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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND
DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the Secretary-General

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Introduction

1. The General Assembly, in its resolution 38/14 of 22 November 1983, proclaimed the 10-year period beginning on 10 December 1983 the Second Decade to Combat Racism and Racial Discrimination. The Assembly also approved the Programme of Action for the Second Decade annexed to the resolution, and called upon all States to co-operate in its implementation. The Assembly also requested the Economic and Social Council to take charge, with the help of the Secretary-General, of co-ordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade.
2. The Programme of Action for the Second Decade covers inter alia: action to combat apartheid; education, teaching and training; dissemination of information and the role of the mass media in combating racism and racial discrimination; measures for the promotion and protection of the human rights of persons belonging to minority groups, indigenous populations and peoples and migrant workers who are subjected to racial discrimination; recourse procedures for victims of racial discrimination; implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 (XX) A, of 21 December 1965, annex) and related international instruments; national legislation and institutions; seminars and studies; action by non-governmental organizations; and international co-operation.
3. The General Assembly, by its resolution 39/16 of 23 November 1984, invited the Secretary-General to proceed with the implementation of the plan of activities for the period 1985-1989 for the implementation of the Programme of Action for the Second Decade (see A/39/167-E/1984/33 and Add.1-2).
4. By its resolution 42/47 of 30 November 1987, the General Assembly urgently requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Decade which had not yet been undertaken, approved the plan of activities proposed for the period 1990-1993 contained in the annex to the resolution, and invited the Secretary-General to proceed with the implementation of the plan.
5. The Commission on Human Rights, by its resolution 1985/11 of 26 February 1985, requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1985-1989 so that it could make its contribution thereto. In its resolution 1989/9 of 23 February 1989, the Commission reiterated this request and made a similar request to the Secretary-General in connection with the plan of activities for the period 1990-1993.
6. The present report has been prepared in accordance with the foregoing requests.

I. COMMISSION ON HUMAN RIGHTS

7. By its resolution 1989/9, the Commission on Human Rights urged all States and international organizations to co-operate with the Secretary-General in the implementation of the plan of activities for the period 1985-1989, and appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade

for Action to Combat Racism and Racial Discrimination, so as to enable the Secretary-General to implement the various programme elements outlined in the plan of activities for 1990-1993. The Commission also requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1985-1989 (A/39/167-E/1984/33 and Add.1 and 2), so that the Commission could make its contribution thereto.

8. The Commission further took note with satisfaction of General Assembly resolution 43/91 of 8 December 1988, in which the Assembly requested the Economic and Social Council to submit annual reports to it on the activities undertaken to achieve the objectives of the Decade.

9. The Commission also decided to give thematic consideration, each year, to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47 of 30 November 1987, and decided that the topic for 1991 should be "Ways and means of denying support to racist régimes with a view to making them change their policies".

10. The Commission welcomed the results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988 (A/C.3/43/CRP.1), and requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives.

11. In addition, the Commission emphasized the importance of adequate recourse procedures for victims of racism and racial discrimination and requested the Secretary-General, in the light of the results of the seminar held on that topic, to prepare and finalize, with the appropriate assistance of qualified experts if possible, a handbook of recourse procedures, and invited all Governments and international non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

12. The Commission invited the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47 and further invited him to ensure the effective implementation of those activities proposed for the first half of the Decade that had not yet been undertaken.

II. ECONOMIC AND SOCIAL COUNCIL

13. During its first regular session of 1989, the Economic and Social Council considered the item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination". The Council examined the reports of the Secretary-General in connection with its consideration of that item, as follows:

(a) Annual report by the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1989/42 and Add.1-4); this report, in addition to

information supplied by Governments, includes information about activities within the United Nations system, and information submitted by regional organizations and non-governmental organizations in consultative status;

(b) Results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988 (E/1989/48).

14. The Council adopted resolution 1989/83 of 24 May 1989, in which it reaffirmed the importance of achieving the objectives of the Second Decade and the necessity of co-ordinating the full range of programmes being implemented by the United Nations system as they related to the objectives of the Second Decade.

15. The Council invited the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47, and requested him, in that context, to accord the highest priority to measures to combat apartheid.

16. The Council further invited all Governments to take or continue to take all necessary measures to combat all forms of racism and racial discrimination and to support the work of the Second Decade by making contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The Council also decided, as a matter of priority, to give particular attention to the specific activities of the Programme of Action for the Second Decade that were directed towards the elimination of apartheid, in view of the explosive situation in southern Africa.

17. In the same resolution, the Council requested the Secretary-General to ensure the effective and immediate implementation of those activities proposed for the first half of the Decade that had not yet been undertaken, in particular the 1989 seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, and invited him to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47, and, in that context, to accord the highest priority to measures to combat apartheid. The Council also emphasized the importance of information activities in combating racism and racial discrimination and in mobilizing public support for the objectives of the Second Decade and, in that context, commended the efforts of the Co-ordinator for the Second Decade.

18. The Council welcomed the results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988, and took note with appreciation of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, in particular the recommendations contained therein. Furthermore, the Council requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families.

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

19. At its forty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities examined the question of the Second Decade to Combat Racism and Racial Discrimination and adopted resolution 1989/19 of 31 August 1989, in which it expressed its appreciation and grateful thanks to the Special Rapporteur, Mr. A. Eide, for his valuable, wide-ranging and enduring study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8), and decided to refer the study, together with the summary records of the debates on that issue at the forty-first session of the Sub-Commission, to the Commission on Human Rights for further consideration. The Sub-Commission also strongly recommended to the Commission that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible and decided to consider further, at its forty-second session the recommendations made by the Special Rapporteur and their implementation.

IV. GENERAL ASSEMBLY

20. At its forty-fourth session, the General Assembly, in connection with its consideration of the agenda item on the implementation of the Programme of Action for the Second Decade, had before it the two reports originally submitted to the Economic and Social Council at its first regular session of 1989 (see para. 13 above). In addition, the Assembly had before it the following documents:

(a) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (A/44/595);

(b) Study on the role of private group action to combat racism and racial discrimination: report of the Secretary-General (A/44/575);

(c) Global compilation of national legislation against racial discrimination: note by the Secretary-General (A/44/574).

21. After consideration of the reports of the Secretary-General on the implementation of the Programme of Action for the Second Decade, the General Assembly adopted resolution 44/52 of 8 December 1989. The Assembly decided that the international community in general and the United Nations in particular should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid, and to intensify their efforts, during the Second Decade, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid, especially in South Africa and Namibia and in occupied territories and territories under alien domination. It appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

22. The General Assembly took note of the reports submitted by the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and

non-governmental organizations as well as of United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/44/477, A/44/574, A/44/575, A/44/595 and A/44/617). It also took note of the reports of the Secretary-General on the study on the role of private group action to combat racism and racial discrimination (A/41/550, A/43/631 and A/44/575).

23. It also noted and commended the efforts made to co-ordinate all the programmes currently under implementation by the United Nations system relating to the objectives of the Decade and encouraged the Co-ordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts.

24. In addition, the General Assembly noted with satisfaction the holding of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, and the seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, and requested the Secretary-General to give the reports on the seminars (E/CN.4/1989/22 and A/44/595, paras. 52-62) wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations. It also noted the decision (A/44/574, para. 8) to publish the global compilation of national legislation against racism and racial discrimination and requested the Secretary-General to transmit this publication to Governments as soon as possible, and welcomed the completion and the submission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the study of the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and during the first half of the Second Decade, and requested the Commission on Human Rights to transmit that study to the General Assembly at its forty-fifth session.

25. The General Assembly requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of such discrimination, and renewed its invitation to UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education. The General Assembly emphasized again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requested the Secretary-General once again, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in this field, a handbook of recourse procedures. It also requested the Secretary-General to prepare and issue as soon as possible a collection of model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination.

26. Furthermore, the General Assembly invited the Secretary-General to implement immediately those activities for the period 1985-1989 that had not yet been carried out and proceed with the implementation of the activities scheduled for the biennium 1990-1991, and affirmed once again the need for the

implementation of the plan of activities proposed for the period 1990-1993 contained in the annex to General Assembly resolution 42/47. The Assembly also strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination and, to that end, requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.

V. THE CO-ORDINATOR

27. The General Assembly, in paragraph 5 of its resolution 43/91 of 8 December 1988, took note of the efforts made to co-ordinate the programmes currently under implementation by the United Nations system as they related to the objectives of the Second Decade, and encouraged the Co-ordinator for the Second Decade, Mr. Jan Martenson, to continue his efforts in that respect.

28. Pursuant to that mandate, the Co-ordinator has initiated and maintained contacts at the senior level within the various offices of the United Nations with a view to co-ordinating the activities already under way or planned, and in order to identify areas in which new initiatives might be taken. Particular mention in this regard should be made of co-operation with the Centre against Apartheid and the Centre on Transnational Corporations.

A. Inter-agency co-ordination

29. In order to improve co-ordination, the Co-ordinator, with the strong support of the Secretary-General, raised the question of the implementation of the Programme of Action for the Decade with the executive heads of the specialized agencies during the April 1988 session of the Administrative Committee on Co-ordination (ACC) at Geneva. The Co-ordinator reviewed the United Nations programme against racism and suggested both a strengthening of each agency's own programme and an improvement in inter-agency co-ordination. The Co-ordinator expressed the hope that ACC would be able to keep the matter under review and develop the appropriate means to achieve improvement in co-operation in order to strengthen Decade-related activities where they existed and foster activities against racism in those areas where they did not yet exist.

30. This matter was also discussed at the Committee's second regular session for 1989, held on 19 and 20 October 1989 in New York. Under the item "Progress reports: (b) Inter-agency activities undertaken in the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", the Co-ordinator reported on recent progress in this field and made specific recommendations for future action.

31. Regular meetings by the Co-ordinator with the media is another important way of making the United Nations role in the combat against racism better known and of mobilizing public support for the objectives of the Second Decade. In addition to periodic meetings with the press, the Co-ordinator has on numerous occasions spoken of the fight against racism and racial discrimination in television and radio interviews on stations world wide and in United Nations broadcasts.

32. On 20 March 1989, in the context of the observance of the International Day for the Elimination of Racial Discrimination, the Co-ordinator met with journalists at the Palais des Nations at Geneva to review recent developments in the fight against racism and to enlist their support in stressing the evil nature of racial discrimination and in making the activities of the United Nations against racism better known throughout the world. The Co-ordinator referred to the International Day for the Elimination of Racial Discrimination as one of the most important days in the United Nations calendar, as it was a day dedicated to the reaffirmation of the commitment to fight, and eventually eliminate, the evils of racism and racial discrimination. This was a struggle, he said, that had gone on since the foundation of the United Nations and one which, each year, had gained increasing importance as the negative impact of racism and racial discrimination was more clearly seen not only on the enjoyment of human rights but on many other areas of United Nations activities, including the maintenance of international peace and security and economic and social development.

33. The Co-ordinator also said that it should be kept in mind that racism and racial discrimination were serious and fundamental denials of basic human dignity which negated the very essence of the Universal Declaration of Human Rights. Racism inevitably led to violations of human rights such as torture and illegal executions, as those in power sought by all means to impose discrimination on others. The system of apartheid was the most heinous form of racism and one to which the United Nations had given increasing attention. Racism also threatened the dignity and human rights of members of such groups as migrant workers, indigenous populations and minorities, and it was on this very broad front that the United Nations was continuing its fight against discrimination.

34. The Co-ordinator also reviewed with the press the implementation of the overall programme of activities, including recently completed activities and those scheduled for the coming year, and asked the assistance of the press in making United Nations efforts on behalf of equality, human dignity and non-discrimination better known.

B. Co-operation with non-governmental organizations

35. The strengthening of contacts and co-operation with non-governmental organizations is another priority area for the Co-ordinator in furthering the realization of the Programme of Action for the Second Decade. The concern of non-governmental organizations with racism and racial discrimination has been amply demonstrated by their active participation in meetings, conferences and seminars organized in the context of the Decade. In particular, the important contribution of non-governmental organizations to the success of the global consultation and of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States merits recognition. The Co-ordinator meets periodically with the non-governmental organizations concerned to discuss and expand their activities in this field.

C. Round-table discussion on United Nations promotion and protection of human rights, especially in the fight against racism

36. In order to emphasize the essential connection between the United Nations and the fight against racial discrimination, the Co-ordinator, in his capacity as Under-Secretary-General for Human Rights and Director General of the United Nations Office at Geneva, organized a round-table discussion at Geneva on 22 October 1989, in observance of United Nations Day, on the role of the United Nations in the promotion and protection of human rights, with specific reference to the fight against racism and racial discrimination. This public discussion, which took place in the context of an "open day", when some 12,000 members of the public visited the Palais des Nations, and under the chairmanship of the Co-ordinator, attracted a capacity audience in one of the largest meeting rooms at the Palais des Nations.

37. The following persons participated as panelists: H.E. Mr. Veniamine F. Yakovlev, Minister of Justice of the USSR; H.E. Mr. Morris B. Abram, Permanent Representative of the United States of America to the United Nations, Geneva; H.E. Mr. Kojo Amoo-Gottfried, Permanent Representative of the Republic of Ghana to the United Nations, Geneva; Mr. Ghassan Arnaout, Director of the Division of Refugee Rights and Doctrine, UNHCR; Mrs. Anne Herdt, President of the Sub-Committee on the Status of Women, Human Rights Special Committee of Non-Governmental Organizations; and Mr. John Pace, Representative of the Executive Bureau of the Personnel Co-ordination Council.

D. Contribution to other meetings

38. The Co-ordinator's contribution to the seminar on "Education against apartheid" of the international non-governmental organizations, which took place at Geneva from 4 to 6 September 1989, set out United Nations activities against racism, racial discrimination and apartheid. The seminar was organized by the Non-Governmental Organizations Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, in co-operation with the United Nations Special Committee against Apartheid and with the participation of the Centre for Human Rights. United Nations bodies, international and national non-governmental organizations, interested intergovernmental organizations, educators, journalists, institutes and anti-apartheid movements, and representatives of national liberation movements of South Africa, participated in the seminar.

39. The seminar focused its discussion on the following issues relevant to the ongoing Decade activities: review of the situation in South Africa, international response to it and reflection of it in international educational systems and programmes; review of anti-apartheid action in the framework of formal educational institutions and the implications for teachers and students; impact of conferences, seminars, workshops, etc., on education against apartheid; mobilization of the public through the media, religious bodies, activities of non-governmental organizations and other channels of communication, and exchange of ways and means to promote world-wide education on/against apartheid and support for the liberation struggle in South Africa.

40. The seminar adopted a number of important proposals and recommendations for immediate action to enhance the struggle against apartheid. The Centre for Human Rights will keep these recommendations closely in mind in connection with the Centre's general work programme and, in particular, in relation to the activities related to the Second Decade.

41. Public hearings on transnational corporations in South Africa and Namibia took place on 4 and 5 September 1989 at Geneva (see A/44/576-S/20867). The hearings, by the 11-member panel of eminent persons, were organized by the United Nations Centre on Transnational Corporations, and dealt with such subjects as sanctions and disinvestment trends, financial matters, business views and labour views.

42. In the Co-ordinator's contribution, the panel was informed of the various activities supported or carried out by the Centre for Human Rights relating to the elimination of apartheid. Specific attention was given to the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa compiled annually by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Ahmed Khalifa, as well as to the work of the Ad hoc Working Group of Experts on Southern Africa, which reported annually to the Commission on Human Rights, and to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid by the Commission on Human Rights.

43. In connection with these hearings, a special exhibition, opened by the Co-ordinator, was held at the Palais des Nations, Geneva, drawing attention to the practice of apartheid.

VI. SEMINARS AND TRAINING COURSES

A. Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

44. In its resolution 1989/34, the Commission on Human Rights took note of the report of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (E/CN.4/Sub.2/1989/22) and requested the Secretary-General to give the report wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations. Pursuant to that request, the report of the seminar has been published in booklet form in connection with the World Campaign for Human Rights (HR/PUB/89/5).

B. Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers

45. The General Assembly, in its resolution 41/94 of 4 December 1986, requested the Economic and Social Council to envisage the organization of a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers within the programme of activities for 1985-1989 to implement the Programme of Action for the Second Decade. That request was

repeated by the Assembly in its resolution 42/47 of 30 November 1987, and the Economic and Social Council, at its first regular session of 1988, in resolution 1988/6, requested the Secretary-General to organize such a seminar in 1989. At the invitation of the Greek Government, the seminar took place in Athens, Greece, from 18 to 26 September 1989. The agenda of the seminar was as follows:

1. Effectiveness of international norms and practical measures aimed at the acceptance of basic principles relating to the treatment and protection of migrant workers and their families;
2. Exchange of information on the cultural life of migrant workers and their families between the States of origin and the host countries of migrant workers and their families;
3. Experience in the establishment of institutions and/or procedures in the States of origin and the host countries for the special needs, including social, health and other services, of migrant workers and their families;
4. Discrimination experienced by migrant workers and their families with regard to educational facilities, teaching programmes and school curricula;
5. Participation in public affairs, including the right to vote and to be elected, as well as the right to freedom of association and the right to join trade unions, in the host countries and their States of origin.

46. Participants were nominated by the Governments of Algeria, Australia, Brazil, Cyprus, France, Federal Republic of Germany, Ghana, Greece, India, Mexico, Morocco, Netherlands, Norway, Philippines, Poland, Portugal, Senegal, Spain, Sweden, Switzerland, Turkey, Tunisia, Union of Soviet Socialist Republics and Yugoslavia. The Centre for Human Rights invited the following four experts to lecture, lead discussions and act as resource persons: Mr. Danilo Türk (Yugoslavia), Mrs. Erica-Irene A. Daes (Greece), Mr. Tom Achacoso (Philippines) and Mr. Bengt Lidal (Sweden). The seminar elected Mrs. Erica-Irene A. Daes as chairman.

47. In his opening statement to the seminar, the Co-ordinator for Second Decade activities and Under-Secretary-General for Human Rights placed the seminar within the overall efforts of the United Nations to combat racism and racial discrimination and the specific need to provide protection for the particularly vulnerable group of migrant workers and their family members. He referred to the importance of international activities relating to the protection of the human rights of migrant workers and their families and stated that, by focusing on practical ideas and effective approaches, the seminar could provide a highly positive contribution to the process of policy formulation and implementation. He thus welcomed the exchange of information and experience that would take place during the seminar, in the hope that this would promote better understanding between host countries and countries of origin, and thus generate both more humane and more effective follow-up action.

48. The seminar adopted the following conclusions and recommendations: */

A. Conclusions

1. There is a body of international norms relating to the treatment and protection of migrant workers and their families: the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of Racial Discrimination and other relevant United Nations human rights instruments.
2. A number of conventions are relevant to the subject-matter. A number of relevant instruments of intergovernmental organizations adopted at the regional level can also be taken into consideration.
3. The fundamental principle of equality and non-discrimination regarding universally applicable human rights is the basis for the protection of migrant workers and their families.
4. Different treatment, as such, may in certain cases be lawful, but only: (a) if the distinction is made in pursuit of a legitimate objective; (b) if the distinction does not lack an objective justification; (c) provided that reasonable degrees of proportionality exist between the means and the aims to be achieved.
5. Recognition of the importance of evolving international standards relating to migrant workers must not mean the mere restatement of basic human rights, but must lead to policy goals and guidelines for States which facilitate the realization of human rights. Those standards should be both attainable and relevant.
6. Governments of host countries should recognize the importance of evolving international standards in respect of a procedural framework based on the process and rule of law, which will provide basic legal guarantees in those matters that are of greatest concern to migrant workers. Particular attention should be given to the issues of termination of employment, non-renewal of work permits and non-expulsion. Particular attention should also be given to the situation of members of the families of migrant workers living in the host country, in the event of divorce or death of the migrant worker.
7. Culture is not a static but a dynamic phenomenon for the immigrants. Some parts of the culture change more rapidly than others.
8. The maintenance and development of the cultural heritage facilitates the voluntary return of some migrant workers and their families. By their experience in the host country, they constitute a source of enrichment of the country of origin and its culture. Cultural exchange within the host countries is essential to the establishment of equality of opportunity and good community relations and for the cultural enrichment of the host countries. In this context, it should be noted

*/ These conclusions and recommendations relate to migrant workers in a regular situation.

that in some countries most immigrants have been resident for a long time and the majority of them are expected to stay. There may be differences in emphasis by countries on various aspects of cultural life, but all States have common interests.

9. Education has a catalytic role. It is essential for the integration (in all fields) of migrant workers and their families in the society of the host country. Education is a part of a broader picture of the position of migrant workers, which includes employment, housing, culture, etc.

10. Education (its quality and effects) depends on the social status of immigrants. Equality of opportunity, among other things in employment, and stimulation of upward mobility should be a matter of policy of Governments of host countries.

11. Learning of the language(s) of the host country is of crucial importance for academic success and understanding of the culture of the host country, for obtaining better jobs and for successful integration in society. This must be accepted by the Governments of host countries and by the migrant workers themselves. Educational systems have to be adapted to meet needs. A variety of experiences exist, none of them fully satisfactory.

12. The problem of education (as part of the integration process) is social rather than cultural and linguistic. However, the children of migrant workers also encounter difficulties which must be met by special measures.

13. It is recognized that sending the children of migrant workers to special schools is not a solution. Other methods have to be developed.

14. Maintenance of the identity of the children of migrant workers is very important, since only a stable personality can achieve the objectives of contemporary education programmes. A variety of forms of activity exists.

15. Bilingual education is important in this respect. Different regional experiences from a number of countries exist and should be further studied. There are also experiences of multicultural approaches that go even further.

16. Migrant workers and members of their families should be granted not only the right but also the opportunity to form and join associations of their own. The existence of such organizations can render great support to their members linguistically, culturally, socially and psychologically and help them, on the one hand, to preserve and develop their cultural identity and, on the other, to make them active partners in the society of the host country. Both States of origin and host countries recognize the important role played by migrant workers' associations in promoting the welfare of the workers and their families.

17. In the necessary dialogue between migrant workers and the authorities of the host State as well as the State of origin, migrant workers' associations can play an important role, e.g. by electing members to consultative bodies set up by the State or by municipalities, as the case may be.

18. The right to join - and form - trade unions is inscribed in a number of international instruments, widely ratified by United Nations Member States. This right is accorded also to migrant workers, and there is reason to believe that migrant workers need the protection of a trade union at least as much as most other workers.

19. Especially in countries where trade unions are called upon to play a role in public affairs and public administration, e.g. in the labour market, in occupational safety and health, in education and training and in social security matters, active participation in trade unions opens a way to migrant workers' participation in public affairs and more effective involvement in the life of the host State.

20. The competent non-governmental organizations of the host State also have an important role to play in the integration process if migrant workers and their families are to take an active part in the life of the host State.

21. With regard to political rights, the right to vote and to be elected is in most countries reserved to citizens. Several States of origin grant, or wish to grant, such rights also to nationals abroad.

22. Some host countries have granted or consider granting voting rights, both active and passive, to migrant workers in local elections, thereby providing them and their families with a concrete opportunity to take part in public affairs at a level of immediate interest to them.

23. As an alternative to granting voting rights to migrant workers, a number of host countries have introduced more liberal naturalization practices and even encourage applications for citizenship.

B. Recommendations

1. States are called upon to consider acceding to international instruments concerning the rights of migrant workers and their families, including ILO Conventions 143 and 97.

2. Member States of the United Nations are called upon to finalize as soon as possible an international convention on the protection of the rights of all migrant workers and their families.

3. Efforts should be made to promote dissemination of information on the rights of migrant workers and their families covered by international instruments and to integrate these subjects in the training of officials who come into frequent contact with foreigners.

4. The Governments of host countries are called upon to sensitize the general public to the need to secure the full and effective involvement of migrant workers and their families in the society by all necessary means.

5. Governments of host countries are called upon to promote inter-community activities between migrant workers and the local population. Useful and relevant examples of such activities should be widely disseminated.
6. The need for practical measures for the reintegration of returning migrant workers into their country of origin should be recognized.
7. Host countries are called upon to use all possible means to facilitate the exercise by migrant workers of voting rights in elections in their country of origin.
8. Host countries are called upon to consider, where possible, extending to migrant workers the right to vote and to stand for election.
9. Governments of all States concerned are called upon to encourage the social and cultural activities of migrant workers' associations.
10. Governments of host States are called upon to encourage non-governmental organizations to strengthen their efforts to make it possible for migrant workers and their families to take part in their activities on an equal footing with nationals.
11. Migrant workers should be informed of their right to join trade unions and be encouraged to do so.
12. Host countries and countries of origin are called upon to consider adopting positive steps for the education, training and employment of migrant workers and their families. All measures and services, including employment services, available to nationals should be equally accessible to migrant workers and to their families, in conformity with international agreements on this point.
13. The educational systems of host countries should be encouraged to develop policies designed to facilitate the successful linguistic incorporation of migrant workers and their children, while encouraging the maintenance and development of the relevant language and culture of their country of origin.
14. Countries of origin and host countries are called upon to encourage the participation of migrant workers and their families in the cultural life of the host country. Host countries and countries of origin should jointly support the maintenance and development of the cultural identity of migrant workers and their families. Furthermore, the culture of the country of origin should be disseminated and explained within the host country in order to contribute to mutual enrichment and understanding.
15. The right to family reunion should be implemented, especially in the case of permanent or medium-term migration.
16. The United Nations and its specialized agencies are called upon to continue to study the situation of migrant workers and their families.
17. International and regional organizations active in the field of migration are called upon to improve their co-ordination.

18. The United Nations and the specialized agencies are called upon to encourage, within their mandates, regular dialogue and consultations between countries of origin and host countries.

19. Agreements or arrangements between States for protecting the rights of migrant workers and their families should be encouraged.

49. The foregoing conclusions and recommendations were transmitted to the forty-fourth session of the General Assembly in a note by the Secretary-General (A/C.3/44/CRP.1).

50. The Secretary-General's report on the seminar (E/CN.4/1990/50), which contains, inter alia, the agenda of the seminar, a summary of the discussions, conclusions and recommendations adopted and a list of participants, is before the Commission at its present session.

C. Seminar on the political, historical, economic, social and cultural factors contributing to racism and racial discrimination and apartheid

51. The Programme of Action as developed by the Second World Conference to Combat Racism and Racial Discrimination, and approved by the General Assembly in its resolution 38/14 of 22 November 1983 called for the organization of a seminar on "Political, historical, economic, social and cultural factors leading to racism, racial discrimination and apartheid". The Commission on Human Rights, by its resolution 1988/16, on the implementation of the programme of Action for the Second Decade, requested the Secretary-General to organize such a seminar, and arrangements are being made to hold it at Geneva early in 1990.

D. Other seminars, training courses or workshops

52. Throughout the general work programme of the Centre for Human Rights, the issues relating to combating racism and racial discrimination have been continually emphasized through the various workshops, regional and national training courses, seminars and other events held in the framework of the advisory services and external relations components of the human rights programme during 1988-1989. Numerous workshops and regional and national training courses have taken place or are planned to take place from September 1989 throughout 1990, in various regions of the world. During these meetings and courses, the issue of racism and racial discrimination will be dealt with and the activities of the United Nations to combat racism underlined.

VII. NATIONAL LEGISLATION AND INSTITUTIONS

53. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 38/14 of 22 November 1983, assigns a key role to national institutions and national legislation in the fight to prevent or redress and eliminate racism and racial discrimination. In this regard, the Programme of Action recommends, inter alia, that:

(a) Governments, where necessary, should guarantee non-discrimination on grounds of race and equal rights for all individuals in their constitutions and legislation;

(b) Governments, where necessary, should undertake to review and update all national legislation and remove from it all discriminatory provisions;

(c) Legislation should be consistent with international standards embodied in international instruments;

(d) Victims of discrimination should be informed and advised of their rights, by all possible means, and given assistance in securing those rights;

(e) Governments should, where necessary, establish appropriate and effective mechanisms, including conciliation and mediation procedures and national commissions, to ensure that such legislation is enforced effectively and thereby to promote equality of opportunity and good race relations.

54. In addition, the Programme of Action provides that States, within the framework of their national legislation and policy and according to their means, should set up national institutions for the promotion and protection of human rights. Those institutions should study legal developments and review the laws and policies of the Government with a view to ensuring the elimination of all discriminatory laws, prejudices and practices based on race, sex, colour, descent and national and ethnic origin.

55. The Programme of Action includes a separate section on recourse procedures for victims of racial discrimination, in which States are invited to take into account, within their domestic recourse procedures, the following considerations:

(a) Access to such procedures should be as broad as possible;

(b) Existing recourse procedures should be publicized within their respective jurisdictions, and victims of racial discrimination should be assisted in utilizing the procedures where appropriate;

(c) In each jurisdiction the rules relating to the initiation of complaints should be made simple and flexible and capable of being entertained in the language of the complainant;

(d) Complaints of racial discrimination should be dealt with as expeditiously as possible, and there should be a time-limit with regard to the length of investigations;

(e) Indigent victims of racial discrimination should receive legal aid and assistance in prosecuting their complaint in civil or criminal proceedings, with the help of an interpreter when necessary.

56. Further, the Programme of Action provides that victims of racial discrimination should have the right to seek from tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

A. Global compilation of national legislation against racial discrimination

57. As part of the overall approach of strengthening national legislation and institutions for the promotion of racial tolerance and the prevention of discrimination, the General Assembly in its resolution 40/22 of 21 November 1985 invited the Secretary-General to prepare and issue as soon as possible a global compilation of national legislation against racism and racial discrimination and to submit it to the Assembly at its forty-third session.

58. The Secretary-General submitted a report to the General Assembly at its forty-third session describing the progress made in assembling and publishing the global compilation and providing an overview of the text submitted (A/43/637). The Assembly at its forty-fourth session had before it a note by the Secretary-General informing it that he was proceeding with the publication of the global compilation as an official document of the United Nations.

B. "Model legislation" and other elements in promoting national legislation and institutions

59. The global compilation of national legislation against racial discrimination is only one of the elements within the framework of the Decade's activities relating to national legislation and national institutions for the promotion of racial tolerance and the prevention of discrimination. Among the other elements are:

(a) Preparation of "model legislation" in the field of racial discrimination (A/39/167, para. 12);

(b) Organization of training courses for legislative draftsmen (*Ibid.*, para. 13); the first course took place in New York in September 1987 (E/1988/10);

(c) Preparation of a handbook of recourse procedures in the field of racial discrimination (A/39/167, para. 15); a seminar was held on this issue at Bangkok from 2 to 13 August 1982 (ST/HR/SER/A/13);

(d) Preparation of a manual of existing national institutions promoting tolerance and harmony and combating racism and racial discrimination (A/39/167, para. 25);

(e) Organization of a meeting of representatives of national institutions for the purpose of promoting an exchange of experiences in the field (*ibid.*, para. 26);

(f) Organization of regional workshops on the adoption of legislation to combat racism and racial discrimination (General Assembly resolution 42/47, annex, para. 1(d));

(g) Organization of a seminar on community relations commissions and their functions (*ibid.*, para. 1(e)); a seminar on this subject was held at Geneva from 9 to 20 September 1985 (ST/HR/SER/A/17).

60. The implementation of these activities should undoubtedly prove to be a major contribution to the fight at the national level for racial harmony and tolerance and against racism and racial discrimination. The work carried out in the past on these matters, including the global consultation, the reports of seminars and training courses, and the information submitted in relation to international instruments in this field, provide a good basis for the preparation of "model texts". It is the Secretary-General's intention to proceed as rapidly as resources permit with the preparation of "model texts" and with the organization of the seminars or training courses designed to encourage their adoption and implementation.

VIII. TRUST FUND FOR THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

61. In its resolutions 43/91 of 8 December 1988 and 44/52 of 8 December 1989, the General Assembly stated that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to combat Racism and Racial Discrimination were indispensable for the implementation of the plan of activities for the Second Decade and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund and, to this end, requested the Secretary-General to undertake appropriate contacts and initiatives to encourage contributions.

62. Since the period covered by the last report of the Secretary-General (A/43/644) (1 September 1988 to 31 August 1989), the following States have contributed to the Trust Fund for the Second Decade: Cameroon, \$906; Indonesia, \$2,500; Italy, \$10,000, Jamaica, \$500; Libyan Arab Jamahiriya, \$10,000.

63. The current status of the Trust Fund continues to be far from encouraging despite the repeated appeals for voluntary contributions made by the General Assembly, the Economic and Social Council and the Secretary-General. Further contributions are urgently needed to provide the much needed supplementary resources required to implement the various activities envisaged in the Programme of Action for the Second Decade.

IX. PLAN OF ACTIVITIES FOR THE SECOND DECADE

A. Plan of activities for 1985-1989

64. At the request of the General Assembly, the Secretary-General submitted to it at its thirty-ninth session a plan of activities for the period 1985 to 1989 for implementing the Programme of Action for the Second Decade. In its resolution 39/16 of 23 November 1984, the Assembly invited the Secretary-General to proceed immediately with the implementation of those activities. In its resolution 44/52 of 8 December 1989, the Assembly urgently requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Decade which had not yet been undertaken.

65. As indicated in the Secretary-General's reports submitted to the General Assembly and to the Economic and Social Council, various activities of the Programme of Action for the Second Decade have already been implemented. Particular consideration has been given to the organization of international and regional seminars pursuant to paragraph 53 of the Programme of Action.

With regard to studies to be prepared by the Secretary-General or by the relevant Human Rights bodies, reference may be made to the final study on the role of private group action submitted to the General Assembly at its forty-first, forty-third and forty-fourth sessions (A/41/550, A/43/631 and A/44/575); to the final study on the achievements made and obstacles encountered during the Decades (E/CN.4/Sub.2/1989/8 and Add.1), and to the note by the Secretary-General on the global compilation of national legislation against racial discrimination (A/44/574).

66. With regard to the implementation of international instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, the relevant reports of the implementing bodies on the status of these conventions are available for consideration by the Commission. The Commission may wish to make further suggestions or recommendations for securing universal ratification of these instruments, which provide the basic normative framework for activities under the Second Decade to Combat Racial Discrimination and Apartheid.

67. In its resolution 42/47 of 30 November 1987, the General Assembly took note of the report submitted by the Secretary-General concerning the study of the effects of racial discrimination in the field of education, training and employment as it affected the children of minorities, in particular those of migrant workers, and requested that he continue that study by submitting, inter alia, specific recommendations for the implementation of measures to combat racism and racial discrimination. The Secretary-General notes that the issue of access to education is being dealt with by the Assembly's working group on the elaboration of an international convention on the protection of the rights of migrant workers and their families, in particular in draft article 45. As this convention is expected to be ready in the near future, the Secretary-General is of the view that he should prepare the specific recommendations called for in the light of the final text.

B. Plan of activities for the second half of the Second Decade, 1990-1993

68. In its resolution 42/47, the General Assembly approved the proposed plan of activities for the period 1990 to 1993 set out in the annex to that resolution, and invited the Secretary-General to proceed with the implementation of those activities, and to accord the highest priority, in executing the plan of activities, to measures for combating apartheid.

69. The following are the activities planned to take place during the biennium 1990-1991:

(a) Global survey of the extent to which the children of migrant workers are enabled to receive education in their mother tongue;

(b) Meeting of experts to review national experience in the operation of schemes of internal self-government for indigenous populations;

(c) Technical study on the impact of article 27 of the International Covenant on Civil and Political Rights in providing guarantees of equality to persons belonging to minorities;

(d) Regional workshops on the adoption of legislation to combat racism and racial discrimination;

(e) Seminar on community relations commissions and their functions;

(f) Seminar to assess experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

(g) International campaign to contribute to the early independence of Namibia, in conformity with Security Council resolution 435 (1978) of 29 September 1978.

70. The following activities should take place during the biennium 1992-1993:

(a) Round table of experts to discuss the preparation of teaching materials to combat racism and racial discrimination;

(b) Issuance in three additional languages of the handbook of recourse procedures available to victims of racism and racial discrimination;

(c) Two regional workshops on the adoption of legislation to combat racism and racial discrimination;

(d) International campaign on the main obstacles to the full eradication of racism, racial discrimination and apartheid, and on ways and means of bringing about the early disappearance of these scourges;

(e) Study on the treatment of political prisoners and detainees in South Africa and Namibia, particularly women and children;

(f) Global survey on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination.

71. Concern that the necessary resources be made available to enable the Centre for Human Rights to fulfil the various mandates given to it relating to the prevention and elimination of racial discrimination was reflected in the conclusions and suggestions of the Global Consultation on Racism and Racial Discrimination in the following terms: "While satisfaction was expressed with the work of the Centre for Human Rights, it was agreed that the Centre should be strengthened in order to enable it to discharge even more effectively its growing responsibilities, not least in the field of combating racism, racial discrimination and apartheid". In addition, the Commission on Human Rights, in its resolution 1989/10 of 23 February 1989, requested the Secretary-General, pursuant to General Assembly resolution 42/47, to ensure that sufficient resources were included in the proposed programme budgets for the bienniums 1990-1991 and 1992-1993 to provide for implementation of the activities of the Second Decade.

72. The implementation of the various activities of the programme of Action for the Second Decade and the two plans of activities is of the highest importance, and every effort is made to implement each activity as scheduled

and to the extent made possible by available resources. One important element in the future capacity to implement these various activities is the adequacy of the resources placed at the disposal of the programme by Member States.

X. DOCUMENTATION

73. In connection with the Commission's consideration of the agenda item entitled "Implementation of the programme of Action for the Second Decade to Combat Racism and Racial Discrimination", and in order that it may have as much information as possible on the wide range of activities carried out within the Second Decade, the Commission will have before it, at its present session, in addition to the present report, the documents submitted to the Economic and Social Council at its first regular session of 1989 and the documents submitted to the General Assembly at its forty-fourth session. These documents contain information on the activities of 14 organs and Secretariat units of the United Nations, five specialized agencies, 23 States, two intergovernmental organizations and 26 non-governmental organizations.

74. To assist the members of the Commission, the following consolidated list is provided:

(a) Information on activities of United Nations organs and Secretariat units: General Assembly; Commission on Human Rights; Sub-Commission on Prevention of Discrimination and Protection of Minorities; Committee on the Elimination of Racial Discrimination; Group of Three under the International Convention on the Suppression and Punishment of the Crime of Apartheid; Co-ordinator for Decade activities within the United Nations system; Global consultation on racism and racial discrimination; United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States; Centre against Apartheid and Special Committee against Apartheid; Trusteeship Council; Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and peoples; Department of Public Information of the United Nations Secretariat (all in E/1989/42); Council for Namibia; Office of the United Nations High Commissioner for Refugees (both in E/1989/42/Add.4).

(b) Information submitted by specialized agencies: Food and Agriculture Organization of the United Nations (E/1989/42 and A/44/575); United Nations Educational, Scientific and Cultural Organization (E/1989/42/Add.4); International Labour Organisation (E/1989/42 and A/44/575); Universal Postal Union (E/1989/42/Add.4); World Health Organization (E/1989/42/Add.4).

(c) Information submitted by Governments: Argentina (E/1989/42); Bahamas (E/1989/42/Add.4 and A/44/575); Bangladesh (E/1989/42/Add.4); Byelorussian Soviet Socialist Republic (E/1989/42); Chad (E/1989/42/Add.4 and A/44/575); Cuba (E/1989/42); Czechoslovakia (E/1989/42); Finland (E/1989/42); France (E/1989/42); German Democratic Republic (E/1989/42); Italy (E/1989/42); Libyan Arab Jamahiriya (E/1989/42/Add.4); Mexico (E/1989/42); Nigeria (E/1989/42); Norway (E/1989/42); Philippines (E/1989/42); Portugal (E/1989/42); Saint Lucia (E/1989/42); Tunisia (E/1989/42/Add.4); Ukrainian Soviet Socialist Republic (E/1989/42/Add.4); United Kingdom of Great Britain and Northern Ireland (A/44/575); United States of America (E/1989/42); Uruguay (E/1989/42).

(d) Information from intergovernmental organizations: Council of Europe; Organization of American States (both in E/1989/42/Add.2).

(e) Information from non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (E/1989/42/Add.2); Baptist World Alliance (E/1989/42/Add.2); Christian Peace Conference (E/1989/42/Add.4); Commission of the Churches on International Affairs of the World Council of Churches (E/1989/42/Add.2); Commission to study the organization of Peace (E/1989/42/Add.4); International Confederation of Free Trade Unions (E/1989/42/Add.2 and A/44/575); International Council of Voluntary Agencies (E/1989/42/Add.2); International Defence and Aid Fund for southern Africa (E/1989/42/Add.2); International Federation of Business and professional Women (E/1989/42/Add.4); International Federation of Resistance Movements (E/1989/42/Add.2); International Union of Local Authorities (E/1989/42/Add.4); Inter-Parliamentary Union (E/1989/42/Add.2); Minority Rights Group (E/1989/42/Add.2); Movement against Racism and for Friendship among Peoples (E/1989/42/Add.2); Muslim World League (E/1989/42/Add.2); Organization of African Trade Union Unity (E/1989/42/Add.2); Socialist International (E/1989/42/Add.4); Soroptimist International (E/1989/42/Add.2); Union of Arab Jurists (E/1989/42/Add.2); Women's International Democratic Federation (E/1989/42/Add.2); World Confederation of Labour (E/1989/42/Add.4); World Confederation of Organizations of the Teaching Profession (E/1989/42/Add.4); World Conference on Religion and Peace (E/1989/42/Add.2); World Federation of Trade Unions (E/1989/42/Add.4); World Organization of the Scout Movement (A/44/575); World Young Women's Christian Association (E/1989/42/Add.2).

75. Finally, the Commission will have before it for consideration the annual reports on racial discrimination submitted by the International Labour Organisation (E/CN.4/1990/37) and UNESCO (E/CN.4/1990/38), in accordance with Economic and Social Council resolution 1588 (L) of 21 May 1971 and General Assembly resolution 2785 (XXVI) of 6 December 1971.
