decade have not been attained, and that millions of human beings continue to be victims of varied forms of racism, racial discrimination and *apartheid*,

Stressing the need to continue the co-ordination of activities undertaken by various United Nations bodies and specialized agencies for the purpose of

¹³⁹E/1989/53, annex
¹⁴⁰E/1989/49.

¹⁴¹E/1989/42 and Add.1-4.